

1 California Code of Regulations
2 Title 22. Social Security
3 Division 9. Prehospital Emergency Medical Services
4 Chapter 6. Process for EMT-I and Advanced EMT and ~~EMT-II~~ Certification
5 Disciplinary Action
6

7 *The Emergency Medical Services Authority has illustrated changes to the original text in*
8 *the following manner:*
9

- 10 • Additions to original text = underline.
 - 11 • Deletions to the original text = ~~strikeout~~
 - 12 • Additions to amended text = double underline
 - 13 • Deletions to amended text = ~~strikeout~~
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15
16 **Article 1. Definitions**

17 **§ 100201. Certificate.**

18 "Certificate" means a valid Emergency Medical Technician-I (EMT-I) or Advanced EMT
19 ~~or Emergency Medical Technician-II (EMT-II)~~ certificate issued pursuant to Division 2.5.

20 NOTE: Authority cited: Sections 1797.62, 1797.107, 1797.176, and 1798.204, Health
21 and Safety Code.

22 Reference: Sections: 1797.61, 1797.62, 1797.80, 1797.82, 1797.184, 1797.210,
23 1797.211, 1797.216, and 1798.200, Health and Safety Code.

24 **§ 100202. Certifying Authority Entity.**

25 "Certifying ~~authority~~ entity," as used in this Chapter, means ~~the medical director of a~~
26 ~~local EMS agency who, or the public safety agency that, issued the EMT-I or EMT-II~~
27 ~~certificate~~ a public safety agency or the office of the State Fire Marshal if the agency
28 has a training program for EMT personnel that is approved pursuant to the standards
29 developed pursuant to Section 1797.109 of the Health and Safety Code, or the medical
30 director of the local EMS agency (LEMSA).

1 NOTE: Authority cited: Sections 1797.107, 1797.176, 1797.210, 1797.216 and
2 1798.204, Health and Safety Code.

3 Reference: Sections 1797.61, 1797.62, 1797.184, 1797.211, and 1798.204, Health and
4 Safety Code.

5 **§ 100202.1. Disciplinary Cause.**

6 For the purposes of this Chapter, “Disciplinary Cause” means an act that is substantially
7 related to the qualifications, functions, and duties of an EMT and/or Advanced EMT and
8 is evidence of a threat to the public health and safety, per Health and Safety Code
9 Section 1798.200.

10 NOTE: Authority cited: Sections 1797.107, 1797.176, 1797.184, 1797.210, 1797.216
11 and 1798.204, Health and Safety Code.

12 Reference: Sections 1797.61, 1797.62 and 1798.204, Health and Safety Code.

13 **§ 100203. Division 2.5.**

14 "Division 2.5" means Division 2.5 of the Health and Safety Code, the Emergency
15 Medical Services System and Prehospital Emergency Medical Care Personnel Act.

16 NOTE: Authority cited: Sections 1797.107, 1797.176, 1797.184, and 1798.204, Health
17 and Safety Code.

18 Reference: Section 1798.204, Health and Safety Code.

19 **§ 100204. Medical Director.**

20 For the purposes of this Chapter, “medical director” means the medical director of the
21 LEMSA, pursuant to Section 1797.202(a) of the Health and Safety Code.

22 NOTE: Authority cited: Sections 1797.62, 1797.107, 1797.176, 1797.184, and
23 1798.204, Health and Safety Code.

1 Reference: Section 1797.202, Health and Safety Code.

2 **§ ~~100204. Investigative Review Panel.~~**

3 ~~"Investigative review panel" or "IRP" means an impartial advisory body, the members of~~
4 ~~which are knowledgeable in the provision of prehospital emergency medical care and~~
5 ~~local EMS system policies and procedures, which may be convened to review~~
6 ~~allegations against an applicant for, or the holder of, a certificate, assist in establishing~~
7 ~~the facts of the case, and provide its findings and recommendation to the medical~~
8 ~~director of a local EMS agency, in accordance with the process described in Section~~
9 ~~100211 of this chapter.~~

10 ~~NOTE: Authority cited: Sections 1797.107, 1797.176, and 1798.204, Health and Safety~~
11 ~~Code.~~

12 ~~Reference: Section 1798.204, Health and Safety Code.~~

13 **§ 100205. Multiple Certificate Holder.**

14 "Multiple Certificate Holder" means a person who holds an EMT ~~and~~, Advanced EMT,
15 ~~and~~ or EMT-II more than one valid certificate issued pursuant to Division 2.5.

