

1 10A NCAC 13P .1507 is readopted with changes as published in 30:24 NCR, pp. 2558-2606, as follows:

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3 **10A NCAC 13P .1507 EMS PERSONNEL CREDENTIALS**

4 (a) An EMS credential ~~which that~~ has been forfeited under ~~G.S.15A-1331A~~ G.S. 15A-1331.1 may not be reinstated
5 until the person has ~~successfully~~ complied with the court's requirements, has petitioned the Department for
6 reinstatement, ~~has appeared before the EMS Disciplinary Committee, and has had reinstatement approved.~~ has
7 completed the disciplinary process, and has [established] received Department reinstatement approval.

8 (b) The Department shall amend, deny, suspend, or revoke the credentials of EMS personnel for ~~[significant failure~~
9 ~~to comply with, as defined in Rule .0102(45),]~~ any of the ~~following reasons:~~ following:

- 10 (1) significant failure to comply with the applicable performance and credentialing requirements as
11 found in this Subchapter;
- 12 (2) making false statements or representations to the ~~Department~~ Department, or ~~willfully~~ concealing
13 information in connection with an application for credentials;
- 14 (3) making false statements or representations, ~~willfully~~ concealing information, or failing to respond
15 ~~within a reasonable period of time and in a reasonable manner~~ to inquiries from the Department
16 during a complaint investigation;
- 17 (4) tampering ~~with~~ with, or falsifying any record used in the process of obtaining an initial EMS
18 ~~credential~~ credential, or in the renewal of an EMS credential;
- 19 (5) in any manner or using any medium, engaging in the stealing, manipulating, copying, ~~reproducing~~
20 reproducing, or reconstructing of any written EMS credentialing examination ~~questions~~ questions,
21 or scenarios;
- 22 (6) ~~cheating~~ cheating, or assisting others to cheat while preparing to ~~take~~ take, or when taking a
23 written EMS credentialing examination;
- 24 (7) altering an EMS credential, using an EMS credential that has been ~~altered~~ altered, or ~~permitting~~
25 permitting, or allowing another person to use his or her EMS credential for the purpose of
26 alteration. Altering "Altering" includes changing the name, expiration ~~date~~ date, or any other
27 information appearing on the EMS credential;
- 28 (8) unprofessional conduct, including a significant failure to comply with the rules relating to the
29 ~~proper~~ function of credentialed EMS personnel contained in this ~~Subchapter~~ Subchapter, or the
30 performance of ~~of~~ of, or attempt to perform a procedure that is detrimental to the health and safety
31 of any ~~person~~ person, or that is beyond the scope of practice of credentialed EMS ~~personnel~~
32 personnel, or EMS instructors;
- 33 (9) being unable to perform as credentialed EMS personnel with reasonable skill and safety to patients
34 and the public by reason of ~~illness;~~ illness; illness that will compromise skill and safety, use of
35 alcohol, drugs, chemicals, or any other type of ~~material;~~ material, or by reason of any physical
36 physical, or mental abnormality; impairment;

- 1 (10) conviction in any court of a crime involving moral turpitude, a conviction of a felony, a conviction
2 requiring registering on a sex offender registry, or conviction of a crime involving the scope of
3 practice of credentialed EMS personnel;
- 4 (11) by false representations obtaining [~~obtaining,~~] or attempting to obtain obtain, money [~~money,~~] or
5 anything of value from a patient;
- 6 (12) adjudication of mental incompetence;
- 7 (13) lack of competence to practice with a reasonable degree of skill and safety for patients patients,
8 including a failure to perform a prescribed procedure, failure to perform a prescribed procedure
9 ~~competently~~ competently, or performance of a procedure that is not within the scope of practice of
10 credentialed EMS personnel [~~personnel,~~] or EMS instructors;
- 11 (14) performing as ~~an EMT I, EMT P, or EMD~~ a credentialed EMS personnel in any EMS System in
12 which the individual is not affiliated and authorized to function;
- 13 ~~(15)~~ [performing, performing or authorizing the performance of procedures, or administration of
14 medications detrimental to a [~~student,~~ student or individual;
- 15 ~~(16)~~ delay or failure to respond when on-duty and dispatched to a call for EMS assistance;
- 16 ~~(15)~~ (17) testing positive positive, whether for-cause or at random, through urine, blood, or breath
17 sampling, for any substance, legal or illegal, that ~~has impaired~~ is likely to impair the physical or
18 psychological ability of the credentialed EMS personnel to perform all required or expected
19 functions while on duty;
- 20 ~~(16)~~ (18) failure to comply with G.S. 143-518 regarding the use or disclosure of records or data associated
21 with EMS Systems, Specialty Care Transport Programs, Alternative Practice Settings, or patients;
- 22 ~~(17)~~ (19) refusing to consent to any criminal history check required by G.S. 131E-159;
- 23 ~~(18)~~ (20) abandoning or neglecting a patient who is in need of care, without making ~~reasonable~~
24 arrangements for the continuation of such care;
- 25 ~~(19)~~ (21) falsifying a patient's record or any controlled substance records;
- 26 ~~(20)~~ (22) harassing, abusing, or intimidating a ~~patient~~ patient, student, bystander, or OEMS staff, either
27 ~~physically or verbally;~~ physically, verbally, or in writing;
- 28 ~~(21)~~ (23) engaging in any activities of a sexual nature with a patient patient, including kissing, ~~fondling~~
29 fondling, or touching while responsible for the care of that individual;
- 30 ~~(22)~~ (24) any criminal arrests that involve charges ~~which that~~ that have been determined by the Department to
31 indicate a necessity to seek action in order to further protect the public pending adjudication by a
32 court;
- 33 ~~(23)~~ (25) altering, ~~destroying~~ destroying, or attempting to destroy evidence needed for a complaint
34 ~~investigation;~~ investigation being conducted by the OEMS;
- 35 ~~(24)~~ (26) as significant failure to comply with a condition to the issuance of an encumbered EMS credential
36 with limited and restricted practices for persons in the chemical addiction or abuse treatment
37 program; ~~or~~

