

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

(a) An EMS credential which has been forfeited under G.S.15A-1331A may not be reinstated until the person has successfully complied with the court's requirements, has petitioned the Department for reinstatement, has appeared before the EMS Disciplinary Committee, and has had reinstatement approved.

(b) The Department shall amend, deny, suspend, or revoke the credentials of EMS personnel for any of the following reasons:

- (1) failure to comply with the applicable performance and credentialing requirements as found in this Subchapter;
- (2) making false statements or representations to the Department or willfully concealing information in connection with an application for credentials;
- (3) making false statements or representations, willfully concealing information, or failing to respond within a reasonable period of time and in a reasonable manner to inquiries from the Department during a complaint investigation;
- (4) tampering with or falsifying any record used in the process of obtaining an initial EMS credential or in the renewal of an EMS credential;
- (5) in any manner or using any medium, engaging in the stealing, manipulating, copying, reproducing or reconstructing of any written EMS credentialing examination questions or scenarios;
- (6) cheating or assisting others to cheat while preparing to take or when taking a written EMS credentialing examination;
- (7) altering an EMS credential, using an EMS credential that has been altered or permitting or allowing another person to use his or her EMS credential for the purpose of alteration. Altering includes changing the name, expiration date or any other information appearing on the EMS credential;
- (8) unprofessional conduct, including a failure to comply with the rules relating to the proper function of credentialed EMS personnel contained in this Subchapter or the performance of or attempt to perform a procedure that is detrimental to the health and safety of any person or that is beyond the scope of practice of credentialed EMS personnel or EMS instructors;
- (9) being unable to perform as credentialed EMS personnel with reasonable skill and safety to patients and the public by reason of illness; use of alcohol, drugs, chemicals, or any other type of material; or any physical or mental abnormality;
- (10) conviction in any court of a crime involving moral turpitude, a conviction of a felony, or conviction of a crime involving the scope of practice of credentialed EMS personnel;
- (11) by false representations obtaining or attempting to obtain money or anything of value from a patient;
- (12) adjudication of mental incompetence;
- (13) lack of competence to practice with a reasonable degree of skill and safety for patients including a failure to perform a prescribed procedure, failure to perform a prescribed procedure competently or performance of a procedure that is not within the scope of practice of credentialed EMS personnel or EMS instructors;
- (14) performing as an EMT-I, EMT-P, or EMD in any EMS System in which the individual is not affiliated and authorized to function;
- (15) testing positive for any substance, legal or illegal, that has impaired the physical or psychological ability of the credentialed EMS personnel to perform all required or expected functions while on duty;
- (16) failure to comply with G.S. 143-518 regarding the use or disclosure of records or data associated with EMS Systems, Specialty Care Transport Programs, or patients;
- (17) refusing to consent to any criminal history check required by G.S. 131E-159;
- (18) abandoning or neglecting a patient who is in need of care, without making reasonable arrangements for the continuation of such care;
- (19) falsifying a patient's record or any controlled substance records;
- (20) harassing, abusing, or intimidating a patient either physically or verbally;
- (21) engaging in any activities of a sexual nature with a patient including kissing, fondling or touching while responsible for the care of that individual;
- (22) any criminal arrests that involve charges which have been determined by the Department to indicate a necessity to seek action in order to further protect the public pending adjudication by a court;

- (23) altering, destroying or attempting to destroy evidence needed for a complaint investigation;
- (24) as a condition to the issuance of an encumbered EMS credential with limited and restricted practices for persons in the chemical addiction or abuse treatment program; or
- (25) representing or allowing others to represent that the credentialed EMS personnel has a credential that the credentialed EMS personnel does not in fact have.

(c) Pursuant to the provisions of S.L. 2011-37, any person listed on the North Carolina Department of Justice Sex Offender and Public Protection Registry shall be denied initial or renewal EMS credentials.

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

- (1) whether the person against whom action was taken by the other jurisdiction and the Department are the same person;
- (2) whether the conduct found by the other jurisdiction also violates the rules of the Medical Care Commission; and
- (3) whether the sanction imposed by the other jurisdiction is lawful under North Carolina law.

*History Note:* Authority G.S. 131E-159(f),(g); 143-508(d)(10); S.L. 2011-37; Eff. January 1, 2013.