



Indiana EMS Commission
Non-Rule Policy
Certifications Renewal Dishonesty

Version 1.0 Adopted May 14, 2020

Background of Policy:

This policy addresses all individual certifications for EMS

836 IAC 4-3-2 Emergency Medical Responder (EMR)

836 IAC 4-4-2 Emergency Medical Technician (EMT)

836 IAC 4-5-2 Primary Instructor (PI)

Advanced Emergency Medical Technician (AEMT)

Current: Emergency Rule, LSA #12-393(E), Section 50-51

Pending New Rule: 836 IAC 4-7-5

836 IAC 4-9-4 / 836 IAC 4-9-5 Paramedic

These rules address recertification and continuing education requirements for individual EMS providers certified or licensed by the EMS Commission. Current EMS procedures (since 2012) allow for on-line renewal of EMS Certifications and Licensures whereby the applicant must agree to the following provisions:

I hereby affirm, under the penalty of perjury, that all statements contained in this application are true and correct. I understand that falsifying statements or documents may be cause for disciplinary action by the Emergency Medical Services Commission, and that the disciplinary action may include revocation of certification. I also understand that Emergency Medical Services Commission may conduct an audit of the recertification documents listed at any time. Furthermore, I understand that it is prohibited to initiate a subsequent on-line renewal attempt for a certification for which I

have an audit pending, and that I have not been notified during a previous attempt that my application for renewal has been audited.

When the applicant submits a response to the affirmation, this is the response that is given:

All requirements for this certification or license have been met, and the applicant attests that the above statements are true

With the submission of the application renewal, the applicant can click on the guidelines for renewal, use the template paperwork that provides the guidelines, or look to the written rules for the specific guidelines for that particular certification or licensure.

No continuing education paperwork is collected unless the person receives a random audit which is a small sampling of the total number of renewals.

IDHS certifications staff have reported that generally there are a couple of individuals during audits that have issues with complying with the audit. These issues arise because of the common tendency for EMS personnel to “push and pray” meaning that they attempt to hit the submit button and see if they pass without an audit. Most do and they go on doing the same behavior undeterred, but the random sampling catches many that scramble to pull together the required paperwork. Of those, most are honest and can put the hours together albeit not having confirmed before the submission, but many will be missing hours or other items.

In the past, IDHS places those that commit recertification deception or fraud on probation for a two (2) year period and then requires an automatic manual renewal for the next cycle. This standard practice has failed to create a deterrent to prevent dishonesty in the on-line renewal system and stronger sanctions are needed.

Non-Rule Policy

Whereas, continuing education is an integral function for EMS professionals to provide quality care for patients;

Whereas, minimal continuing education guidelines are written clearly into rule form and are also available on State forms to assist EMS professionals with understanding the recertification requirements;

Whereas, the recertification process is vital to the relationship between EMS professionals and their supervisory affiliations (provider organizations, supervising hospitals and medical directors) in that the provider seeking recertification or re-licensure is required to review their continuing education with and obtain signatures approving their continuing education from those affiliations;

Whereas, the on-line certification system promotes efficiency in processing of large volumes of certification renewals but relies upon the integrity of the EMS professionals using the on-line renewal system;

Whereas, the IDHS EMS Section has recommended stricter sanctions and a written policy as a warning to providers;

The Indiana EMS Commission adopts this non-rule policy to clarify the importance of continuing education and delineate the sanctions for EMS certified and licensed personnel (EMRs, EMTs, Advanced EMTs, paramedics, and primary instructors) who use dishonesty, misrepresentation, or fraud to renew their certification or licensure status.

IC 16-31-3-14(a)(1) permits disciplinary sanctions for a certified or licensed EMS professional “engaged in or knowingly cooperated in fraud or material deception in order to obtain a certificate or license, including cheating on a certification or licensure examination.”