16 NOTE: Authority cited: Sections 1797.107, 1797.176, 1797.184, and 1798.204, Health
17 and Safety Code.

18 Reference: Sections 1797.61, 1797.62, 1797.80, 1797.82, 1797.210, 1797.216 and
19 1798.204, Health and Safety Code.

20 **§ 100206. Relevant Employer(s).**

21 "Relevant employer(s)" means those employers ambulance services permitted by the
22 Department of the California Highway Patrol or a public safety agency, for whom that

1 the certificate holder works for or was working for at the time of the incident under
2 review, as an EMT or Advanced EMT ~~EMT-II~~ either as a paid employee or a volunteer.

3 NOTE: Authority cited: Sections 1797.107, 1797.176, 1797.184, and 1798.204, Health
4 and Safety Code.

5 Reference: Section 1797.61, 1798.200, 1798.204, Health and Safety Code.

6 **§100206.1. Discipline**

7 “Discipline” means either a disciplinary plan taken by a relevant employer pursuant to
8 Section 100206.2 of this Chapter or certification action taken by a medical director
9 pursuant to Section 100204 of this Chapter, or both a disciplinary plan and certification
10 action.

11 NOTE: Authority cited: Sections 1797.107, 1797.176, 1797.184, and 1798.204, Health
12 and Safety Code.

13 Reference: Section 1797.61, 1798.200, 1798.204, Health and Safety Code.

14 **§ 100206.2. Disciplinary Plan.**

15 “Disciplinary Plan” means a written plan of action that can be taken by a relevant
16 employer as a consequence of any action listed in Section 1798.200 (c). ~~The~~
17 ~~Disciplinary Plan shall be submitted to the LEMSA medical director and~~
18 ~~may include recommended certification action consistent with the~~
19 ~~“RECOMMENDED GUIDELINES FOR DISCIPLINARY ORDERS AND~~
20 ~~CONDITIONS OF PROBATION FOR EMT (BASIC) AND ADVANCED~~
21 ~~EMT” (EMSA document #134, 12/2/09) (MDOs).~~

1 NOTE: Authority cited: Sections 1797.107, 1797.176, 1797.184, and 1798.204, Health
2 and Safety Code.

3 Reference: Section 1798.200, 1798.204, Health and Safety Code.

4 **§ 100206.3. Certification Action.**

5 “Certification Action” means those actions that may be taken by a medical director that
6 include denial, suspension, revocation of a certificate, or placing a certificate holder on
7 probation.

8 NOTE: Authority cited: Sections 1797.107, 1797.176, 1797.184, and 1798.204, Health
9 and Safety Code.

10 Reference: Section 1797.204, 1798.200, Health and Safety Code.

11 **§ 100206.4. Model Disciplinary Orders**

12 “Model Disciplinary Orders” (MDOs) means the “RECOMMENDED GUIDELINES FOR
13 DISCIPLINARY ORDERS AND CONDITIONS OF PROBATION FOR EMT (BASIC)
14 AND ADVANCED EMT” (EMSA document #134, 12/2/09) which were developed to
15 provide consistent and equitable discipline in cases dealing with disciplinary cause.

16 NOTE: Authority cited: Sections 1797.107, 1797.176, 1797.184, and 1798.204, Health
17 and Safety Code.

18 Reference: Section 1797.61, 1798.200, 1798.204, Health and Safety Code.

19 **Article 2. General Provisions**

20 **§ 100207. Application of Chapter.**

21 (a) The certifying entity, relevant employer, or ~~medical director~~ LEMSA shall adhere to
22 the provisions of this Chapter, in applicable situations, when investigating or when
23 implementing any of the following disciplinary actions for disciplinary cause.:

1 ~~(1) Denying a certificate;~~

2 ~~(2) Placing a certificate holder on probation;~~

3 ~~(3) Suspending a certificate; or~~

4 ~~(4) Revoking a certificate.~~

5 (b) In order to ~~place a certificate holder on probation or deny, suspend, or revoke a~~
6 ~~certificate, the medical director~~ take disciplinary or certification action on an EMT,
7 Advanced EMT, or EMT-II, it must first be determined that a disciplinary cause has
8 occurred by the applicant or certificate holder and there exists a threat to the public
9 health and safety, as evidenced by the occurrence of any of the actions listed in Section
10 1798.200(c) of ~~Division 2.5~~ the Health and Safety Code by the applicant or certificate
11 holder.

