

	Bureau of EMS, Trauma, & Preparedness EMS SECTION Policies And Procedures		NUMBER:
	Subject: Emergency Medical Services Personnel Non-Compliance Policy		EMS- 500
	Supercedes #: New	Previous Date: NA	Page 1 of 10
			Date: 6/1/07 Revised: 6/7/12

PURPOSE:

The purpose of this policy is to describe the basis for which non-compliance exists and the enforcement actions that are applicable as it pertains to Emergency Medical Services (EMS) Personnel.

POLICY:

The guidelines set forth in this policy are intended **ONLY** as a guide for imposing enforcement action against EMS personnel and should not be construed as all inclusive for every circumstance or criminal conviction history. The department will review each case on an individual basis and make its determination based on all facts presented in relation to the case. If the department deviates from this policy as adopted, we shall state the reason for the deviation.

According to § 20958, 1978 PA 368, the department may deny, revoke, or suspend an emergency medical services personnel license upon finding that an applicant or licensee meets one or more of the following:

- a) Is guilty of fraud or deceit in procuring or attempting to procure licensure. This includes, but is not limited to the following:
 - Failure to provide proof of obtaining the required minimum continuing education credits for renewal upon request by the department (§ 22325 Michigan Administrative Code);
- b) Has illegally obtained, possessed, used, or distributed drugs;
- c) Has practiced after his or her license has expired or has been suspended;
- d) Has knowingly violated, or aided or abetted others in the violation of, this part or rules promulgated under this part;
- e) Is not performing in a manner consistent with his or her education, licensure, or approved medical control authority protocols;
- f) Is physically or mentally incapable of performing his or her prescribed duties;

	Bureau of EMS, Trauma, & Preparedness EMS SECTION Policies And Procedures		NUMBER: EMS- 500
	Subject: Emergency Medical Services Personnel Non-Compliance Policy		
	Supersedes #: New	Previous Date: NA	Page 2 of 10
			Date: 6/1/07 Revised: 6/7/12

- g) Has been convicted of a criminal offense under §520a to 520l of the Michigan Penal Code, 1931 PA 328;
- h) Has been convicted of a misdemeanor or felony reasonably related to and adversely affecting the ability to practice in a safe and competent manner.

Notice of Intent to Suspend (NOIS)

A NOIS **may** be issued to EMS personnel that meet one or more of the following (as adopted in part from section 20173(a)(1)(f), (g), (h), and (i) of the Public Health Code):

- Is the subject of an order or disposition under section 16b of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.16b.
- Has been the subject of a substantiated finding of neglect, abuse, or misappropriation of property by a state or federal agency pursuant to an investigation conducted in accordance with 42 USC 1395i-3 or 1396r.

A NOIS **will** be issued for EMS personnel that **have not** obtained the required ongoing/continuing education credits for renewal, but have **at least** obtained the following minimum number of credits:

EMS Personnel	Total Required Credits	Minimum Number of Credits
Medical First Responder	15	12
Emergency Medical Technician	30	24
Emergency Medical Technician - Specialist	36	29
Paramedic	45	36
Instructor-Coordinator	30	24



**Bureau of EMS, Trauma, & Preparedness
EMS SECTION
Policies And Procedures**

NUMBER:

Subject:
Emergency Medical Services Personnel
Non-Compliance Policy

EMS- 500

Supersedes #:
New

Previous Date:
NA

Page 3 of
10

Date:
6/1/07
Revised:
6/7/12

Failure to meet continuing education requirements for licensure renewal:

EMS Personnel	Credits Earned	Minimum Suspension Period
<i>Medical First Responder</i>	14	3 days
	12-13	5 days

<i>Emergency Medical Technician</i>	29	3 days
	26-28	5 days
	24-25	10 days

<i>Emergency Medical Technician - Specialist</i>	35	3 days
	32-34	5 days
	29-31	10 days

<i>Paramedic</i>	44	3 days
	40-43	5 days
	36-39	10 days

<i>Instructor-Coordinator</i>	29	3 days
	26-28	5 days
	24-25	10 days

No documentation of the required Cardiopulmonary Resuscitation – Minimum of three (3) day suspension.

