

EMS Agency Managers and Providers:

Over the past several months, there have been several incidents involving unfortunate criminal behavior on the part of licensed EMS caregivers that have been reported in the media. The incidents stimulated questions to the EMS Bureau regarding what the reporting requirements are for those who are either the licensed personnel involved, or colleagues/supervisors that are aware of such incidents. Beginning at NMAC 7.27.2.13 (G)(3), the licensing rule lists the grounds for denial, suspension, revocation, or other disciplinary action that the EMS Licensing Commission and the EMS Bureau may take. Specifically one of the reasons listed, NMAC 7.27.2.13 (G)(3)(s) is “failure to notify the bureau in writing of: (i) the filing of a criminal complaint against the licensee or applicant in any state or jurisdiction, within ten (10) calendar days of service of the complaint.” Please note this is not referring to conviction; it refers to a “filing of complaint”, which would include being arrested and charged with a crime.

This rule obviously applies to the person licensed. However, the question has arisen as to whether or not it would also apply to other licensed personnel who are aware of a criminal complaint being filed against a colleague, subordinate, or supervisor. For instance, if I am a supervisor and become aware that one of the folks I supervise was arrested and charged with a crime, could the Licensing Commission take action against me for not reporting this?

The short answer is “yes”. A disciplinary action could be pursued against a licensed EMT who colluded to prevent the EMS Bureau and Licensing Commission from knowing about the filing of a criminal complaint against another licensed EMT. Obviously, an EMT does not have an obligation to report something that he or she does not know. However, if an EMT is aware that a criminal complaint was filed against another EMT in their service and knowingly fails to report it to the EMS Bureau, it is possible that that person could be the subject of a disciplinary action. The Department’s regulation at 7.27.2.13(G)(3)(c) NMAC provides that an EMT may be disciplined for unprofessional conduct, including specifically “failure to report an EMS provider who is suspected of violating the New Mexico Emergency Medical Services Act or these rules.”

For managers and supervisors, we suggest that if you become aware of a criminal arrest and charge against a person working under your supervision that you discuss this rule with the caregiver and make sure they are aware of the requirement to report the incident to the EMS Bureau. Then, follow up that conversation with a call to the EMS Bureau to assure the person has made contact and self reported the incident.

This rule was issued on March 2010.