12 (c) An application for certification or recertification shall be denied without prejudice and
13 does not require an ~~IRP~~ administrative hearing, when an applicant does not meet the
14 requirements for certification or recertification, including but not limited to, failure to pass
15 a certification or recertification examination, lack of sufficient continuing education or
16 documentation of a completed refresher course, failure to furnish additional information
17 or documents requested by the certifying ~~authority~~ entity, or failure to pay any required
18 fees. The denial shall be in effect until all requirements for certification or recertification
19 are met. If a certificate expires before recertification requirements are met, the
20 certificate shall be deemed a lapsed certificate and subject to the provisions pertaining
21 to of a lapsed certificates.

22 (d) Nothing in this Chapter shall be construed to limit the authority of a base hospital
23 medical director to provide supervision and medical control for prehospital emergency

1 medical care personnel, as specified in local medical control policies and procedures,
2 developed pursuant to requirements of Division 2.5 and of Chapters 3 and 4 of this
3 division for medical control and supervision.

4 NOTE: Authority cited: Sections 1797.107, 1797.176, 1797.184, and 1798. 204, Health
5 and Safety Code.

6 Reference: Sections 1797.61, 1797.62, 1797.176, 1797.202, 1797.210, 1797.216,
7 1797.220, 1798, 1798.100, 1798.102, 1798.200 and 1798.204, Health and Safety Code.

8 **§ 100208. Substantial Relationship Criteria for the Denial, Placement on**
9 **Probation, Suspension, or Revocation of a Certificate.**

10 (a) For the purposes of denial, placement on probation, suspension, or revocation of a
11 certificate, pursuant to Section 1798.200(c) of ~~Division 2.5~~ the Health and Safety Code,
12 a crime or act shall be considered to be substantially related to the qualifications,
13 functions, or duties of a certificate holder if to a substantial degree it evidences ~~present~~
14 ~~or potential~~ unfitness of a certificate holder to perform the functions authorized by the
15 ~~certificate in a manner consistent with~~ in that it poses a threat to the public health and
16 safety.

17 (b) For the purposes of a crime, the record of conviction or a certified copy of the record
18 shall be conclusive evidence of such conviction.

19 (1) "Crime" means any act in violation of the penal laws of this state, any other state, or
20 federal laws. This also means violation(s) of any statute which impose criminal
21 penalties for such violations.

22 (2) "Conviction" means the final judgment on a verdict of finding of guilty, a plea of
23 guilty, or a plea of nolo contendere.

1 (c) The LEMSA, when determining the certification action to be imposed or reviewing a
2 petition for reinstatement or reduction of penalty under Section 11522 of the
3 Government Code, shall evaluate the rehabilitation of the applicant and present
4 eligibility for certification of the respondent. When the certification action warranted is
5 probation, denial, suspension, or revocation the following factors may be considered:
6 1. Nature and severity of the act(s), offense(s), or crime(s) under consideration;
7 2. Actual or potential harm to the public;
8 3. Actual or potential harm to any patient;
9 4. Prior disciplinary record;
10 5. Prior warnings on record or prior remediation;
11 6. Number and/or variety of current violations;
12 7. Aggravating evidence;
13 8. Mitigating evidence;
14 9. Rehabilitation evidence;
15 10. In the case of a criminal conviction, compliance with terms of the sentence and/or
16 court-ordered probation;
17 11. Overall criminal record;
18 12. Time that has elapsed since the act(s) or offense(s) occurred;
19 13. If applicable, evidence of expungement proceedings pursuant to Penal Code
20 1203.4.
21 14. In determining appropriate certification disciplinary action, the LEMSA medical
22 director may give credit for prior disciplinary action imposed by the respondent's
23 employer.

1 NOTE: Authority cited: Sections 1797.107, 1797.176, 1797.184, 1798.200, and
2 1798.204, Health and Safety Code.
3 Reference: Sections 1797.61, 1797.176, 1797.210, 1797.216, 1797.220, and 1798.200,
4 Health and Safety Code.

5 **§ 100208.1. Responsibilities of Relevant Employer.**

6 Under the provisions of this Chapter, relevant employers:

7 (a) May conduct investigations, according to the requirements of this Chapter, to
8 determine disciplinary cause.

9 (b) Upon determination of disciplinary cause, the relevant employer may develop and
10 implement, a disciplinary plan, in accordance with the MDOs.

11 (1) The relevant employer shall submit that disciplinary plan ~~to the LEMSA,~~ along
12 with the relevant findings of the investigation related to disciplinary cause *to the*

13 *LEMSA that issued the certificate*, within three (3) working days of adoption of the
14 disciplinary plan. *In the case where the certificate was issued by a non-*

15 *LEMSA certifying entity, the disciplinary plan shall be submitted to the*

16 *LEMSA that has jurisdiction in the county in which the headquarters of the*
17 *certifying entity is located.*

18 (2) The employer's disciplinary plan may include a recommendation that the medical
19 director consider taking action against the holder's certificate to include denial of

20 certification, suspension of certification, revocation of certification, or placing a
21 certificate on probation.