An automatic suspension (NOIS) **will** be issued when the department receives a court order to suspend a license due to failure to pay child support pursuant to MCL 552.633. The suspension will only be lifted upon receipt by the department of an Order from the issuing court.

A Notice of Intent to Suspend (NOIS) may be generated when one or more of the violations described in § 20958 are found as determined by the Department.

	Bureau of EMS, Trauma, & Preparedness EMS SECTION Policies And Procedures		NUMBER: EMS- 500
	Subject: Emergency Medical Services Personnel Non-Compliance Policy		
	Supersedes #: New	Previous Date: NA	Page 4 of 10
			Date: 6/1/07 Revised: 6/7/12

Notice of Intent to Revoke (NOIR) & Notice of Intent to Deny (NOID)

A NOIR or NOID **may** be issued to EMS personnel that meet one or more of the following (as adopted in part from section 20173(a)(1)(c), (d), and (e) of the Public Health Code):

- Has been convicted of a **felony**, or an attempt or conspiracy to commit a felony, or a state or federal crime that is substantially similar, other than what is provided in this policy, within **10 years**;
- Has been convicted of any of the following **misdemeanors**, or an attempt or conspiracy to commit a misdemeanor, or a state or federal crime that is substantially similar to the misdemeanors described in this subdivision, within **10 years**:
 - A misdemeanor involving the use of a firearm or dangerous weapon with the intent to injure, the use of a firearm or dangerous weapon that results in a personal injury or a misdemeanor involving the use of force or violence or the threat of the use of force or violence (includes domestic violence);
 - A misdemeanor under chapter XXA of the Michigan Penal Code, 1931 PA 328, MCL 750.145m to 750.145r;
 - A misdemeanor involving cruelty or torture;
 - A misdemeanor involving abuse or neglect;
 - A misdemeanor involving home invasion;
 - A misdemeanor involving embezzlement;
 - A misdemeanor involving negligent homicide;
 - A misdemeanor involving larceny,
 - A misdemeanor of retail fraud in the second degree
 - Any other misdemeanor involving assault, fraud, theft, or the possession, use, manufacture, or delivery of a controlled substance unless otherwise provided under this policy.
- Has been convicted of any of the following **misdemeanors**, or an attempt or conspiracy to commit a misdemeanor, or a state or federal crime that is substantially similar to the misdemeanors described in this subdivision, within **5 years**:
 - A misdemeanor of retail fraud in the third degree;
 - A misdemeanor involving brandishing a firearm;
 - A misdemeanor involving indecent exposure;
 - A misdemeanor involving cruelty if committed by an individual who is less than 16 years of age;

	Bureau of EMS, Trauma, & Preparedness EMS SECTION Policies And Procedures		NUMBER:
	Subject: Emergency Medical Services Personnel Non-Compliance Policy		EMS- 500
	Supercedes #: New	Previous Date: NA	Page 5 of 10
			Date: 6/1/07 Revised: 6/7/12

- Has been found in violation of §20958(1)(a) (Minimum 2 year Revocation)
- A misdemeanor for any driving and/or alcohol related offenses will be reviewed on a case by case basis, with multiple offenses carrying greater weight in the review process

A NOIR **will** be issued for EMS personnel that **have not** obtained the required ongoing/continuing education credits for renewal and **have not** obtained the following minimum number of credits:

EMS Personnel	Total Required Credits	Minimum Number of Credits
Medical First Responder	15	12
Emergency Medical Technician	30	24
Emergency Medical Technician - Specialist	36	29
Paramedic	45	36
Instructor-Coordinator	30	24

A NOIR or NOID **will** be issued for the following violations of § 20958:

- Has been convicted of any of the following misdemeanors or felonies, or an attempt or conspiracy to commit a misdemeanor or felony, or a state or federal crime that is substantially similar to the misdemeanors or felonies described in this subdivision within **15 years**:
 - Criminal sexual conduct in the fourth degree; misdemeanor
 - Assault with intent to commit criminal sexual conduct; felony
 - A felony that involves the intent to cause death or serious impairment of a body function, that involves the use of force or violence, or that involves the threat of the use of force or violence;
 - A felony involving cruelty or torture;
 - A felony involving abuse or neglect;
 - A felony involving the use of a firearm or dangerous weapon;
 - A felony involving the diversion or adulteration of a prescription drug or other medications

