

## **Office of Emergency Medical Services License Deniability Policy**

### **STATUTORY BASIS FOR LICENSURE**

Section 22-18-6(f), Ala. Code states that the OEMS may suspend or revoke the license or certificate of EMSP, or a provider service, or it may refuse to grant a license or certificate to any person or entity when any of the following is determined with respect to the holder or applicant:

- (1) Does not meet or no longer meets the prescribed qualifications.
- (2) Is guilty of misconduct as defined by the board's rules or otherwise commits a violation of this act or any rules promulgated thereunder.
- (3) Has failed to maintain the required level of continuing education units or any equivalent therefor defined in the board's rules.
- (4) Has provided care to a patient or patients under his or her care which falls short of the standard of care which ordinarily would be expected to be provided by similarly situated EMSP in Alabama, and has thereby jeopardized the life, health, or safety of a patient or patients.
- (5) Has sexually or physically abused a patient under his or her care.
- (6) Has submitted a license or test application, a report of continuing education requirements, a run report, a patient care record, EMSP student record, clinical rotation record, intent to train form, self-study document, fluid and drug application, physician medication order form, or any other document which is material to the duties and qualifications of EMSP or those of a student in an EMSP training program and which is fraudulent or knowingly false in any respect.
- (7) Has committed fraud in the performance of his or her duties or in connection with any matter related to emergency medical services.
- (8) Has been convicted of a crime involving moral turpitude, or a crime in which the victim is an EMSP provider service or an EMS patient, unless the board determines that the fact of the conviction would not likely interfere with the performance of EMS duties.
- (9) Has performed any act requiring licensure or certification under state EMS statutes, without possession of the requisite licensure or certification.
- (10) Has performed any act which exceeds the scope of license or privilege granted to the holder.

## **MORAL TURPITUDE**

A crime involves “moral turpitude” when a court views the crime as a sign of dishonesty or bad character. There is no complete list of crimes that involve moral turpitude. These cases are identified by the courts as they decide cases. The legislature may also define crimes as involving moral turpitude in certain cases. The following is a list of crimes involving moral turpitude in Alabama as defined by the Office of Emergency Medical Services:

1. Any felony that contains the element of fraud
2. Income tax evasion
3. Forgery
4. Treason
5. Impeachment
6. Murder (Any Degree)
7. Manslaughter
8. Assault (Any Degree)
9. Rape (Any Degree)
10. Sexual Torture
11. Sexual Abuse (Any Degree)
12. Incest
13. Aggravated child abuse
14. Torture or other willful maltreatment of a child under the age of 18
15. Enticing a child to enter a vehicle for immoral purposes
16. Soliciting a child by any form of communications (written, verbal, electronic)
17. Sodomy (Any Degree)
18. Bigamy
19. Possession and possession with intent to disseminate obscene matter containing visual depiction of persons less than 17 years of age involved in obscene acts
20. Production of obscene matter containing visual depiction of persons less than 17 years of age involved in obscene acts
21. Possession of child pornography
22. Possession of obscene matter
23. Parents or guardians permitting children to engage in production of obscene matter
24. Trafficking in cannabis, cocaine, or other illegal drugs or trafficking in amphetamine and methamphetamine
25. Burglary
26. Robbery
27. Theft of trademarks or trade secrets
28. Identity theft, trafficking stolen identity
29. Prohibited acts in the offer, sale, or purchase 11 of securities
30. Transporting stolen vehicles across state lines
31. Unauthorized sale of a controlled substance
32. Sale of marijuana

33. Possession of marijuana for resale
34. Kidnapping (Any Degree)
35. Facilitating solicitation of unlawful sexual conduct with a child
36. Traveling to meet a child for an unlawful sex
37. Facilitating the travel of a child for an unlawful sex act
38. Human trafficking
39. Terrorism
40. Soliciting or providing support for an act of terrorism
41. Hindering prosecution of terrorism
42. Endangering the water supply
43. Possession, manufacture, transport, or distribution of a destructive device or bacteriological or biological weapon
44. Selling, furnishing, giving away, delivering, or distribution of a destructive device, a bacteriological weapon, or biological weapon to a person who is less than 21 years of age
45. Possession, manufacture, transport, or distribution of a detonator, explosive, poison, or hoax device
46. Possession or distribution of a hoax device represented as a destructive device or weapon
47. Attempt to commit an explosives or destructive device or bacteriological or biological weapons crime
48. Conspiracy to commit an explosives or destructive device or bacteriological or biological weapons crime
49. Hindrance or obstruction during detection, disarming, or destruction of a destructive device or weapon
50. Possession or distribution of a destructive device or weapon intended to cause injury or destruction
51. Any crime as defined by the laws of the United States or by the laws of another state, territory, country, or other jurisdiction, which, if committed in this state, would constitute one of the offenses listed here in

## **IMPAIRMENT**

OEMS may suspend or revoke a license or certificate, or it may refuse to grant a license or certificate to any person who meets the definition of an Impaired EMSP. An Impaired EMSP is a person licensed under OEMS rules who misuses or abuses alcohol, drugs, or both, or who has a mental or behavioral issue which could affect the individual's judgment, skills, and abilities to practice.

## **REPLICA**

The OEMS may restrict, suspend, or revoke an individual's privilege to practice in a remote state, and to take any other necessary actions to protect the health and safety of its citizens.

If an individual's license in any home state is restricted or suspended, the individual is not eligible to practice in the state of Alabama until the home state license is restored.

Further, a member state may take adverse action against an individual's privilege to practice in that state based on the factual findings of another member state, as long as each state follows its own procedures for imposing such adverse action.

## **CONSIDERATIONS**

The OEMS may deny a license based on the following considerations if, in the OEMS's sole discretion, it determines that licensure may jeopardize public health and safety:

1. The seriousness of the crime.
2. Whether the crime relates to performance of the duties of an EMS professional.
3. How much time has elapsed since the crime was committed.
4. Whether the crime involved violence to, or abuse of, another person.
5. Whether the crime involved a minor or a person of diminished capacity.
6. Whether the applicant's actions and conduct since the crime occurred are consistent with the holding of a position of public trust.
7. Whether the applicant is a repeat offender.
8. Whether the applicant has complied with all court orders and probationary requirements associated with the conviction.