IC 16-31-3-14(b) permits IDHS to issue an administrative order on behalf of the EMS Commission that includes “one (1) or more of the following sanctions” if there is a rule violation such as (a)(1). The sanctions include:

- (1) Revocation of a certificate holder's certificate or license holder's license for a period not to exceed seven (7) years.
- (2) Suspension of a certificate holder's certificate or license holder's license for a period not to exceed seven (7) years.
- (3) Censure of a certificate holder or license holder.
- (4) Issuance of a letter of reprimand.
- (5) Assessment of a civil penalty against the certificate holder or license holder in accordance with the following:
 - (A) The civil penalty may not exceed five hundred dollars (\$500) per day per violation.
 - (B) If the certificate holder or license holder fails to pay the civil penalty within the time specified by the department of homeland security, the department of homeland security may suspend the certificate holder's certificate or license holder's license without additional proceedings.
- (6) Placement of a certificate holder or license holder on probation status and requirement of the certificate holder or license holder to:
 - (A) report regularly to the department of homeland security upon the matters that are the basis of probation;
 - (B) limit practice to those areas prescribed by the department of homeland security;

(C) continue or renew professional education approved by the department of homeland security until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or

(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the department of homeland security considers appropriate to the public interest or to the rehabilitation or treatment of the certificate holder or license holder.

While the EMS Commission authorizes IDHS to adjust these guidelines for noted cause in an administrative Order, the following sanctions for each type of dishonesty, misrepresentation or fraud related to continuing education and certification renewal should be standard.

1. The IDHS/EMS Commission does not accept “accidental” renewals where the individual claims that they did not realize they were renewing. Due to the system of prompts, the applicant has ample opportunity to realize they are in the renewal process before finalizing. If an applicant submits a renewal application, it is deemed an intentional act and the applicant is either duly certified or may fall into one of the other categories listed below depending upon the status of their application.
2. Renewal application submitted on-line. Applicant has all continuing education requirements but failed to obtain signatures BEFORE submitting the application.
 - a. Sanction will be a private reprimand and \$50.00 fine.
3. Renewal application submitted on-line. Applicant believed they had all continuing education hours, but an audit resulted in portions of their continuing education hours or skills verification being rejected but there are less than 5 continuing education hours rejected.
 - a. If within the original renewal period, the applicant may obtain substitute hours but be issued a Sanction of a private reprimand and \$100.00 fine.
 - b. If after the original renewal period, the applicant may obtain their substitute hours and will still be issued a Sanction of a private reprimand and \$100.00 fine, but their certification will not be renewed until the rejected hours are substituted.
4. Renewal application submitted on-line. Applicant believed they had all continuing education hours but audit rejected portions of their continuing education hours or skills verification as not eligible and staff determines that the oversight was not in good faith due to not being a reasonable listing (not remotely related to EMS) or multiple hours of continuing education that were not eligible.
 - a. Sanction will be a seven day suspension followed by a two year probation period during which the applicant must 1) obtain the hours or skills they were short

within 30 days; 2) must have a manual certification renewal with audit for their next certification cycle and 3) must pay a \$200.00 fine.

5. Renewal application submitted on-line. Applicant acknowledges during the audit that they failed to have enough hours or skills when they renewed on-line—hence they were not eligible to recertify (regardless of whether they intentionally attempted or failed to verify before submitting).
 - a. Sanction will be a seven (7) day suspension followed by a two (2) year probation period during which the applicant must 1) obtain the hours or skills they were short within 30 days; 2) must have a manual certification renewal with audit for their next certification cycle and 3) must pay a \$200.00 fine.
6. Renewal application submitted on-line. Department audit finds deception in that signatures were forged, continuing education was listed that was false or cannot be verified, continuing education hours listed were not obtained or were falsely exaggerated (e.g. sign in for sessions but only participated in a portion of education while listing the entire session), or other forms of fraudulently listing continuing education.
 - a. Sanction will be up to a thirty (30) day suspension followed by a two (2) year probation period during which the applicant must 1) obtain the hours or skills they were short within 30 days; 2) must have a manual certification renewal with audit for their next certification cycle and 3) must pay up to a \$500.00 fine.
7. For any sanction on a late submission, the applicant must pay the \$50.00 reapplication fee per EMS rules in addition to any sanction fines. Furthermore, if a late submission fails to pass an audit and the Department determines that the applicant was substantially non-compliant with the recertification requirements, then the Department may reject the late submission through administrative Order and the applicant would need to do the process to reacquire his or her certification or licensure.