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Interim Chief Medical Officer

313 N. Figueroa Street, Suite 912
Los Angeles, CA 90012

Tel: 213-240-8101
Fax:213-481-0503

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ADOPTED
BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

11 FEBRUARY 9, 2010

SACHI A. HAMAI
EXECUTIVE OFFICER

February 9, 2010

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

ADOPTION OF A RESOLUTION TO ACCESS FEDERAL CRIMINAL HISTORY INFORMATION ON EMERGENCY MEDICAL TECHNICIANS (ALL DISTRICTS) (3 VOTES)

SUBJECT

Request approval of a resolution to authorize the expansion of current State access to criminal history information to include federal-level information for certification of Emergency Medical Technicians by the County and the Consolidated Fire Protection District of Los Angeles County.

IT IS RECOMMENDED THAT YOUR BOARD ACTING AS THE GOVERNING BODY OF THE DEPARTMENT OF HEALTH SERVICES EMERGENCY MEDICAL SERVICES AGENCY, AND ACTING AS THE GOVERNING BODY OF THE CONSOLIDATED FIRE PROTECTION DISTRICT OF LOS ANGELES COUNTY:

Adopt the attached resolution (Attachment I) to authorize the Department of Health Services (DHS), through the Emergency Medical Services (EMS) Agency, and to authorize the Consolidated Fire Protection District of Los Angeles County (District) to access and receive federal criminal history information on candidates for certification as Emergency Medical Technicians (EMT) in Los Angeles County per Penal Code Section 11105 (b)(11).

PURPOSE/JUSTIFICATION OF THE RECOMMENDED ACTION

Adoption of the resolution to access federal criminal history information will grant authority to the County of Los Angeles, through DHS' EMS Agency, to access Federal criminal history information on EMT certificate candidates. Currently, the EMS Agency conducts mandated state criminal history checks in connection with its oversight and certification

responsibilities over EMTs who work in Los Angeles County. In addition, a similar background check is performed for the personnel of the District who are certified as EMTs. This access will enable the EMS Agency and District to conduct a more thorough screening of personnel, as some EMT certificate candidates may have resided or worked outside of the State of California. This additional access to Federal criminal history is intended to help improve public safety by increased screening of EMT candidates entrusted with emergency care of the public.

Implementation of Strategic Plan Goals

The recommended action supports Goal 4, Health and Mental Health, and Goal 5, Public Safety, of the County's Strategic Plan.

FISCAL IMPACT/FINANCING

With respect to criminal background checks performed by the EMS Agency, each EMT certificate candidate is responsible for paying the necessary fees directly to the facility performing the Live Scan, so there is no County cost. The District absorbs the costs for criminal background checks on its firefighter trainees.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

California Health and Safety Code Section 1797.210 (a) authorizes the medical director of the local emergency medical services agency to issue an EMT certificate to an individual upon satisfactory completion of an approved training program, passage of the certifying examination, and completion of any other requirements for certification established by the Authority. The certificate is proof of the individual's initial competence to perform at the designated level.

Under the authority granted by Title 22, California Code of Regulations, Section 100079, the certification process requires that the EMS Agency verify eligibility based on pre-established standards and requirements developed by the State EMS Authority (Authority), which includes the Live Scan transmittal of fingerprint images to the California Department of Justice (DOJ) in order to obtain a criminal background checks.

Since February of 1983, the EMS Agency has had access to State criminal history information and subsequent arrest information through the DOJ for the purposes of assessing eligibility for EMT certificate candidates.

Beginning July 10, 2010, Chapter 274 of the Statutes of 2008 (AB 2917) will require that fingerprint images be transmitted from the DOJ to the Federal Bureau of

Investigation (FBI) for a Federal criminal background check. AB 2917 mandates that any certifying entity request and receive Federal criminal history information on all EMT certificate candidates in order to fully assess an individual's background to determine whether that individual is qualified to provide emergency care to the public. This new requirement will authorize the Los Angeles County, through DHS' EMS Agency, and the District, to obtain Federal criminal history and subsequent arrest information to ensure that each EMT certificate candidate receives a thorough background review.

Penal Code Section 11105(b)(11) authorizes counties to access Federal level criminal history information with the authority of their local governing body, which for the County of Los Angeles and District is your Board. The attached resolution will grant such authority.

CONTRACTING PROCESS

Not applicable.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of the resolution will expand the current background check process by allowing access to Federal criminal history information, which will ensure that EMT candidates entrusted with the care of the public during medical emergencies, receive background checks which meet the requirements of State law.

Respectfully submitted,

John F. Schunhoff, Ph.D.
Interim Director

P. Michael Freeman
Fire Chief

JFS:cc

Attachment

c: Chief Executive Office
County Counsel
Executive Office, Board of Supervisors

ATTACHMENT I

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES AND THE CONSOLIDATED FIRE PROTECTION DISTRICT OF LOS ANGELES COUNTY

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) authorize cities, counties and districts to access state and local summary criminal history information for certification purposes; and

WHEREAS, Penal Code Section 11105(b)(11) authorizes cities, counties and districts to access federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation; and

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) require that there be a requirement or exclusion from certification based on specific criminal conduct on the part of the subject of the record; and

WHEREAS, Penal Code Section 11105(b)(11) and 13300(b)(11) require the city council, Board of Supervisors, or governing body of a city, county or

district to specifically authorize access to summary criminal history information for certification purposes.

NOW, THEREFORE BE IT RESOLVED, that the County of Los Angeles and the Consolidated Fire Protection District of Los Angeles County is hereby authorized to access and receive state and federal level summary criminal history information for certification for Emergency Medical Technician purposes and may not disseminate the information to a private entity; and

BE IT FURTHER RESOLVED, County of Los Angeles and Consolidated Fire Protection District of Los Angeles County shall not consider a person who has been convicted of a violent or serious felony or misdemeanor eligible for certification except that such conviction may be disregarded if it is determined that mitigating circumstances exist, or that the conviction is not related to the certification in question.

The foregoing resolution was on the 9th day of February 2010, adopted by the Board of Supervisors of the County of Los Angeles and ex officio the governing body of the Consolidated Fire Protection District of Los Angeles County and all other special assessment and taxing districts, agencies and authorities for which said Board so acts.

SACHI A. HAMAI
Executive Officer
Board of Supervisors

By LaChelle Smitherman
Deputy

APPROVED AS TO FORM:

ANDREA SHERIDAN ORDIN
County Counsel

By Macpahee