



**TITLE: PROCES SFOR EMT AND AEMT DISCIPLINARY
ACTION – RELEVENAT 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 AEMT employees that have or may have committed actions considered as evidence of a threat to public health and safety as specified in Heath 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" or "AEMT" means a person who has successfully completed an AEMT 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 AEMT certifying entity.
- B. "SJCEMSA" means the San Joaquin County Emergency Medical Services Agency.
- C. "Certificate" means a valid Emergency Medical Technician (EMT) or AEMT certificate issued pursuant to Division 2.5 of the California Health and Safety Code.
- D. "Emergency Medical Technician" or "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 entity.
- E. "Medical Director" means the SJCEMSA Medical Director.
- F. "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 AEMT whether as a paid employee or a volunteer.
- G. "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:

It is the policy of SJCEMSA to require relevant employers of EMS personnel to properly identify and report to SJCEMSA any violations or possible violations of EMS policy, statutes, or regulations and to properly investigate and report findings to SJCEMSA.

PROCEDURE:

Effective: July 1, 2023
Supersedes: August 20, 2010

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- 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.
- 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 AEMT disciplinary actions for incidents that occur while the EMT or AEMT is on duty and directly related to their job as an EMT or AEMT (e.g. functioning outside their scope of practice).
 - B. Relevant employers may choose to enter into an agreement with SJCEMSA to allow SJCEMSA to conduct disciplinary investigations on behalf of the relevant employer. Relevant employers which choose not to enter into an agreement with SJCEMSA may request SJCEMSA to conduct an investigation on a case by case basis.
 - C. Relevant employers shall:
 - a. Notify SJCEMSA within three (3) working days after an allegation has been validated as potential for disciplinary cause.
 - b. Notify SJCEMSA 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 AEMT:
 - 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 AEMT related duties for disciplinary cause after completion of the employer's investigation.
 - c. Upon completion of an investigation and upon determining the disciplinary or certification action to be taken:
 - a) 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.

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- 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.
- d. Place a written statement in the EMT or AEMT personnel file.
- e. Submit the disciplinary plan within three (3) working days of adoption to:
- i. SJCEMSA.
 - ii. If applicable, the local EMS agency that issued the EMT or AEMT certificate.
 - iii. If applicable, in instances where the EMT or AEMT certificate was issued by a non-LEMSA certifying entity, submit the plan to the local EMS agency that has jurisdiction in the county in which the headquarters of the certifying entity is located.
- f. 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 SJCEMSA with twenty-four (24) hours or seventy-two (72) hours as specified in SJCEMSA 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 AEMT 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 SJCEMSA by no later than October 1, 2010. Such policies

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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 SJCEMSA to implement Chapter 6.

- C. The policies and procedures adopted by relevant employers of firefighters certified as an EMT or AEMT 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 SJCEMSA referring all disciplinary investigations to SJCEMSA in order to satisfy the requirements of Chapter 6 must notify SJCEMSA of their decision by no later than September 1, 2010.

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