

**City of Culver City, California
Agenda Item Report**

Meeting Date: 02/01/2010		Item Number: <u>C-X</u>	
CITY COUNCIL AGENDA ITEM: Adoption of a Resolution Establishing the Need for Receiving Federal Bureau of Investigation Criminal Background Checks for New or Newly Hired Emergency Medical Technicians after July 1, 2010			
Contact Person/Dept.: Rick Siler/Fire Department		Phone Number: 310-253-5917	
Fiscal Impact: Yes ☐ No ☐		General Fund: Yes ☐ No ☐	
Public Hearing: ☐		Action Item: ☒	Attachments: ☒
Commission Action Required: Yes ☐ No ☐		Date: _____	
Public Notification: Meetings and Agendas – City Council (01/27/10)			
Department Approval: Chris Sellers (1/26/10)		City Attorney Approval: Carol Schwab (by L. Vidra 1/26/10)	
Chief Financial Officer Approval: Mark Scott (by M. Noller) (01/26/10)		City Manager Approval: Mark Scott (01/27/10)	

RECOMMENDATION:

Staff recommends that the City Council adopt a resolution to establish the need for receiving Federal Bureau of Investigation (FBI) criminal background checks on new or newly hired Emergency Medical Technicians (EMTs) after July 1, 2010.

BACKGROUND:

Assembly Bill 2917 (Torrico) was signed into law by Governor Schwarzenegger on September 28, 2008. The bill, codified into the California Health and Safety Code, empowers the state Emergency Medical Services Authority (EMSA) to develop a single set of statewide standards for certification, disciplinary orders and conditions of probation for EMTs. Previously there was not a central repository of information regarding the certification status of EMTs in the state. As part of the new state-wide standards, AB 2917 requires California State Department of Justice (DOJ) and Federal Bureau of Investigation (FBI) background checks for EMTs working in pre-hospital care.

DISCUSSION:

On June 5, 2009, the Fire Department received official notification from the EMSA of the upcoming requirements under AB 2917 (Attachment 1). The letter included the mandate that the Fire Department conduct an FBI background check on each new EMT hired after July 1, 2010. The requirement pertains to both the EMT-I and EMT-II certification.

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Specifically, among the numerous new requirements pertaining to EMTs, AB 2917 added Section 1797.118 to the Health and Safety Code, which requires in subdivision (a) that,

“every EMT-I and EMT-II certificate candidate or holder shall have their fingerprint images and related information submitted to the [state EMS] authority for submission to the Department of Justice pursuant to the regulations adopted pursuant to Section 1797.117 for a state and federal level criminal offender record information search, including subsequent arrest information.”

Additionally, Health and Safety Code Section 1797.118(b) provides that current EMTs who were certified prior to July 1, 2010 are “grandfathered” in, meaning that the City is not required to conduct the FBI portion of the background check on current EMTs. Instead, the Fire Department must certify to the EMSA that a DOJ background check was previously conducted on each current EMT, and that the EMT has not committed certain enumerated offenses. The Fire Department must also submit the appropriate application packet and paperwork to the state, and obtain approval, prior to the July 1, 2010 deadline.

Under the California Penal Code, a City or County must adopt a resolution to specifically authorize access to summary criminal history information for employment, licensing, or certification purposes. Accordingly, the adoption of this resolution establishes the City’s authority to receive the background checks required under the new Health and Safety Code provisions.

The Culver City Fire Department re-certifies all of its EMTs every two years. Therefore as an EMT certifying agency, the Fire Department is required to conduct these background checks as part of the re-certification process. Adoption of this resolution will allow the Fire Department, with the assistance of the Police Department, to perform these background checks and receive subsequent information from the DOJ and FBI.

FISCAL ANALYSIS:

The financial impact to the Fire Department budget will be minimal. The cost of an FBI background check will add approximately \$30 (one time cost) per newly hired EMT. At this time the Fire Department’s approved budget can cover these costs.

ATTACHMENTS:

1. EMSA letter to Fire Chief Eastman dated August 26, 2009
2. Proposed Resolution

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MOTION:

That the City Council:

Adopt a Resolution establishing the need for receiving criminal background checks from the FBI on new or newly hired EMTs after July 1, 2010.