

SAN LUIS OBISPO COUNTY EMERGENCY MEDICAL SERVICES AGENCY
PREHOSPITAL POLICY

Policy Reference No: 309
Effective Date: 12/01/11
Supersedes: 09/01/11
Review Date: 12/01/11

SUBJECT: EMS PERSONNEL INVESTIGATION AND DISCIPLINARY PROCESS

PURPOSE

To identify guidelines for investigating and taking disciplinary action in relation to EMT certification, Paramedic accreditation and MICN authorization in San Luis Obispo County.

AUTHORITY

- A. California Health and Safety Code, Division 2.5., Section 1797.202 (c); 1798.200 - 1798.211.
- B. California Code of Regulations (“CCR”), Title 22, Division 9, Section 100165, 100166, 100167, 100079, 100201 – 100217 and 100404
- C. California Government Code, Sections 11370 et seq. (Administrative Procedure Act), CCR, Title 1, Sections 1000-1050.
- D. Firefighter Procedural Bill of Rights Act, California Government Code 3250 – 3262.
- E. San Luis Obispo County EMS Agency Policies 110, 301.1, 301.2, 302.1, 302.2, 303

DEFINITIONS

- A. Accreditation: A document that attests that a currently licensed Paramedic meets local criteria to provide ALS patient care; this care is provided under the direction of the EMS Agency Medical Director in accordance with local scope of practice.
- B. Authorization: A document that attests that an MICN meets the local criteria to provide on-line communications between Base Hospital physicians and Paramedics functioning on duty in the prehospital setting in San Luis Obispo County.
- C. Certificate: A document issued to an individual denoting competence in the named area of prehospital service. (§1797.61)
- D. Emergency Medical Services Agency (EMS Agency): The agency having primary responsibility for administration of emergency medical services in San Luis Obispo County. (§1797.94)
- E. Emergency Medical Technician (EMT): An individual trained in prehospital and Basic Life Support (BLS) skills that possesses a valid Emergency Medical

Technician (EMT) Certificate as prescribed by local and state regulations.
(§1797.80)

- F. Emergency Medical Technician Paramedic (Paramedic): An individual who is educated and trained in all elements of prehospital advanced life support; whose scope of practice to provide advanced life support is in accordance with the standards prescribed by Title 22; and who has a valid California State Paramedic License
- G. Mobile Intensive Care Nurse (MICN): A currently licensed Registered Nurse in the State of California who has completed both an EMS Agency approved MICN training or orientation program and the authorization process as prescribed by San Luis Obispo County Emergency Medical Services Agency Prehospital Policy #303.
- H. Recommended Guidelines for Disciplinary Orders and Conditions of Probation: California Emergency Medical Services Authority's Recommended Guidelines for Disciplinary Orders and Conditions of Probation¹ and Recommended Guidelines for Disciplinary Orders and Conditions of Probation for EMT (Basic) and Advanced EMT (EMT-II).
- I. Relevant Employer: A public safety agency or an ambulance provider permitted by the California Highway Patrol.

POLICY

- A. All certification, accreditation and authorization applicants are required to inform the EMS Agency of the following:
 - 1. If convicted of any crime other than a minor traffic violation.
 - 2. Any certification or licensure action against and EMT, Advanced EMT, EMT-II certificate, Paramedic license or MICN authorization including active investigations by a LEMSA or in the case of a Paramedic, licensure action by the state EMS Authority.
 - 3. Any action against any EMS-related certification or license of another state or other issuing entity, including active investigations.
 - 4. Any action against any health related license.
- B. If any action or active investigation is indicated on the EMS Agency application, applicant must include an explanation letter regarding the investigation and/or conviction(s) in detail, and must include copies of verifying documentation from the court.
- C. Failure to report such convictions may result in certification, accreditation and/or authorization denial, suspension or revocation.
- D. The Medical Director of the EMS Agency or his or her designee² may revoke, deny, temporarily suspend or issue a restricted EMT certification, Paramedic accreditation

¹ California Emergency Medical Services Authority's Recommended Guidelines for Disciplinary Orders and Conditions of Probation as defined in Title 22, Division 9, Chapter 4 regarding paramedic disciplinary issues.

