

**CHILD PROTECTIVE SERVICES LAW AMENDMENTS
FOR EMS AGENCIES AND EMS PROVIDERS
AUGUST 2015**

In April 2015, the Bureau of Emergency Medical Services (Bureau) of the Department of Health issued two sets of FAQ documents relating to amendments enacted under the Child Protective Services Law (CPSL). On July 1, 2015, Act 15 was signed into law and changed some of the information provided in those two FAQ documents, particularly as they relate to the requirements for background checks for EMS providers. This document updates the two documents issued in April 2015.

1. Are EMS providers mandatory reporters under the CPSL?

Yes. Act 15 did not change the mandatory reporting obligations and procedures for EMS providers. You can review the requirements for reporting at <http://keepkidssafe.pa.gov>.

2. Are EMS providers required to undergo mandatory training as mandated reporters?

Under the CPSL, certain persons licensed by the Department of State and employees with direct contact with children of entities regulated by the Department of Human Services (DHS) (formerly the Department of Public Welfare) that serve children are required to undergo CPSL training. As EMS providers are certified by the Department of Health, they do not fall under this requirement. However, the Department of Health is contemplating making CPSL training a requirement for all EMS providers as part of their continuing education requirements.

In the interim, all EMS agencies and EMS providers are encouraged to take training courses to fully understand their responsibilities as mandated reporters. It is not a valid excuse for an EMS agency or an EMS provider to fail to follow the requirements of the CPSL due to a failure to take training courses, regardless of whether the training is mandatory. EMS agencies and EMS providers can review and take approved training courses at the Department of Human Services' CPSL website at <http://keepkidssafe.pa.gov/training/index.htm>.

3. Are EMS providers required to obtain a background check?

The Department of Human Services has indicated that, generally speaking, EMS providers do not need clearances regardless of whether they are paid or a volunteer¹.

4. Are there situations where an EMS provider is required to have a background check?

Yes. According to the Department of Human Services, as an example, if the EMS provider is part of a junior EMS program, an Explorer's Program, or other type of "program, activity or service" involving children, then those individuals who are either

¹ http://www.pennlive.com/politics/index.ssf/2015/07/background_checks_law_live_qa.html#incart_m-rpt-2

responsible for the child's welfare or have direct contact or direct volunteer contact with children would need clearances.

Junior EMS programs or Explorer's Programs would be considered a program, activity or service, which includes: youth camp or program, recreational camp or program, sports or athletic program, community or social outreach program, enrichment or educational program, troop, club or similar organization.

For employees, direct contact is care, supervision, guidance or control of children OR routine interaction with children.

For volunteers, direct volunteer contact is care, supervision, guidance or control of children AND routine interaction with children.

5. What is the definition of "person responsible for the child's welfare" under Act 15?

A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control.

6. What is the definition of "program, activity or service" under Act 15?

Any of the following in which children participate and which is sponsored by a school or a public or private organization:

- (1) A youth camp or program.
- (2) A recreational camp or program.
- (3) A sports or athletic program.
- (4) A community or social outreach program.
- (5) An enrichment or educational program.
- (6) A troop, club or similar organization.

7. How much do the background checks cost?

As of July 25, 2015, the costs are as follows for employees, though other fees may apply:

1. Pennsylvania Child Abuse History Clearance - \$8.00
2. Pennsylvania State Police Criminal Record Check - \$8.00
3. Federal Bureau of Investigation Criminal Background Check through the Department of Human Services - \$25.75

As of July 25, 2015, the costs are as follows for volunteers, though other fees may apply:

1. Pennsylvania Child Abuse History Clearance - \$0.00
2. Pennsylvania State Police Criminal Record Check - \$0.00
3. Federal Bureau of Investigation Criminal Background Check through the Department of Human Services - \$25.75

8. What is the renewal requirement for background checks?

Beginning July 1, 2015 for employees, and August 25, 2015 for volunteers, certifications must be obtained every 60 months.

Any employee with current certification issued prior to July 1, 2015, must renew their certifications within 60 months from the date of their oldest certification or, if their current certification is older than 60 months, by December 31, 2015.

If an individual elects to renew all certifications at the same time, the date of the oldest certification, rather than the most recent, is the date to be used for the renewal date.

9. What should an EMS provider do once he or she obtains the required background checks?

The EMS provider must submit those documents to each EMS agency that he or she works for and keep copies for his or her own records.

10. What is the EMS agency's responsibility relating to background checks?

An EMS agency must ensure that its employees, including volunteers, get the required background checks under the CPSL and that the EMS agency maintains proper documentation that its employees, including volunteers, have the requisite background checks at all times. An employer that fails to do so commits a misdemeanor of the third degree.

11. Can an EMS provider use a child abuse history certification or PSP criminal history he or she obtained for volunteer activities for other volunteer activities?

Yes. Any person who obtained their certifications within the previous 60 months may serve in a volunteer capacity for any program, activity or service.

12. Can an EMS provider use a child abuse history certification or PSP criminal history certification he or she obtained for volunteer activities for employment purposes?

No. Child abuse history certifications and PSP criminal history certifications obtained for volunteer purposes can only be used for other volunteer activities. Child abuse history certifications obtained for volunteer purposes will indicate that the certification is to be used for volunteer purposes only.

13. Can an EMS provider use a child abuse history certification or PSP criminal history he or she obtained for employment purposes for volunteer purposes?

Yes. If the EMS provider obtained a certification for employment purposes within the previous 60 months he or she may use the certification to serve in a volunteer capacity for any program, activity, or service.

14. What is the Bureau of EMS' role regarding CPSL compliance?

While the Department of Health does not administer the CPSL, the Bureau of EMS is the licensing and certification agency for EMS agencies and EMS providers. The Bureau of EMS will review any violations of the CPSL and other laws and take appropriate action as authorized under the EMS System Act and Department regulations. The Bureau of EMS will begin to monitor compliance with CPSL requirements as part of the licensure process and assist EMS agencies, where feasible, with meeting the requirements of the CPSL.

15. Where can I get a copy of Act 15?

<http://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2015&sind=0&body=H&type=B&bn=1276>

16. I have more questions. To whom should I direct them?

- Legal questions should be directed to the EMS agency's attorney. The Bureau of EMS cannot answer questions or provide legal advice to EMS agencies or EMS providers regarding their obligations under the CPSL, as this law is administered by DHS. This FAQ page is for informational purposes only and does not constitute legal advice by the Department of Health.
- Questions related to child protection can be sent to the Department of Human Services' Office of Children, Youth and Families at RA-PWCPSLQuestions@pa.gov.
- For questions regarding Child Abuse Referrals, contact ChildLine at 1-800-932-0313.
- For questions regarding your Pennsylvania Child Abuse History Clearance Application, contact ChildLine at 1-877-371-5422.
- For assistance with your ChildLine account log-in or other technical issues, contact 1-877-343-0494.
- It is also recommended that any interested or effected person review the Department of Human Services' website relating to the CPSL at <http://keepkidssafe.pa.gov/index.htm>.