

1 10 NCAC 13P .1511 is proposed for amendment as follows:

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3 **10A NCAC 13P .1511 PROCEDURES FOR QUALIFYING FOR AN EMS CREDENTIAL FOLLOWING**
 4 **ENFORCEMENT ACTION**

5 (a) Any individual who has been subject to ~~denial~~, suspension, revocation, or amendment of an EMS credential shall
 6 submit in writing to the OEMS a request for review to determine eligibility for credentialing.

7 (b) Factors the Department shall consider when determining eligibility shall include:

8 (1) the reason for administrative action, including:

9 (A) criminal history;

10 (B) patient care;

11 (C) substance abuse; and

12 (D) failure to meet credentialing requirements;

13 (2) the length of time since the administrative action was taken; and

14 (3) any mitigating or aggravating factors relevant to obtaining a valid EMS credential.

15 (c) In order to be considered for eligibility, the individual shall:

16 (1) wait a minimum of 36 months following administrative action before seeking review; and

17 (2) undergo a criminal history background check. If the individual has been charged or convicted of a
 18 misdemeanor or felony in this or any other state or country within the previous 36 months, the 36
 19 month waiting period shall begin from the date of the latest charge or conviction.

20 (d) If determined to be eligible, the Department shall grant authorization for the individual to begin the process for
 21 EMS credentialing as set forth in Rule .0502 of this Subchapter.

22 (e) Prior to enrollment in an EMS educational program, the individual shall disclose the prior administrative action
 23 taken against the individual's credential in writing to the EMS Educational Institution.

24 (f) An individual who has undergone administrative action against his or her EMS credential is not eligible for legal
 25 recognition as defined in G.S. 131E-159(d) or issuance of a temporary EMS credential as defined in G.S. 131E159(e).

26 (g) For a period of 10 years following restoration of the EMS credential, the individual shall disclose the prior
 27 administrative action taken against his or her credential to every EMS System, Medical Director, EMS Provider, and
 28 EMS Educational Institution where he or she is affiliated and provide a letter to the OEMS from each verifying
 29 disclosure.

30 (h) If the Department determines the individual is ineligible for EMS credentialing pursuant to this Rule, the
 31 Department shall provide in writing the reason(s) for denial and inform him or her of the procedures for contested
 32 case hearing as set forth in Rule .1509 of this Section.

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34 *History Note: Authority G.S. 131E-159(g); 143-508(d)(3); 143-508(d)(10);*

35 *Eff. January 1, ~~2017~~ 2017;*

36 *Amended Eff. July 1, 2021.*