1 (27) unauthorized possession of lethal or non-lethal weapons, chemical irritants to include mace,
 2 pepper (oleoresin capsicum) spray and tear gas, or explosives while in the performance of
 3 providing emergency medical services;

4 (28) significant failure to comply to provide EMS care records to the licensed EMS provider for
 5 submission to the OEMS as required by Rule .0204 of this Subchapter;

6 (29) continuing to provide EMS care after local suspension of practice privileges by the local EMS
 7 System, Medical Director, or Alternative Practice Setting; or

8 ~~(25)~~ (30) representing or allowing others to represent that the credentialed EMS personnel has a credential
 9 that the credentialed EMS personnel does not in fact have.

10 (c) Pursuant to the provisions of S.L. 2011-37, G.S. ~~[131E-159(h)]~~ 131E-159(h), the OEMS shall not issue an
 11 EMS credential for any person listed on the North Carolina Department of Justice Public Safety, Sex Offender and
 12 Public Protection Registry shall be denied initial or renewal EMS credentials. Registry, or who was convicted of an
 13 offense that would have required registration if committed at a time when the registration would have been required
 14 by law.

15 (d) Pursuant to the provisions of G.S. 50-13.12, upon notification by the court, the OEMS shall immediately
 16 revoke an individual's EMS credential until the Department has been notified by the court that evidence has been
 17 obtained of compliance with a child support order. ~~order.~~ The provisions of G.S. 50-13.12 supersede the
 18 requirements of Paragraph (f) of this Rule.

19 ~~(d)~~ (e) When a person who is credentialed to practice as an EMS professional is also credentialed in another
 20 jurisdiction and ~~that~~ the other jurisdiction takes disciplinary action against the person, the Department shall
 21 summarily impose the same or lesser disciplinary action upon receipt of the other jurisdiction's action. The EMS
 22 professional may request a hearing before the EMS Disciplinary Committee. At the hearing the issues shall be
 23 limited to:

24 (1) whether the person against whom action was taken by the other jurisdiction and the Department
 25 are the same person;

26 (2) whether the conduct found by the other jurisdiction also violates the rules of the N.C. Medical
 27 Care Commission; and

28 (3) whether the sanction imposed by the other jurisdiction is lawful under North Carolina law.

29 (f) The OEMS shall provide written notification of the amendment, denial, suspension, or revocation. This notice
 30 shall be given personally, personally or by certified mail, and shall set forth:

31 (1) the factual allegations;

32 (2) the statutes or rules alleged to have been violated, violated, and

33 (3) notice of the individual's right to a contested hearing, set forth in Rule .1509 of this Section, on
 34 the revocation of the credential.

35 (g) The OEMS shall provide written notification to the EMS professional within five business days after
 36 information has been entered into the National Practitioner Data Bank and the Healthcare Integrity and Protection
 37 Integrity Data Bank.

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2 *History Note:* Authority G.S. ~~[131-E-159;]~~ 131E-159; ~~G.S. 131E-159(f),(g);~~ 143-508(d)(10); 143-519; ~~S.L.~~
3 ~~2011-37;~~
4 *Eff. January 1, ~~2013.~~ 2013;*
5 *Readopted Eff. January 1, 2017.*