1 (c) Shall notify the medical director that has jurisdiction in the county in which the
2 alleged action occurred within three (3) working days after an allegation has been
3 validated as potential for disciplinary cause.

4 (d) Shall notify the medical director *that has jurisdiction in the county in which*
5 *the alleged action occurred* within three (3) working days of the occurrence of any
6 of following:

7 (1) The EMT or Advanced EMT is terminated or suspended for a disciplinary cause,

8 (2) The EMT or Advanced EMT resigns or retires following notification of an impending
9 investigation based upon evidence that would indicate the existence of a disciplinary
10 cause, or

11 (3) The EMT or Advanced EMT is removed from EMT or Advanced EMT -related duties
12 for a disciplinary cause after the completion of the employer's investigation.

13 NOTE: Authority cited: Sections 1797.107, 1797.176, 1797.184, 1798.200, and
14 1798.204, Health and Safety Code.

15 Reference: Sections 1797.61, 1797.176, 1797.200, 1797.210, 1797.211, 1797.220, and
16 1798.200, Health and Safety Code.

17 **§ 100209. Jurisdiction of the Medical Director.**

18 (a) The medical director *who issued the certificate, or in the case where the*
19 *certificate was issued by a non-LEMSA certifying entity, the LEMSA*

20 *medical director that has jurisdiction in the county in which the*

21 *headquarters of the certifying entity is located,* shall conduct investigations to

22 validate allegations for disciplinary cause when the certificate holder is not an employee

1 of a relevant employer or the relevant employer does not conduct an investigation.
2 Upon determination of disciplinary cause, the medical director may take certification
3 action as necessary against an EMT or Advanced EMT certificate. ~~The medical director~~
4 ~~may take disciplinary action, according to the provisions of this chapter, against a~~
5 ~~certificate holder for which any of the following conditions is true~~
6 ~~(1) the certificate was issued by the local EMS agency for which s/he is the designated~~
7 ~~medical director, or~~
8 ~~(2) the certificate holder utilizes or has utilized the certificate or the skills authorized by~~
9 ~~the certificate, including certificates issued by public safety agencies, within the~~
10 ~~jurisdiction of that medical director.~~
11 (b) The medical director may, upon determination of disciplinary cause and according to
12 the provisions of this Chapter, take certification action against an EMT or Advanced
13 EMT to deny, suspend, or revoke, or place a certificate holder on probation, upon the
14 findings by the medical director of the occurrence of any of the actions listed in Health
15 and Safety Code, Section 1798.200 (c) and for which any of the following conditions are
16 true: ~~For an action against a multiple certificate holder, the medical director shall~~
17 ~~determine, according to the circumstances of the case and the nature of the threat to~~
18 ~~the public health and safety, whether the action shall apply to one certificate or multiple~~
19 ~~certificates.~~
20 (1) The relevant employer, after conducting an investigation, failed to impose discipline
21 for the conduct under investigation, or the medical director makes a determination that
22 discipline imposed by the relevant employer was not in accordance with the MDOs and
23 the conduct of the certificate holder constitutes grounds for certification action.

1 (2) The medical director determines, following an investigation conducted in accordance
2 with this Chapter, that the conduct requires certification action.

3 ~~(c) If The medical director, takes any disciplinary action which affects a certificate, the~~
4 ~~medical director shall notify the EMS Authority of the findings of the investigation and~~
5 ~~the disciplinary action taken using Form EMSA-CRI (10/01) after consultation with the~~
6 relevant employer or without consultation when no relevant employer exists, may
7 temporarily suspend , prior to a hearing, an EMT or Advanced EMT certificate upon a
8 determination of the following:

9 (1) The certificate holder has engaged in acts or omissions that constitute grounds for
10 revocation of the EMT or Advanced EMT certificate; and

11 (2) Permitting the certificate holder to continue to engage in certified activity without
12 restriction poses an imminent threat to the public health and safety.

13 (d) If the medical director takes any certification action the medical director shall notify
14 the Authority of the findings of the investigation and the certification action taken by
15 using Form EMSA-CRI (10/01) through June 30, 2010. Commencing July 1, 2010 and
16 thereafter, this information shall be entered directly into the Central Registry by the
17 LEMSA taking certification action.

