

	COUNTY OF SACRAMENTO EMERGENCY MEDICAL SERVICES AGENCY	Document #	4050.19
	<u>PROGRAM DOCUMENT:</u> Certification/Accreditation Review Process	Initial Date:	03/21/95
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Signature on File
EMS Medical Director

Signature on File
EMS Administrator

Purpose:

- A. To describe the Certification Review Process (CRP) of the Sacramento County Emergency Medical Services Agency (SCEMSA). This policy shall apply to Emergency Medical Technician (EMT), Mobile Intensive Care Nurse (MICN), Emergency Medical Responder (EMR) certification, and Paramedic accreditation.

Authority:

- A. California Health and Safety Code, Division 2.
- B. California Code of Regulations, Title 22, Division 9

Procedure:

- A. The relevant employer and SCEMSA shall adhere to the provisions of this policy, in applicable situations, when investigating or implementing any actions for a disciplinary cause.
- B. The California Emergency Medical Services Authority (EMSA) may fine, deny, suspend, or revoke any accreditation/license/certification or may place any accreditation/license/certification issued under the Health & Safety Code, Division 2.5, on probation upon the finding by the Director of the occurrence of any of the actions listed below in Denial or Revocation of a Certificate, C, and D.
- C. Sacramento County Emergency Medical Services Agency (SCEMSA) may deny, suspend, or revoke any Paramedic accreditation, EMT/EMR certification, or may place any Paramedic accreditation, EMT/EMR certification, issued under the Health & Safety Code, Division 2.5, on probation upon the finding by the Medical Director of the occurrence of any of the actions listed under Denial or Revocation of a Certificate, C, and D.

Due Process:

- A. Disciplinary proceedings shall be conducted in accordance with the California Code of Regulations, Title 22, Division 9, Chapter 6.
- B. Paramedic accreditation actions shall be performed according to the California Code of Regulations Title 22, Chapter 4.
- C. Notification to the state Emergency Medical Services Authority (EMSA) shall be entered directly into the Central Registry by the LEMSA within twenty-one (21) days if the final action is a recommendation to EMSA for disciplinary action of a Paramedic license, a summary explaining the actions of the Paramedic that are a threat to the public health and safety pursuant to the Health and Safety Code, Section 1798.200. and all documentary evidence, relative to the recommendation, collected by the SCEMSA Medical Director shall be forwarded to the Authority.

- D. Request for discovery, petitions to compel discovery, evidence, and affidavits for an administrative hearing shall follow the Administrative Procedures Act (Government Code, Division 3, Title 2, Chapter 5, commencing with Sections 11500).

Criteria for Disciplinary Action:

- A. The Relevant Employer or certifying entity must first determine that a threat to public health and safety exists, as evidenced by the occurrence of the actions listed in the Health and Safety Code, Section 1798.200(c), prior to taking disciplinary or certification action.
- B. A crime or act substantially related to the qualifications, functions, or duties of a certificate holder if, to a substantial degree, it evidences the unfitness of a certificate holder to perform the functions authorized by the certificate in that it poses a threat to the public health and safety.
- C. All investigations involving an EMT, Paramedic, or EMR who is employed by a public safety agency as a firefighter shall be conducted in accordance with Government Code, Section 3250 et. Seq. title 1, Chapter 9.6, Division 4.

Responsibilities of Relevant Employer for EMR, EMT, and Paramedics:

- A. Each Relevant Employer shall develop and adopt the policies and procedures for local implementation of the provisions of this policy. All local policies and procedures so adopted must be in accordance with these provisions and must address all of the requirements of this policy.
- B. The Relevant Employer may conduct an investigation and, upon determination of disciplinary cause, may develop and implement a disciplinary plan in accordance with the Model Disciplinary Orders (MDO) established by EMSA.
- Disciplinary plans shall be submitted to SCEMSA or the applicable jurisdiction of certification within three (3) working days of adoption, along with the relevant findings of the investigation.
 - The disciplinary plan may include a recommendation that the SCEMSA Medical Director consider taking action against the holder's certificate or accreditation, including suspension, revocation, or placing the certificate or accreditation on probation.
 - Upon determining the disciplinary action to be taken, the Relevant Employer shall complete and place in the personnel file a statement certifying the decision made and the date the decision was made. The decision must contain findings of fact and determinations of issues along with the disciplinary plan, including the effective date of the disciplinary plan.
- C. The relevant employer shall notify the Medical Director within three (3) working days after an allegation has been validated as potential for disciplinary cause.
- D. The relevant employer shall notify the Medical Director that has jurisdiction in the county in which the alleged action occurred within three (3) business days of the occurrence for the following:
- Terminated or suspended for disciplinary cause.
 - Resigns or retires following notification of an impending investigation.

