

SIERRA-SACRAMENTO VALLEY EMS AGENCY PROGRAM POLICY

REFERENCE NO. 926

SUBJECT: EMT-I CERTIFICATION REVIEW / DISCIPLINE PROCESS

I. PURPOSE

To ensure due process for EMT-I certificate disciplinary actions. To comply with all applicable state statutes and regulations regarding EMT-I certification discipline. This includes probation, suspension, revocation, denial, denial of renewal, and lesser actions.

II. AUTHORITY

California Health and Safety Code, Division 2.5, Sections 1798.200, et seq.

California Government Code, Title 2, Division 3, Chapter 5, Sections 11507.6, 11507.7, 11513, and 11514.

California Code of Regulations, Title 22, Division 9, Chapter 2, Sections 100056, et seq. and Chapter 6 100201, et seq.

III. POLICY

A disciplinary action will be based upon information/facts acquired through a two-stage inquiry process. This inquiry process is comprised of initial fact finding and a formal investigation. The EMS Agency shall assure that the due process rights of affected personnel are preserved and protected. This includes, but is not limited to, notification of allegations/formal investigation, right to legal or other counsel, Investigative Review Panel (IRP) and discovery of information being used by the medical director. (See policy Ref. #926A).

IV. PROCEDURE

A. Evaluation and Investigation.

The Medical Director of the EMS Agency 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 holder of, a certificate. If the Medical Director of the EMS Agency determines, following evaluation of the information, that further inquiry into the situation is necessary or that disciplinary action may be warranted, the Medical Director may conduct an investigation of the allegations. (CCR §100210).

Effective Date: 05/01/2006

Date last Reviewed / Revised: 02/06

Next Review Date: 02/2010

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Approved:

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B. Determination and Notification of Action

1. Determination of Disciplinary Action by Medical Director

- a. The Medical Director of the local EMS Agency shall determine what disciplinary action, if any, relative to the individual's certificate(s) shall be taken as a result of the findings of the investigation. (CCR §100212(a)).
- b. Upon determining the disciplinary action to be taken relative to an individual's certificate(s), the Medical Director shall complete, and place in the record, a statement certifying the decision made by him/her and the date the decision was made. The decision must contain findings of fact and a determination of issues, together with the disciplinary action and the date the disciplinary action shall take effect. An immediate suspension shall take effect upon the date the notice required by CCR §100213 (Section B, 5 of this Policy) is mailed to the certificate holder by certified mail or personally served. For all other disciplinary actions, the effective date shall be thirty (30) days from the date the notice is mailed to the applicant for, or holder of, a certificate by certified mail or personally served unless an IRP is requested. If an IRP is requested, the effective date of the disciplinary action shall be thirty (30) days from the date the notification of the Medical Director's final decision following the IRP is mailed to the applicant for, or holder of, a certificate by certified mail or personally served. The statement shall include the signature of the Medical Director, the date signed, and the location where the statement was signed. (CCR §100212(b)).

2. Immediate Suspension

- a. The Medical Director of the EMS Agency may immediately suspend a certificate if, in the opinion of the Medical Director, immediate suspension is necessary to ensure the public health and safety.
- b. Prior to or concurrent with initiation of an immediate suspension of a certificate, the certificate holder and his/her relevant employer(s), shall be notified as specified in CCR §100217 (Section B, 5 of this Policy). The notice shall be served by certified mail or in person.
- c. An individual whose certificate has been immediately suspended may request an IRP, if an IRP was not held prior to the immediate suspension. Such a request must be made in writing to the Medical Director and sent by certified mail within fifteen (15) days from the date written notification of the immediate suspension is received.

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- d. In addition to the provisions of this section, the IRP convened to review the case for an immediate suspension shall operate pursuant to the requirements, with the exception of the time frames, for an IRP described in CCR §100211 (S-SV EMS Agency Policy Reference No. 926-A Investigative Review Panel (IRP) Hearing Procedures).
 - e. Within fourteen (14) days of receipt of the certificate holder's request, the Medical Director shall convene an IRP to review the facts that prompted the immediate suspension of the individual's certificate.
 - f. The Medical Director shall present evidence for review by the IRP that prompted the immediate suspension.
 - g. Within seven (7) days of the IRP review of the facts that prompted the immediate suspension, the certificate holder shall be notified, by certified mail, of the IRP's findings and recommendations and the Medical Director's decision regarding continuation of the suspension. (CCR §100213).
3. Placement of a Certificate Holder on Probation.