18 NOTE: Authority cited: Sections 1797.107, 1797.176, 1797.184, and 1798.204, Health
19 and Safety Code.

20 Reference: Sections 1797.61, 1797.62, 1797.90, 1797.117, 1797.118, 1797.202,
21 1797.216, 1797.217, 1797.220, 1798, 1798.200 and 1798.204, Health and Safety Code.

22 **Article 3. Evaluation and Investigation.**

23 **§ 100210. Evaluation of Information.**

1 (a) A relevant employer who receives an allegation of conduct listed in Section
2 1798.200 (c) of the Health and Safety Code against an EMT or Advanced EMT and
3 once the allegation is validated, shall notify the medical director of the LEMSA *that has*
4 *jurisdiction in the county in which the alleged violation occurred,* within three
5 (3) working days, of the EMT's or Advanced EMT's name, certification number, and the
6 allegation(s). *Notification shall only be made to one LEMSA medical director*
7 *with jurisdiction in the following order:* The medical director shall evaluate
8 information received from a credible source, including information obtained from an
9 application, medical audit or complaint, alleging or indicating the possibility of a threat to
10 the public health and safety by the action of an applicant for, or holder of, a certificate
11 issued pursuant to Division 2.5.
12 *(1) the medical director where the EMT or Advanced EMT is employed by a*
13 *relevant employer, or*
14 *(2) the medical director where the conduct occurred, or*
15 *(3) the medical director where the EMT's or Advanced EMT's Certifying*
16 *Entity is located.*
17 (b) A LEMSA that receives any complaint against an EMT or Advanced EMT shall
18 forward the original complaint and any supporting documentation to the relevant
19 employer for investigation pursuant to subsection (a) of this section, if there is a relevant
20 employer, within three (3) working days of receipt of the information. If there is no
21 relevant employer or the relevant employer does not wish to investigate the complaint,
22 the medical director shall evaluate the information received from a credible source,

1 including but not limited to, information obtained from an application, medical audit, or
2 public complaint, alleging or indicating the possibility of a threat to the public health and
3 safety by the action of an applicant for, or holder of, a certificate issued pursuant to
4 Division 2.5. If the medical director determines, following evaluation of the information,
5 that further inquiry into the situation is necessary or that disciplinary action may be
6 warranted, the medical director may conduct an investigation of the allegations.

7 (c) The relevant employer or medical director shall conduct an investigation of the
8 allegations in accordance with the provisions of this Chapter, if warranted.

9 (d) Statewide public safety agencies shall provide the Authority with current relevant
10 employer contact information for their individual agencies.

11 NOTE: Authority cited: Sections 1797.107, 1797.176, 1797.184, and 1798.204, Health
12 and Safety Code.

13 Reference: Sections 1797.61, 1797.62, 1797.90, 1797.176, 1797.202, 1797.220, 1798,
14 1798.200 and 1798.204, Health and Safety Code.

15 **§ 100211. Use of an Investigative Review Panel (IRP) Investigations Involving**
16 **Firefighters**

17 (a) The rights and protections described in Chapter 9.6, Division 4 of Title 1 of the
18 Government Code shall only apply to a firefighter during events and circumstances
19 involving the performance of his or her official duties. If, at any time during the medical
20 director's review or investigation, the medical director determines, in his/her expert
21 opinion, that the facts support placing a certificate holder on probation or the denial,
22 suspension, or revocation of a certificate, the medical director may convene an IRP to
23 assist in establishing the facts of the case and to report its findings and

1 recommendation to the medical director. Prior to the IRP hearing, the medical director
2 shall not discuss the case with any IRP member.

3 (b) All investigations involving EMT s, Advanced EMT's, and EMT-IIs who are employed
4 by a public safety agency as a firefighter shall be conducted in accordance with Chapter
5 9.6, Division 4 of Title 1 of the Government Code, Section 3250 et. seq.

