

**TITLE: EMT and ADVANCED EMT DISCIPLINARY ACTION
– EMS AGENCY RESPONSIBILITIES**

EMS Policy No. 2710

PURPOSE: The purpose of this policy is to specify the responsibilities of EMS Agency investigating and taking disciplinary action for EMT and Advanced EMT personnel 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)” means a person who has successfully completed an Advanced 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 entity.
- B. “Certificate holder” means an individual that has been issued a valid EMT or Advanced EMT certificate pursuant to Health and Safety Code Division 2.5.
- 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. “EMS Agency” means the San Joaquin County EMS Agency.
- F. “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 entity.
- G. “Medical Director” means the medical director of the San Joaquin County EMS Agency.
- H. “Relevant employer(s)” means those ambulance service providers 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.

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.

Effective: August 20, 2010
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II. Evaluation of Information:

- A. The Medical Director or designee shall evaluate information received from a credible source, including information obtained from an application, medical audit or complaint, alleging or indicating the possibility of a threat to the public health and safety by the action of an applicant for, or a holder of, an EMT or Advanced EMT certificate.
- B. If the Medical Director or designee determines that further inquiry into the situation is necessary or that disciplinary action may be warranted, the Medical Director shall conduct an investigation or refer the case to the relevant employer for investigation in accordance with the provisions of his policy.

III. Due Process:

- A. The disciplinary action for on duty occurrences or violations involving firefighters shall be conducted in accordance with the Firefighter Procedural Bill of Rights.

IV. Jurisdiction of the Medical Director:

- A. The Medical Director or designee shall conduct investigations to validate allegations for disciplinary cause when either the applicant or certificate holder is not an employee of a relevant employer, the relevant employer does not conduct an investigation, or the relevant employer requests that the EMS Agency conduct the investigation. Upon determination of disciplinary cause, the Medical Director may take certification action as necessary against an applicant or certificate holder.
- B. The Medical Director may upon determination of disciplinary cause take action against an applicant or certificate holder to deny, suspend, revoke, or place on probation upon finding the occurrence of any of the actions listed in Health and Safety Code, Section 1798.200 (c) and for which any of the following conditions are true:
 - 1) The relevant employer, after conducting an investigation, failed to impose discipline for the conduct under investigation 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.
 - 2) The Medical Director determines that the conduct requires disciplinary action against the applicant or certificate holder.
- C. If action is taken against an applicant or certificate holder the EMS Agency shall notify the EMS Authority of such action and enter the information into the EMT Central Registry.

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V. Determination of Action:

- A. Upon determining the certification action to be taken, or Medical Director shall complete and place in the personnel file or any other file used for any personnel purposes by the EMS Agency, a statement certifying the decision made and the date the decision was made. The decision must contain findings of fact and a determination of issues, together with the disciplinary plan and the date the disciplinary plan shall take effect.
- B. In the case of a temporary suspension order pursuant to Section 100209 (c) of the CCR, it shall take effect upon the date the notice required by Section 100213 of the CCR is mailed to the certificate holder.
- C. For all other certification actions, the effective date shall be thirty days from the date the notice is mailed to the applicant for, or holder of, a certificate unless another time is specified or an appeal is made.

VI. Temporary Suspension Order:

- A. The Medical Director may temporarily suspend a certificate prior to hearing if, the certificate holder has engaged in acts or omissions that constitute grounds for denial or revocation according to Section 100216(c) of the CCR and if in the opinion of the Medical Director permitting the certificate holder to continue to engage in certified activity would pose an imminent threat to the public health and safety.
- B. Prior to, or concurrent with, initiation of a temporary suspension order of a certificate pending hearing, the Medical Director shall consult with the relevant employer of the certificate holder.
- C. The notice of temporary suspension pending hearing shall be served by registered mail or by personal service to the certificate holder immediately, but no longer than three (3) working days from making the decision to issue the temporary suspension. The notice shall include the allegations that allowing the certificate holder to continue to engage in certified activities would pose an imminent threat to the public health and safety.
- D. Within three (3) working days of the initiation of the temporary suspension by the Medical Director, the Medical Director and relevant employer shall jointly investigate the allegation in order for the Medical Director to make a determination of the continuation of the temporary suspension.
 - 1) All investigatory information, not otherwise protected by the law, held by the EMS Agency and the relevant employer shall be shared between the parties via facsimile transmission or overnight mail relative to the decision to temporarily suspend.

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- 2) The EMS Agency shall serve within fifteen (15) calendar days an accusation pursuant to the California Administrative Procedures Act.
 - 3) If the certificate holder files a Notice of Defense, the administrative hearing shall be held within thirty (30) calendar days of the EMS Agency's receipt of the Notice of Defense.
 - 4) The temporary suspension order shall be deemed vacated if the EMS Agency fails to serve an accusation within fifteen (15) calendar days or fails to make a final determination on the merits within fifteen (15) calendar days after the Administrative Law Judge renders a proposed decision.

VII. Final Determination of Certification Action by the Medical Director:

- A. Upon determination of certification action following an investigation, and appeal of certification action pursuant to Section 100211.1 of the CCR, if the respondent so chooses, the Medical Director may take the following final actions on an EMT certificate:
 - 1) Probation:
 - (a) Medical Director may place a certificate holder on probation any time an infraction or performance deficiency occurs which indicates a need to monitor the certificate holder's conduct in the EMS system, in order to protect the public health and safety. The term of the probation and any conditions shall be 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. The Medical Director may revoke the EMT certificate if the certificate holder fails to successfully complete the terms of probation.
 - 2) Suspension:
 - (a) The Medical Director may suspend an individual's EMT or Advanced EMT certificate for a specified period of time for disciplinary cause in order to protect the public health and safety. The term of the suspension and any conditions for reinstatement shall be 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. Upon the expiration of the term of suspension, the individual's certificate shall be reinstated only when all conditions for reinstatement have been met. The medical director shall continue the suspension until all conditions for reinstatement have been met. If the suspension period will run past the expiration date of the certificate, the EMT or Advanced EMT must meet the recertification requirements for certificate renewal prior to the expiration date of the certificate to avoid routine issues related to having a lapsed certificate.

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3) Denial or Revocation:

(a) The Medical Director may deny or revoke any applicant or certificate holder for disciplinary cause that has been investigated and verified by application of this policy.

(b) The Medical Director shall deny or revoke an applicant or certificate holder for any disqualifying offense listed in EMS Policy No. 2702, Denial or Revocation of Certification.

B. Disciplinary action by the Medical Director shall be valid statewide and honored by all certifying entities for a period of at least twelve (12) months from the effective date of the certification action. An EMT or Advanced EMT whose application was denied or whose certification was revoked by the Medical Director shall not be eligible to apply for EMT or Advanced EMT certification with any other certifying entity for a period of at least twelve (12) months from the effective date of the certification action. An EMT or Advanced EMT placed on probation must complete their probationary requirements with the EMS Agency.

VIII. Notification of Final Decision:

A. The Medical Director shall notify the applicant or certificate holder and his/her relevant employer(s) of the final decision of disciplinary certification action within ten (10) working days after making the final determination.

B. The notification of final decision shall be served by registered mail or personal service and shall include the following information:

1) The specific allegations or evidence which resulted in the certification action.

2) The certification action(s) to be taken and the effective date(s) of the certification action(s) including the duration of the action(s).

3) Which certificate(s) the certification action applies to in cases of holders of multiple certificates.

4) A statement that the certificate holder must report the certification action within ten (10) working days to any other relevant employer in whose jurisdiction the certificate is used.

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