Pursuant to CCR §100207, the Medical Director of the EMS Agency may place a certificate holder on probation any time an infraction or performance deficiency occurs that indicates a need to monitor the individual's conduct in the EMS system in order to protect the public health and safety. The term of the probation and any conditions, such as satisfactory completion of remedial training, shall be determined by the Medical Director based on the facts of the case. The individual's performance shall be reviewed periodically during the probationary period, in accordance with EMS Agency policies and procedures. (CCR §100214).

4. Suspension of a Certification.

The Medical Director of the local EMS Agency may suspend an individual's EMT-I certificate for a specified period of time for actions listed in California Health and Safety Code § 1798.200(c) in order to protect the public health and safety. The term of the suspension and any conditions for reinstatement, such as satisfactory completion of remedial training, shall be determined by the Medical Director based on the facts of the case. Upon the expiration of the term of suspension, the individual's certificate shall be reinstated if all conditions for reinstatement have been met. If the conditions for reinstatement have not been met, or the individual cannot demonstrate that s/he retains the necessary knowledge and skills or it can be proven the individual practiced emergency

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medical care, pursuant to the certificate under suspension, during the term of suspension, the Medical Director shall continue the suspension until all conditions for reinstatement have been met and/or may begin proceedings for further disciplinary action. If the suspension period will run past the expiration date of the certificate, the individual must meet the recertification requirements for certificate renewal prior to the expiration date of the certificate. (CCR §100215).

5. Notification of Action.

For all action other than an immediate suspension, the Medical Director shall notify the applicant/certificate holder and his/her relevant employer(s) of the disciplinary action within ten (10) days after making the final determination of what that action shall be. The notification shall be served by certified mail or in person and shall include the following information:

- a. the specific allegations or evidence which resulted in the disciplinary action;
- b. a summary of the findings of the investigation, including the findings and recommendation of the IRP, if one was convened;
- c. the disciplinary action(s) to be taken, and the effective date(s) of the action(s), including the duration of the action(s);
- d. Which certificate(s) the action applies to in cases of multiple certificate holders;
- e. A statement that the certificate holder must report the disciplinary action to any other local EMS Agency in whose jurisdiction s/he uses the certificate;
- f. If the certificate holder has been placed on probation, a statement that, during the probationary period, the certificate holder must report the probation if s/he applies for certification or accreditation from another certifying authority or local EMS Agency;
- g. If the certificate has been suspended, a statement that the certificate holder must report that suspension if s/he applies for any certification or accreditation from another certifying authority or EMS Agency; or
- h. If the certificate has been denied or revoked, a statement that s/he must report that action if s/he applies for any certification or accreditation from another certifying authority or EMS Agency, and that his/her application may be denied unless s/he presents documentation which, in the opinion of the Medical Director of the EMS Agency, demonstrates that the threat to the public health and safety which was the basis for the denial or revocation is no longer applicable;

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- i. Within fifteen (15) days of receipt of the final decision, the individual's right to file with the EMS Agency, in writing and by certified mail, a response to the final decision in which the individual may:
 - (i) concur with the disciplinary action;
 - (ii) request an IRP review of the disciplinary action if no IRP was convened;

- j. Information on the IRP process; a copy of the S-SV EMS Agency's EMT-I Certification Review / Discipline Process Reference 926 and Investigative Review Panel (IRP) Hearing Procedures, Reference No. 926-A; a copy of California Code of Regulations, Title 22, Chapter 6; California Government Code §§ 11500 through 11529; and a copy of any local policies and procedures developed for local implementation of California Code of Regulations, Title 22, Chapter 6. (CCR §100217; California Government Code §§ 11505, 11506).

If the EMT-I does not accept the Medical Director's disciplinary action the EMT-I may, within 15 calendar days of the date that written notification of the decision to take disciplinary action is received, request in writing that an IRP be convened. Within thirty days of receipt of such request, the Medical Director shall convene an IRP to review the facts of the case and make a recommendation.

Note: Reviewed and approved by the State EMS Authority per §100218, Chapter 6, Division 9 of the California Code of Regulations on November 1, 2006.