6 ~~(b) If the medical director does not convene an IRP prior to making a final decision to~~
7 ~~place a certificate holder on probation or deny, suspend, or revoke a certificate, the~~
8 ~~applicant for, or holder of, a certificate may, within fifteen calendar days of the date that~~
9 ~~written notification of the decision to take disciplinary action is received, request in~~
10 ~~writing that an IRP be convened. Within thirty days of receipt of such a request, the~~
11 ~~medical director shall convene an IRP to review the facts of the case and make a~~
12 ~~recommendation.~~

13 ~~(c) The IRP shall consist of at least three persons. IRP members must be~~
14 ~~knowledgeable in the provision of prehospital emergency medical care and EMS system~~
15 ~~policies and procedures, including all provisions of this chapter. One member of the IRP~~
16 ~~shall be mutually agreed upon by the certificate holder and the medical director, if the~~
17 ~~certificate holder so requests. The IRP shall not include the local EMS agency medical~~
18 ~~director, any staff of the local EMS agency, or anyone who submitted allegations~~
19 ~~against the certificate holder or was directly involved in any incident which is included in~~
20 ~~the investigation.~~

21 ~~(d) An IRP member shall voluntarily disqualify herself/himself and withdraw from any~~
22 ~~case in which s/he cannot accord a fair and impartial review. The applicant for, or holder~~
23 ~~of, a certificate may request, in writing within seven days of receipt of notice of the date~~

1 of the IRP, the disqualification of any IRP member. The request must state the reasons
2 upon which it is claimed that a fair and impartial review cannot be accorded. The
3 medical director shall determine within three days of receipt of the request whether the
4 evidence warrants approval of the request to disqualify the specified IRP member
5 and so notify the requestor by certified mail prior to the date of the IRP.

6 (e) Prior to the conduct of the IRP hearing, the applicant or certificate holder who is
7 under investigation or any representative of the applicant/certificate holder is prohibited
8 from contacting any person chosen to serve on the IRP and IRP members are
9 prohibited from contacting the applicant or certificate holder who is under investigation
10 or any representative of the applicant/certificate holder.

11 (f) A notice, along with a copy of this chapter and any other policies or procedures
12 established by the local EMS agency for implementation of the provisions of this
13 chapter, shall be sent by certified mail to the certificate holder and his/her relevant
14 employer(s) at least ten days prior to the IRP. The notice shall state the following:

- 15 (1) the purpose of the IRP;
- 16 (2) membership of the IRP and provisions for disqualification of a member of the IRP;
- 17 (3) date, time, and location of the IRP review;
- 18 (4) applicant's/certificate holder's right to be present during the presentation of any
19 testimony before the IRP;
- 20 (5) applicant's/certificate holder's right to call witnesses and to cross examine witnesses
21 called by the medical director to give testimony before the IRP;

1 ~~(6) applicant's/certificate holder's right to be represented by legal counsel at the IRP or~~
2 ~~to be accompanied to the IRP by any other person of the applicant's/certificate holder's~~
3 ~~choosing to provide advice and support; and~~
4 ~~(7) applicant's/certificate holder's right to present an oral and/or written argument and~~
5 ~~present and rebut relevant evidence.~~
6 ~~(8) applicant's/certificate holder's right to request that the IRP be open to the public.~~
7 ~~(g) A hearing record of the IRP proceedings shall be prepared and may be done by~~
8 ~~stenographic reporter or electronic recording.~~
9 ~~(h) The IRP shall be closed to the public unless the applicant/certificate holder requests~~
10 ~~the hearing be open to the public. However, a member of the IRP may order closure of~~
11 ~~all, or any part of, the proceedings for any of the following reasons:~~
12 ~~(1) To satisfy the federal or state Constitution, statute or other law, including but not~~
13 ~~limited to, laws protecting privileged, confidential, or other protected information.~~
14 ~~(2) To conduct the proceedings, including the manner of examining witnesses, in a way~~
15 ~~that is appropriate to protect a minor witness or a witness with a developmental~~
16 ~~disability, as defined in Section 4512 of the Welfare and Institutions Code, from~~
17 ~~intimidation or other harm, taking into account the rights of all persons.~~
18 ~~(i) The IRP shall assess all the available information on the matter in order to establish~~
19 ~~the facts of the case and shall make a written report of its findings and recommendation~~
20 ~~to the medical director. The report shall be submitted to the medical director within~~
21 ~~fifteen days of the date of the IRP review.~~

1 ~~(j) In lieu of an IRP, the local EMS agency may contract with the Office of Administrative~~
2 ~~Hearings of the State of California for the services of an administrative law judge or a~~
3 ~~hearing officer to conduct proceedings pursuant to this chapter.~~

4 NOTE: Authority cited: Sections 1797.107, 1797.176 and 1798.204, Health and Safety
5 Code. Sections 3250, 27727, Government Code.

6 Reference: Sections 1797.90, ~~4797.160~~, 1797.176, 1797.202, 1797.220, ~~4798,~~
7 ~~4798.200~~ and 1798.204, Health and Safety Code.

