

Tuolumne County Emergency Medical Services Agency
EMS System Policies and Procedures

Policy: **DISCIPLINARY REVIEW**

275.00

Medical Director: _____



Creation Date: 06-15-07

Revision Date: 05-2017

EMS Coordinator: _____



Review Date: 05-2022

I. **AUTHORITY:**

Health and Safety Code, Division 2.5, Section 1797.220, 1797.202, 1798.200, 1798.202; California Code of Regulations, Title 22, Division 9, Chapter 6, Administrative Procedures Act (Government Code), Title 2, Division 3, Chapter 5, Sections 11507.6, 11507.7, 11513 and 11514.

II. **DEFINITIONS:**

A. "EMS Agency" means the Tuolumne County Emergency Medical Services Agency.

B. "Certificate" means any one of the following:

1. Any valid Emergency Medical Technician (EMT) certificate issued pursuant to Health and Safety Code Division 2.5;
2. Any valid Advanced Emergency Medical Technician (AEMT) certificate issued pursuant to Health and Safety Code Division 2.5;
3. Any valid Emergency Medical Technician-P (EMT-P) license issued pursuant to Health and Safety Code Division 2.5;
4. Any valid Flight Nurse (FN) authorization issued pursuant to Health and Safety Code Division 2.5.
5. Any valid First Responder/Emergency Medical Responder certificate issued by a local EMS agency or public safety agency.

III. **PURPOSE:**

The purpose of this policy is to provide an overview of the Tuolumne County Emergency Medical Services (EMS) Agency's process for license, accreditation, authorization, and certification disciplinary review. This policy will also assure that discipline is provided in a consistent and equitable manner.

IV. **POLICY:**

- A. The medical director of the EMS Agency may take disciplinary action against a certificate holder for which any of the following are true:
 - i. The certificate was issued by the EMS Agency;
 - ii. The certificate holder utilizes or has utilized the certificate, accreditation or authorization issued by the EMS Agency.
- B. Disciplinary proceedings shall be conducted in accordance with California Code of Regulations, Title 22, Division 9, Chapter 6, Section 11415.60 of the California Administrative Procedure Act (Government Code, Title 2, Division 3, Part 1)
- C. All disciplinary actions shall be performed according to the provisions of Health and Safety Code 2.5, Section 1798.202.
- D. Notification to the EMS Authority shall be made in the manner prescribed by

the EMS Authority. If the final action is a recommendation to the EMS Authority for disciplinary action of an EMT-P license, a summary explaining the actions of the EMT-P that pose a threat to the public health and safety pursuant to Section 1798.200 of the Health and Safety Code and all documentary evidence, relative to the recommendation shall be forwarded to the EMS Authority.

- E. Request for discovery, petitions to compel discovery, evidence and affidavits shall be conducted pursuant to the Administrative Procedures Act (Government Code, Title 2, Chapter 5, Sections 11507.6, 11507.7, 11513, 11514).
- F. An application for certification or recertification shall be denied and does not require an Investigative Review Panel or the Medical Director's professional judgment, when an applicant fails to meet the requirements contained in EMS Agency policy, for certification or recertification.

V. DISCIPLINARY CONSIDERATION:

The following factors shall be considered when determining the appropriate discipline:

- A. Nature and severity of the act(s), offense(s), or crime(s) under consideration;
- B. Actual or potential harm to the public;
- C. Actual or potential harm to any patient;
- D. Prior disciplinary record;
- E. Prior warnings on record or prior remediation;
- F. Number and/or variety of current violations;
- G. Aggravating evidence;
- H. Mitigating evidence;
- I. Any discipline imposed by the paramedic's employer for the same occurrence of that conduct;
- J. Rehabilitation evidence;
- K. In case of a criminal conviction, compliance with terms of the sentence and/or court-ordered probation;
- L. Overall criminal record;
- M. Time that has elapsed since the act(s) or offense(s) occurred;
- N. If applicable, evidence of expungement proceedings pursuant to Penal Code 1203.4

VI. DISCIPLINARY GUIDELINES:

The EMS Medical Director has the sole discretion when determining disciplinary actions. However, the EMS Medical Director shall consult the following documents when determining the discipline to be administered:

- A. EMSA Publication #134, Recommended Guidelines for Disciplinary Orders and Conditions of Probation for EMT and Advanced EMT;
- B. Tuolumne County EMS Agency Disciplinary Matrix.