² California Health & Safety Code, Section 1797.202(c) provides that the Medical Director of the local EMS Agency "may assign to administrative staff of the local EMS agency for completion under the supervision of the medical director, any administrative functions of his or her duties which do not require his or her professional judgment as medical director." Therefore, the Medical

and MICN authorization based on criteria included in California Code of Regulations and Recommended Guidelines for Disciplinary Orders and Conditions of Probation as outlined in the San Luis Obispo County EMS Agency Investigation and Discipline Process for EMS Personnel Guide

- E. If at any time during the EMT certification, Paramedic accreditation or MICN authorization period, through the CQI process the employer or EMS Agency Medical Director determines that a need for additional training, observation or testing exists; The employer, EMS Agency Medical Director or his or her designee may create a specific and targeted program of remediation based upon the identified need of the individual. If there is disagreement between the individual, the employer and/or the EMS Agency Medical Director, the decision of the EMS Agency Medical Director shall prevail. (Title 22, Division 9, Chapter 4, Section 100167 (b)(6))
- F. If the individual fails to successfully complete this targeted program of remediation the EMS Agency Medical Director may suspend or revoke the certification, accreditation or authorization for a minimum of one (1) year and up to two (2) years. (Title 22, Division, 9, Section 100165 (g) & (i))
- G. When an allegation involving an EMT certification is validated, the following shall be conducted according to the California Code of Regulations, the California Health and Safety Code, Recommended Guidelines for Disciplinary Orders and Conditions of Probation and The Firefighter Procedural Bill of Rights Act as outlined in the San Luis Obispo County EMS Agency Investigation and Discipline Process for EMS Personnel Guide:
 - 1. When an EMT is employed by a relevant employer, the relevant employer may conduct an investigation, determine cause for disciplinary action and make a recommendation to the EMS Agency Medical Director about certification action.
 - 2. When an EMT is not employed by a relevant employer or when a relevant employer does not conduct an investigation, the EMS Agency may conduct an investigation, determine cause for disciplinary action and make a recommendation to the EMS Agency Medical Director about certification action.
 - 3. Certification action may include denial, revocation, suspension or probation.
 - 4. When an EMT is employed by a public safety fire agency, disciplinary proceedings shall be conducted in accordance with The Firefighter Procedural Bill of Rights Act.
- H. Investigations and disciplinary actions relating to Paramedic accreditation shall be conducted in accordance with the California Code of Regulations, the California Health and Safety Code, Recommended Guidelines for Disciplinary Orders and Conditions of Probation and The Firefighter Procedural Bill of Rights Act as outlined in the San Luis Obispo County EMS Agency Investigation and Discipline Process of EMS Personnel Guide.
- I. Negative action against any MICN authorization may be instituted by the EMS Medical Director based upon the finding of an imminent threat to the public health and safety as evidenced by the occurrence of any of the items listed in the Health and Safety Code, Division 2.5, Chapter 7, Section 1798.200(c) as outlined in the

San Luis Obispo County EMS Agency Investigation and Discipline Process for EMS Personnel Guide.

- J. Paramedic accreditation and MICN authorization holders may request an IRP in accordance with EMS Agency policy # 310 *Investigative Review Panel* to review negative actions. The EMS Agency shall assure that all such individuals are apprised of their right to due process.
- K. An application for or the holder of a certificate shall be denied and does not require an IRP or an administrative hearing if the individual fails to meet the application or re-application requirements for certification, accreditation or authorization in San Luis Obispo County.
- L. The employer and appropriate state authority will be notified of any disciplinary action taken against a certification, accreditation or authorization.