

**TITLE: PROCESS FOR EMT and ADVANCED EMT DISCIPLINARY
ACTION – RELEVANT EMPLOYER**

EMS Policy No. 2715

PURPOSE: The purpose of this policy is to specify the responsibilities of relevant employers for reporting, investigating and recommending disciplinary action for EMT and Advanced EMT employees that have or may have committed actions considered as evidence of a threat to public health and safety as specified in Health and Safety Code Section 1798.200 (c).

AUTHORITY: Health and Safety Code, Division 2.5, Section 1797.220; 1798.200

DEFINITIONS:

- A. “Advanced Emergency Medical Technician (Advanced EMT or A/EMT)” means a person who has successfully completed an advanced A/EMT course which meets the requirements of the California Code of Regulations, Title 22, Division 9, Chapter 3, and has passed all required tests and who has been certified by the Advanced EMT Certifying Authority.
- B. “EMS Agency” means the San Joaquin County EMS Agency.
- C. “Certificate” means a valid Emergency Medical Technician (EMT) or Advanced EMT certificate issued pursuant to Division 2.5 of the California Health and Safety Code.
- D. “Certifying entity” means the medical director of the San Joaquin County EMS Agency or a public safety provider, if that provider has a training program approved pursuant to Health and Safety Code Section 1797.109.
- E. “Emergency Medical Technician (EMT)” means a person who has successfully completed a basic EMT course which meets the requirements of the California Code of Regulations, Title 22, Division 9, Chapter 2, and has passed all required tests and who has been certified by an EMT Certifying Authority.
- F. “Medical Director” means the San Joaquin County EMS Agency Medical Director.
- G. “Relevant employer(s)” means those ambulance services permitted by the Department of the California Highway Patrol or a public safety agency (i.e. fire department or law enforcement agency) that the certificate holder works for or was working for at the time of the incident under review as an EMT or Advanced EMT whether as a paid employee or a volunteer.
- H. “Validated” means for the purpose of this policy to determine by preliminary evaluation that an act specified in Health and Safety Code Section 1798.200 may have occurred.

POLICY:

- I. All information received from any source, which purports a violation of or deviation from state or local EMS statutes, regulations, policies, procedures, protocols, or standards shall be evaluated pursuant to the requirements set forth in this policy.

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II. Responsibilities of Relevant Employers:

- A. California Code of Regulation (CCR), Title 22, Division 9, Chapter 6, Process for EMT and Advanced EMT Disciplinary Action requires that relevant employers develop policies to address EMT or A/EMT disciplinary actions for incidents that occur while the EMT or A/EMT is on duty and directly related to their job as an EMT or advanced EMT (e.g. functioning outside their scope of practice).
- B. Relevant employers may choose to enter into an agreement with the EMS Agency to allow the EMS Agency to conduct disciplinary investigations on behalf of the relevant employer. Relevant employers which choose not to enter into an agreement with the EMS Agency may request the EMS Agency to conduct an investigation on a case by case basis.
- C. Relevant employers shall:
 1. Notify the EMS Agency within three (3) working days after an allegation has been validated as potential for disciplinary cause.
 2. Notify the EMS Agency and the medical director that has jurisdiction in the county in which the alleged action occurred within three (3) working days if the EMT or A/EMT:
 - a) Certificate is terminated or suspended.
 - b) Resigns or retires following notification of impending investigation based upon the evidence that would indicate the existence of disciplinary cause.
 - c) Is removed from EMT or A/EMT related duties for disciplinary cause after completion of the employer's investigation.
 3. Upon completion of an investigation and upon determining the disciplinary or certification action to be taken:
 - b) Complete a statement certifying the disciplinary decision made and the date the decision was made. This statement shall contain:
 - 1) Findings of fact.
 - 2) A determination of issues.
 - 3) A disciplinary plan in accordance with the Recommended Guidelines for Disciplinary Orders and Conditions of Probation for EMT (Basic) and Advanced EMT, EMSA #134, effective 4-1-2010.
 - 4) The date the disciplinary plan shall take effect.
 4. Place a written statement in the EMT or A/EMT personnel file.
 5. Submit the disciplinary plan within three (3) working days of adoption to:
 - a) The EMS Agency.
 - b) If applicable, the local EMS agency that issued the EMT or A/EMT certificate.
 - c) If applicable, in instances where the EMT or A/EMT certificate was issued by a non-LEMSA certifying entity, submit the plan to the local

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EMS agency that has jurisdiction in the county in which the headquarters of the certifying entity is located.

6. When submitting the disciplinary plan as required above include all relevant findings of the investigation.

III. Off Duty Allegations or Occurrences:

- A. Relevant employers shall notify the EMS Agency with 24 hours or 72 hours as specified in EMS Policies No. 6101 and 6102 respectively for any occurrence or allegation of conduct listed in Health and Safety Code Section 1798.200(c) by an EMT or A/EMT occurring while that person was off duty. This reporting requirement specifically includes any and all arrests.

IV. Relevant Employer Policy Requirements:

- A. As stated above, California Code of Regulations, Title 22, Division 9, Chapter 6, Section 100216 requires each relevant employer to develop and adopt policies and procedures for the implementation of the provisions of Chapter 6 for the Process for EMT and Advanced EMT Disciplinary Action. These policies and procedures must be in accordance with the provisions of Chapter 6 and address all of the applicable requirements of Chapter 6.
- B. Relevant employers must submit their policies and procedures for the implementation of Chapter 6 for the Process for EMT and Advanced EMT Disciplinary Action to the San Joaquin EMS Agency by no later than October 1, 2010. Such policies and procedures must either provide details regarding implementation of Chapter 6 by the relevant employer, or state that the relevant employer has elected to enter into an agreement with the EMS Agency to implement Chapter 6.
- C. The policies and procedures adopted by relevant employers of firefighters certified as an EMT or A/EMT shall be in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.
- D. Relevant employers choosing to enter into an agreement with the EMS Agency referring all disciplinary investigations to the EMS Agency in order to satisfy the requirements of Chapter 6 must notify the EMS Agency of their decision by no later than September 1, 2010.

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