	Bureau of EMS, Trauma, & Preparedness EMS SECTION Policies And Procedures		NUMBER: EMS- 500
	Subject: Emergency Medical Services Personnel Non-Compliance Policy		
	Supersedes #: New	Previous Date: NA	Page 6 of 10
			Date: 6/1/07 Revised: 6/7/12

- Misdemeanor involving abuse, neglect, assault, battery, or involving fraud or theft against a vulnerable adult (as that term is defined in §145m of the Michigan Penal Code) (1931 PA 328) within **15 years** (§ 20173(1)(b), 1978 PA 368);

A **Permanent Revocation** will be issued for the following offenses:

- Criminal sexual conduct in the first degree; felony (§ 750.520b Michigan Penal Code)
- Criminal sexual conduct in the second degree; felony (§ 750.520c Michigan Penal Code)
- Criminal sexual conduct in the third degree; felony (§ 750.520d Michigan Penal Code)
- Accosting, enticing, or soliciting child for immoral purposes; felony (§ 750.145a Michigan Penal Code)
- Child sexual abusive activity; felony (§ 750.145c Michigan Penal Code)
- First degree murder (§ 750.316 Michigan Penal Code)
- Second degree murder (§ 750.317 Michigan Penal Code)
- If a licensee or applicant is convicted of a second or subsequent offense of the same nature under § 20958(g) or § 20958(h) of the Public Health Code, the EMS personnel application/license may be denied/revoked permanently.
- Failure to meet the requirements of a license suspension within 6 months of the effective date is grounds for revocation.

A NOIR or NOID may be generated when one or more of the violations described in §20958 are found, regardless if the conviction is specifically delineated within this policy.

Deferred Criminal Convictions

The judgment of guilt in a criminal case may be deferred under the following Acts within the Michigan Compiled Laws:

- Controlled Substance (MCL 333.7411)
- Parental Kidnapping Act (MCL 750.350a)
- Spousal Abuse Act (MCL769.4a)
- Youthful Trainee Status (MCL 762.14)

	Bureau of EMS, Trauma, & Preparedness EMS SECTION Policies And Procedures		NUMBER: EMS- 500
	Subject: Emergency Medical Services Personnel Non-Compliance Policy		
	Supersedes #: New	Previous Date: NA	Page 7 of 10
			Date: 6/1/07 Revised: 6/7/12

The Department shall not take licensure action in these cases until such time as the presiding judge has entered a conviction on record. Note: An exception would be if another violation of §20958 has occurred.

Voluntary Surrender of License

If a licensee would like to voluntarily surrender their license in lieu of disciplinary action relating to continuing education, the department will honor the request; however the same stipulations that were included in the disciplinary action letter shall also apply. For example: A NOIR was issued with a minimum revocation of 3 years. If licensee voluntarily surrenders their license, they will not be eligible to apply for 3 years from the effective date of the surrender.

Consent Order

A Consent Order may be issued with certain conditions that the licensee/applicant must meet before being eligible for licensure and/or during licensure. The licensee/applicant has the opportunity to agree to the Consent Order or proceed with the appeal process and request an administrative hearing.

Emergency Order

An Emergency Order is issued according to § 20168, 1978 PA 368 and § 92(2) of the Administrative Procedures Act of 1969. If the department finds that a violation of the Public Health Code or Administrative Rules seriously affects the health, safety, and welfare of any individual receiving care, the department may issue an emergency order suspending or revoking the license. The soonest effective date is the date of service upon the respondent.

Compliance Conference

A Compliance Conference is offered pursuant to § 92 of the Administrative Procedures Act of 1969 and § 22347(3) of the Michigan Administrative Code upon appeal by the licensee/applicant and PRIOR to a formal administrative hearing in all cases with the exception of those of an emergency nature and falling under §20168, 1978 PA 368.