- Removed from related duties for a disciplinary cause after completion of the employer's investigation.

Jurisdiction of the Medical Director:

- A. The SCEMSA Medical Director will forward a complaint against an EMT, Paramedic, or EMR received by SCEMSA to the applicable Relevant Employer within three (3) business days.
- B. The SCEMSA Medical Director shall conduct investigations to validate allegations for disciplinary cause when the certificate or accreditation holder is not an employee of a Relevant Employer or the Relevant Employer does not conduct an investigation.
- C. The SCEMSA Medical Director may take certification or accreditation action against an EMR, EMT, or Paramedic upon the occurrence of any of the following:
 1. The Relevant Employer failed to impose discipline for the conduct under investigation, or the SCEMSA Medical Director determines that discipline imposed by the Relevant Employer was not in accordance with the MDO and that the conduct of the certificate or accreditation holder constitutes grounds for action.
 2. Permitting the certificate or accreditation holder to continue to engage in certified activity without restriction poses an imminent threat to public health and safety.
- D. The SCEMSA Medical Director, after consultation with the Relevant Employer or without consultation when no Relevant Employer exists, may temporarily suspend, prior to a hearing, an EMR/EMT certificate or Paramedic accreditation upon a determination of the following:
 1. The certificate holder has engaged in acts or omissions that constitute grounds for revocation or; **AND**
 2. Permitting the certificate or accreditation holder to continue to engage in certified activity without restriction poses an imminent threat to public health and safety.
- E. Upon determining the disciplinary action to be taken, the SCEMSA Medical Director shall complete and place in the personnel file a statement certifying the decision made and the date the decision was made. The decision must contain findings of fact and determinations of issues along with the disciplinary plan, including the effective date of the disciplinary plan.
- F. Upon determination of certification or accreditation action following an investigation and appeal of certification or accreditation action if the respondent so chooses, the SCEMSA Medical Director may take the following final actions on an EMR/EMT certificate or Paramedic accreditation:
 1. Place the certificate holder on probation
 2. Suspension
 3. Denial
 4. Revocation
 5. No action is needed
- G. SCEMSA, when determining the certification or accreditation action to be imposed or reviewing a petition for reinstatement or reduction of penalty under Section 11522 of the Government Code, shall evaluate the rehabilitation of the applicant and present eligibility of the respondent. When the certification action warranted is probation, denial, suspension, or revocation, the factors considered are outlined in the California Code of Regulations, Division 9, Title 22, Chapters 4 and 6.

Temporary Suspension Order:

- A. The SCEMSA Medical Director may temporarily suspend, prior to a hearing, the certification of an EMR, EMT, or Paramedic accreditation upon determination of the following:
 1. The certificate holder has engaged in acts or omissions that constitute grounds for revocation; AND
 2. Permitting the certificate holder to continue to engage in certified activity without restriction poses an imminent threat to public health and safety.
- B. Prior to or concurrent with the initiation of a Temporary Suspension Order (TSO) of a certificate pending hearing, the SCEMSA Medical Director shall consult with the Relevant Employer of the certificate holder.
- C. The TSO shall take effect upon the date the notice is mailed to the certificate holder.
- D. The notice of a TSO pending a 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 deciding to issue the TSO. The notice shall include the allegations that allowing the certificate holder to continue to engage in certified activities would pose an imminent threat to public health and safety.
- E. Within three (3) business days of the initiation of the temporary suspension, SCEMSA and the Relevant Employer shall jointly investigate the allegation in order for SCEMSA to make a determination to continue the TSO.
- F. All investigatory information held by SCEMSA and the Relevant Employer shall be shared between parties via facsimile or overnight mail.
- G. SCEMSA shall serve within fifteen (15) calendar days an accusation pursuant to Chapter 5 (commencing with Section 11500) of Part 1, Division 3, Title 2 of the Government Code (Administrative Procedures Act).
- H. The certificate holder has fifteen (15) days to file a Notice of Defense. The administrative hearing shall be held within thirty (30) days of the SCEMSA's receipt of the Notice of Defense.
- I. The TSO shall be deemed vacated if SCEMSA 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 (ALJ) renders a proposed decision.

Certificate Holder Probation:

- A. The SCEMSA 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 public health and safety.
- B. The terms of the probation and any conditions shall be in accordance with MDO established by the EMSA. The SCEMSA Medical Director that placed the certificate holder on probation may revoke the EMR/EMT certificate or Paramedic accreditation if the certificate holder fails to complete the terms of probation.

