

Colorado Department of Public Health and Environment Health Facilities and Emergency Medical Services Division Emergency Medical and Trauma Services Section	
SUBJECT: EMS Provider Fingerprint-Based Criminal History Record Check Policy	
Date: September 1, 2012	___ Replacement page(s) Of Part ___ ___ Addition of page(s) To Part ___ ___ New

EMTS Section Chief signature Michelle Reese Date 8/28/12

Summary:

EMS providers are placed in a position of the highest public trust. They have unsupervised, intimate, physical and emotional contact with patients at a vulnerable time, as well as unsupervised access to personal property. Consequently, the Department has authority to require evidence of compliance with criminal history record check requirements.

Background:

The department has access to the following criminal background information sources:

- A. Colorado Bureau of Investigation (CBI) fingerprint-based criminal history information that includes arrest information from jurisdictions throughout the State of Colorado.
- B. Federal Bureau of Investigation (FBI) fingerprint-based criminal history information provided to the department through the CBI that includes arrest information from U.S. jurisdictions including states, territories, the District of Columbia and may include information from federal jurisdictions such as the federal courts and armed forces.
- C. Name-based criminal history information provided by state identification bureaus or private vendors that provide arrest and other information from various jurisdictions. Due to the limited identification reliability of name-based checks, these are only used for provisional certification in Colorado until fingerprint-based results can be obtained.

Policy:

Fingerprint-based criminal history record check requirements for EMS Providers are as follows:

- A. Initial applicants who have lived in Colorado continuously for more than three (3) years at the time of application must submit the appropriate fingerprint card and fee to the Colorado Bureau of Investigations (CBI) for a state of Colorado criminal history record check to be performed.

1. Once completed, the applicant's fingerprints are "flagged" in CBI's system and any subsequent time the applicant's fingerprints are taken (i.e., upon arrest or criminal charges), that criminal activity will be reported to the Department.
- B. Renewal applicants who have lived continuously in Colorado since the initial fingerprint-based criminal history record check was performed and who apply for certification renewal, change in certification level, or to recertify following certification expiration, do not need to repeat the fingerprint-based criminal history record check.
- C. Initial applicants who have lived in Colorado for less than three (3) years, or applicants who live outside of Colorado at the time of application must submit the appropriate fingerprint card and fee to the CBI with annotation for the CBI to forward the request for a criminal history record check to the Federal Bureau of Investigations (FBI) for a national criminal history record check.
- D. Renewal applicants who have lived outside of the state since their previous application for certification and who apply for certification renewal, change in certification level or to recertify following certification expiration, shall re-submit to an FBI fingerprint-based criminal history record check.
- E. Provisional certification is available to all applicant categories described above except for renewal applicants that have lived continuously in Colorado as described in section (B) above.

Interpretation:

As a general rule, new or renewal applicants that have lived in another U.S. jurisdiction for any length of time should complete an FBI fingerprint-based criminal history record check.

- A. All applicants for certification must attest to the truth and accuracy of the information and documents provided in the application. This attestation includes answering questions about having lived in or outside of Colorado the last three years. Because the term "lived" is not specifically defined in this context, applicants must determine whether they have lived outside of the state and thus are required to complete an FBI fingerprint-based criminal history record check.

Various Colorado governmental entities have definitions or established requirements for residency (e.g., municipal elections, student residency requirements). These parameters may be useful for applicants to consider in determining whether they have lived outside of the state, and include, but are not limited to:

1. Changed their driver's license to a different state?
2. Changed their automobile registration to a different state?
3. Changed their voter registration to a different state?
4. Engaged in permanent employment in a different state?
5. Made payment of state income taxes to a different state?
6. Claimed residency in another state for the purposes of tuition, licensure, etc?

- B. In accordance with Colorado House Bill 12-1059, military personnel, as used herein, includes the armed Forces or reserves of the United States, the National Guard, military reserves or naval militia of any state, and any other category of persons designated by the President in time of war or national emergency. For these individuals overseas deployment consists of deployment outside the borders of the United States of America and includes any temporary duty assignment within the borders of the United States of America for the purpose of training or preparation for said deployment.
1. Military personnel applicants that have been deployed overseas but have lived in Colorado during the previous 3 year period are not required to submit to an FBI fingerprint-based criminal history record check
 2. Military personnel applicants that have been deployed overseas but have not lived in Colorado during the previous 3 year period shall submit to an FBI fingerprint-based criminal history check.
- C. Applicants that have lived outside of the U.S. during the last three (3) years, but have maintained a primary residence in Colorado shall not be required to submit to a fingerprint-based background check unless the applicant has lived in, or been subject to, another U.S. jurisdiction.