

## **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. The following crimes have been determined to be crimes involving moral turpitude in Alabama:

1. Any felony that contains the element of fraud
2. Income tax evasion
3. Forgery
4. Treason
5. Impeachment
6. Murder
7. Manslaughter
8. Aggravated Assault
9. Rape (Any Degree)
10. Sexual Torture
11. Sexual Abuse (Any Degree)
12. Incest
13. Enticing a child to enter a vehicle for immoral purposes
14. Soliciting a child by any form of communications (written, verbal, electronic)
15. Sodomy (Any Degree)
16. Bigamy
17. Production of obscene matter
18. Possession of child pornography
19. Possession of obscene matter
20. Parents or guardians permitting children to engage in obscene matter
21. Burglary
22. Robbery
23. Theft
24. Transporting stolen vehicles across state lines
25. Unauthorized sale of a controlled substance
26. Sale of marijuana
27. Possession of marijuana for resale

## **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.

## **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.