8 **§ 100211.1. Due Process.**

9 The certification action process shall be in accordance with Chapter 5 (commencing
10 with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

11 NOTE: Authority cited: Sections: 1797.107, 1797.176, 1797.184, and 1798.204, Health
12 and Safety Code.

13 Reference: Sections: 1798.200 and 1798.204, Health and Safety Code.

14 **Article 4. Determination and Notification of Action**

15 **§ 100212. Determination of Disciplinary Certification Action Medical Director.**

16 (a) ~~The medical director shall determine what disciplinary certification action, if any,~~
17 relative to the individual's certificate(s) shall be taken as a result of the findings of the
18 investigation.

19 (b) Upon determining the disciplinary or certification action to be taken as authorized by
20 this Chapter, the relevant employer or medical director shall complete and place in the
21 personnel file or any other file used for any personnel purposes by the relevant
22 employer or LEMSA, ~~relative to an individual's certificate(s), the medical director shall~~
23 ~~complete, and place in the record,~~ a statement certifying the decision made by him/her

1 and the date the decision was made. The decision must contain findings of fact and a
2 determination of issues, together with the disciplinary action plan and the date the
3 disciplinary action plan shall take effect. ~~An immediate suspension shall take effect~~
4 ~~upon the date the notice required by Section 100213 of this Chapter is mailed to the~~
5 ~~certificate holder. For all other disciplinary actions, the effective date shall be thirty days~~
6 ~~from the date the notice is mailed to the applicant for, or holder of, a certificate unless~~
7 ~~an IRP is requested. If an IRP is requested, the effective date of the disciplinary action~~
8 ~~shall be thirty days from the date the notification is mailed to the applicant for, or holder~~
9 ~~of, a certificate of the medical director's final decision following the IRP. The statement~~
10 ~~shall include the signature of the medical director, the date signed, and the location~~
11 ~~where the statement was signed.~~

12 (c) In the case of a temporary suspension order pursuant to Section 100209 (c) of this
13 Chapter, it shall take effect upon the date the notice required by Section 100213 of this
14 Chapter is mailed to the certificate holder.

15 (d) For all other certification actions, the effective date shall be thirty days from the date
16 the notice is mailed to the applicant for, or holder of, a certificate unless another time is
17 specified or an appeal is made.

18 NOTE: Authority cited: Sections 1797.107, 1797.176, 1797.184, and 1798.204, Health
19 and Safety Code.

20 Reference: Sections 1797.61, 1797.62, 1797.176, 1797.202, 1797.211, 1797.220,
21 1798, 1798.200 and 1798.204, Health and Safety Code.

22 **§ 100213. Immediate Temporary Suspension Order.**

1 (a) A medical director may ~~immediately~~ temporarily suspend a certificate prior to hearing
2 if, ~~in the~~ certificate holder has engaged in acts or omissions that constitute grounds for
3 denial or revocation according to Section 100214.36(c) and (d) of this Chapter and if
4 in the opinion of the medical director permitting the certificate holder to continue to
5 engage in certified activity would pose an imminent threat to ~~immediate suspension is~~
6 ~~necessary to ensure the public health and safety.~~

7 (b) Prior to₁ or concurrent with₁ initiation of an ~~immediate~~ temporary suspension order of
8 a certificate pending hearing, the medical director shall consult with the relevant
9 employer of the certificate holder and his/her relevant employer(s), ~~shall be notified as~~
10 ~~specified in Section 100217 of this chapter.~~

11 ~~The notice shall be served by certified mail or in person.~~

12 (c) The notice of temporary suspension pending hearing shall be served by registered
13 mail or by personal service to the certificate holder immediately, but no longer than
14 three (3) working days from making the decision to issue the temporary suspension.

15 The notice shall include the allegations that allowing the certificate holder to continue to
16 engage in certified activities would pose an imminent threat to the public health and
17 safety. ~~An individual whose certificate has been immediately suspended may request an~~
18 ~~IRP, if an IRP was not held prior to the immediate suspension. Such a request must be~~
19 ~~made in writing to the medical director and sent by certified mail within fifteen days from~~
20 ~~the date written notification of the immediate suspension is received.~~

21 (d) Within three (3) working days of the initiation of the temporary suspension by the
22 LEMSA, the LEMSA and relevant employer shall jointly investigate the allegation in
23 order for the LEMSA to make a determination of the continuation of the temporary

