



**COMMONWEALTH of VIRGINIA**  
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**To:** Virginia Emergency Medical Services Agencies  
Regional Emergency Medical Services Councils

**From:** Michael D. Berg, BS, NREMT-P  
Manager, Regulation and Compliance

**SUBJECT:** Previous DUI convictions and the 2012 *Virginia EMS Regulations*

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With the implementation of the 2012 *Virginia EMS Regulations*, 12VAC5-31 (October 10, 2012), the regulation addressing emergency vehicle driving privileges of EMS providers who were convicted of DUI was amended. As you are aware, such convictions previously precluded EMS providers from operating a permitted EMS vehicle for a period of five years. In addition, prior to restoration of emergency vehicle operating privileges, providers restricted under that regulation were required to complete an EVOC class during the year prior to reinstatement of their driving privileges. Many inquiries have been submitted regarding the status of EMS providers who were penalized due to their convictions while the previous regulation was in effect, and whether people with current driving restrictions are absolved under the 2012 EMS Regulations.

Those providers who were convicted of DUI prior to the implementation of the October 10, 2012 Virginia EMS Regulations remain under their imposed restrictions. They must complete the requirements laid out in the regulations in effect at the time their restriction began before the restriction will be lifted. In short, the 2012 regulations are not retroactive. Thus, previously imposed driving restrictions are not altered due to the implementation of the 2012 EMS regulations.

Additional questions regarding this clarification should be directed to the OEMS Manager of Regulations and Compliance.