	Bureau of EMS, Trauma, & Preparedness EMS SECTION Policies And Procedures		NUMBER:
	Subject: Emergency Medical Services Personnel Non-Compliance Policy		EMS- 500
	Supersedes #: New	Previous Date: NA	Page 8 of 10
			Date: 6/1/07 Revised: 6/7/12

Formal Administrative Hearing

A formal Administrative Hearing will be conducted in accordance with § 71 and § 92 of the Administrative Procedures Act of 1969 and § 20958(2), PA 368 of 1978 upon appeal by the licensee/applicant and AFTER a compliance conference is completed. In the case of an Emergency Order, the administrative hearing will be held within 5 working days of the service date in accordance with §20168, 1978 PA 368.

Reinstatement of License

An individual whose license was revoked or denied under § 20958 may apply to the department for reinstatement in accordance with the following stipulations:

An applicant shall not apply for reinstatement before the expiration of 3 years after the effective date of the revocation, unless otherwise noted in this policy or in their Notice of Intent.

The department shall return an application for reinstatement received prior to the expiration of the applicable time period as stated in this policy.

The department shall provide an opportunity for a hearing before final rejection of an **eligible** application for reinstatement.

The department has established specific criteria that must be met by an applicant for reinstatement under this policy. The criteria may include corrective measures or remedial education as a condition of reinstatement at the applicant's expense. If the department, in reinstating a license deviates from the guidelines adopted, they shall state the reason for the deviation.

An individual who seeks reinstatement shall pay all applicable initial licensure fees.

The department may reinstate a license to an individual whose license has been revoked under this part if after a review of new material the department is satisfied by clear and convincing evidence that the applicant is of good moral character, is able to practice the profession with reasonable skill and safety to patients, has met the criteria in the rules promulgated under this policy, and should be permitted in the public interest to practice.

	Bureau of EMS, Trauma, & Preparedness EMS SECTION Policies And Procedures		NUMBER:
	Subject: Emergency Medical Services Personnel Non-Compliance Policy		EMS- 500
	Supersedes #: New	Previous Date: NA	Page 9 of 10
			Date: 6/1/07 Revised: 6/7/12

(Current policies for reinstatement were derived from the reinstatement requirements that are provided under § 16245 through § 16248, PA 368 of 1978)

Criteria for Reinstatement

1. Reinstatement applications will not be accepted prior to the expiration of the applicable time period as described in the reinstatement policy above.
2. Application for reinstatement must be made using department approved forms and must be submitted with the initial licensure fee.
3. The applicant must complete the appropriate Michigan approved course for their level of licensure, i.e. Medical First Responder, Emergency Medical Technician, Specialist/AEMT, Paramedic, and/or Instructor-Coordinator.
4. Complete all corrective measures as stated in the Notice of Intent at the licensee's expense.

Renewals

If an applicant for renewal fails to provide the department with a change of address, the applicant shall pay a \$20.00 fee in addition to the renewal and late fees required under §20954, 1978 PA 368.

Published List of Disciplined Personnel

The department shall maintain a list of disciplined personnel and distribute on the Department's website.

	Bureau of EMS, Trauma, & Preparedness EMS SECTION Policies And Procedures		NUMBER:
	Subject: Emergency Medical Services Personnel Non-Compliance Policy		EMS- 500
	Supersedes #: New	Previous Date: NA	Page 10 of 10
			Date: 6/1/07 Revised: 6/7/12

REFERENCES:

Administrative Procedures (Act 306 of 1969), Chapter 4 Procedures in Contested Cases and Chapter 5 Licenses.

Michigan Administrative Code (2004), Emergency Medical Services Personnel Licensing, R325.22301 to R325.22363.

Michigan Penal Code (Act 328 of 1931), Chapter XX Children, Sections 135 to 145d, Chapter LXXVI Rape, Sections 520a to 520l, Chapter XLV Homicide, Sections 316 to 329, and Chapter XXA Vulnerable Adults, Section 145m to 145r.

Michigan Vehicle Code (Act 300 of 1949), Section 257.625.

Public Health Code (Act 368 of 1978), Part 74 Offenses & Penalties, Part 161 Occupations, Part 201 General Provisions, and Part 209 Emergency Medical Services.

Support and Parenting Time Enforcement Act (Act 295 of 1982), Section 633.