Suspension of a Certificate or Accreditation:

- A. The SCEMSA Medical Director may suspend an individual's EMR/EMT certificate or Paramedic accreditation for a specified period for disciplinary cause in order to protect public health and safety.
- B. The term of the suspension and any conditions for reinstatement shall be in accordance with MDO established by the EMSA.
- C. 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 SCEMSA Medical Director shall continue the suspension until all conditions for reinstatement have been met.
- D. If the suspension period runs past the expiration date of the certificate or accreditation, the EMR, EMT, or Paramedic shall meet the requirements for certificate or accreditation renewal prior to the expiration date.

Denial or Revocation of a Certificate or Accreditation:

- A. The SCEMSA Medical Director may deny or revoke any certificate or accreditation for a disciplinary cause that has been investigated and verified by application of this policy.
- B. Applicants shall be denied without prejudice and do not require an Administrative Hearing when an applicant does not meet the requirements for certification, recertification, or accreditation. The requirements include but are not limited to failure to furnish additional information or documents requested by SCEMSA or failure to pay the established fee.
- C. The SCEMSA Medical Director may deny or revoke an EMR/EMT certificate or Paramedic accreditation if any of the following apply:
 - 1. Committed any act involving fraud or intentional dishonesty for personal gain within the preceding seven (7) years.
 - 2. Is required to register pursuant to Health and Safety Code, Section 11590.
- D. The SCEMSA Medical Director shall deny or revoke an EMR/EMT certificate or Paramedic accreditation if any of the following apply to the applicant:
 - 1. Has committed any sexually related offense specified under Penal Code, Section 290.
 - 2. Has been convicted of murder, attempted murder, or murder for hire.
 - 3. Has been convicted of two (2) or more felonies.
 - 4. Is on parole or probation for any felony.
 - 5. Has been convicted and released from incarceration for said offense during the preceding fifteen (15) years for the crime of manslaughter or involuntary manslaughter.
 - 6. Has been convicted and released from incarceration for said offense during the preceding ten (10) years for any offense punishable as a felony.
 - 7. Has been convicted of two (2) or more misdemeanors within the preceding five (5) years for any offense relating to the use, sale, possession, or transportation of narcotics or addictive or dangerous drugs.
 - 8. Has been convicted of two (2) or more misdemeanors within the preceding five (5) years for any offense relating to force, threat, violence, or intimidation.
 - 9. Has been convicted within the preceding five (5) years of any theft-related misdemeanor.
- E. This Policy shall not apply to convictions that have been pardoned by the Governor and shall only apply to convictions where the applicant or certificate holder was prosecuted as an adult. Equivalent convictions from other states shall apply to the type of offenses listed

in B or C. As used in this Section, “felony” or “offense punishable as a felony” refers to an offense for which the law prescribes imprisonment in the state prison as either an alternative or the sole penalty, regardless of the sentence the particular defendant received.

- F. This section shall not apply to those EMTs who obtain their California certificate prior to July 1, 2010, unless:
 - 1. The certificate holder is convicted of any misdemeanor or felony after July 1, 2010.
 - 2. The certificate holder committed any sexually related offense specified under Section 290 of the Penal Code.
 - 3. The certificate holder failed to disclose any prior convictions when completing his/her application for initial EMT certification or recertification.
- G. Nothing in this Policy shall negate an individual’s right to appeal a denial or revocation of an EMT certificate pursuant to this Policy.
- H. Certification action by the SCEMSA Medical Director shall be valid statewide and honored by all certifying entities for at least twelve (12) months from the effective date of the certification action.
- I. An EMT whose application was denied or an EMT whose certification was revoked by the SCEMSA Medical Director shall not be eligible for EMT application by another certifying entity for at least twelve (12) months from the effective date of the certification action.

Notification of Final Decision of Certification Action:

- A. For the final decision of certification action, the SCEMSA Medical Director shall notify the applicant/certificate holder and his/her Relevant Employer(s) of the certification action within ten (10) working days after making the final determination.
- B. The notification of the 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) business days to any other Local EMS Agencies and Relevant Employer in whose jurisdiction s/he uses the certificate.

Appeal Process:

- A. SCEMSA will adhere to the Administrative Procedures Act (California Government Code, Title 2, Div. 3, commencing with 11500) when imposing certification action and appeals to certification.
- B. An administrative appeal instituted by a firefighter under the Firefighters Procedural Bill of Rights Act (3245.5) shall be conducted in accordance with California Code, Div. 3, commencing with 11500).

Cross Reference: PD# 4055 – Criminal Background Checks