1 ~~suspension. In addition to the provisions of this section, the IRP convened to review the~~
2 ~~case for an immediate suspension shall operate pursuant to the requirements, with the~~
3 ~~exception of the time frames, for an IRP described in Section 200211 of this chapter.~~
4 (1) All investigatory information, not otherwise protected by the law, held by the LEMSA
5 and the relevant employer shall be shared between the parties via facsimile
6 transmission or overnight mail relative to the decision to temporarily suspend.
7 (2) The LEMSA shall serve within fifteen (15) calendar days an accusation pursuant to
8 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the
9 Government Code (Administrative Procedures Act).
10 (3) If the certificate holder files a Notice of Defense, the administrative hearing shall be
11 held within thirty (30) calendar days of the LEMSA's receipt of the Notice of Defense.
12 (4) The temporary suspension order shall be deemed vacated if the LEMSA fails to
13 serve an accusation within fifteen (15) calendar days or fails to make a final
14 determination on the merits within fifteen (15) calendar days after the Administrative
15 Law Judge (ALJ) renders a proposed decision.
16 ~~(e) Within fourteen days of receipt of the certificate holder's request, the medical director~~
17 ~~shall convene an IRP to review the facts which prompted the immediate suspension of~~
18 ~~the individual's certificate.~~
19 ~~(f) The medical director shall present evidence for review by the IRP that prompted the~~
20 ~~immediate suspension.~~
21 ~~(g) Within seven days of the IRP review of the facts which prompted the immediate~~
22 ~~suspension, the certificate holder shall be notified, by certified mail, of the IRP's findings~~

1 ~~and recommendation and the medical director's decision regarding continuation of the~~
2 ~~suspension.~~

3 NOTE: Authority cited: Sections 1797.107, 1797.176, 1797.184, and 1798.204, Health
4 and Safety Code.

5 Reference: Sections 1797.61, 1797.90, 1797.160, 1797.176, 1797.200, 1797.202,
6 1797.211, 1797.220, 1798, 1798.2, 1798.100, 1798.200, and 1798.204, Health and
7 Safety Code.

8 **§ 100214. Placement of a Certificate Holder on Probation Final Determination of**
9 **Certification Action by the Medical Director**

10 Upon determination of certification action following an investigation, and appeal of
11 certification action pursuant to Section 100211.1 of this Chapter, if the respondent so
12 chooses, the medical director may take the following final actions on an EMT or

13 Advanced EMT certificate:

14 (a) Place the certificate holder on probation

15 (b) Suspension

16 (c) Denial

17 (d) Revocation

18 Note: Authority cited: Sections 1798.200, Health and Safety Code. Reference: Section
19 1798.200, Health and Safety Code.

20 **§ 100214.1. Placement of a Certificate Holder on Probation.**

21 Pursuant to Section 100207, the medical director may place a certificate holder on
22 probation any time an infraction or performance deficiency occurs which indicates a
23 need to monitor the individual's certificate holder's conduct in the EMS system, in order

1 to protect the public health and safety. The term of the probation and any conditions
2 ~~such as satisfactory completion of remedial training,~~ shall be in accordance with MDOs
3 established by the Authority. ~~determined by the medical director based on the facts of~~
4 ~~the case. The individual's performance shall be reviewed periodically during the~~
5 ~~probationary period, in accordance with local EMS agency policies and procedures. The~~
6 medical director that placed the certificate holder on probation may revoke the EMT or
7 Advanced EMT certificate if the certificate holder fails to successfully complete the
8 terms of probation.

9 NOTE: Authority cited: Sections 1797.107, 1797.176 and 1798.204, Health and Safety
10 Code.

11 Reference: Sections 1797.61, 1797.176, 1797.202, 1797.184, 1797.220, 1798,
12 1798.200 and 1798.204, Health and Safety Code.

13 **§ 100215 4.2. Suspension of a Certificate.**

14 (a) The medical director may suspend an individual's EMT-I or Advanced EMT ~~EMT-II~~
15 certificate for a specified period of time for disciplinary cause ~~actions listed in Section~~
16 ~~1798.200(c) of the Health and Safety Code~~ in order to protect the public health and
17 safety.

18 (b) The term of the suspension and any conditions for reinstatement, ~~such as~~
19 ~~satisfactory completion of remedial training,~~ shall be in accordance with MDOs
20 established by the Authority ~~determined by the medical director based on the facts of~~
21 ~~the case.~~

22 (c) Upon the expiration of the term of suspension, the individual's certificate shall be
23 reinstated if only when all conditions for reinstatement have been met. ~~If the conditions~~

1 ~~for reinstatement have not been met, or the individual cannot demonstrate that s/he~~
2 ~~retains the necessary knowledge and skills or it can be proven the individual practiced~~
3 ~~emergency medical care, pursuant to the certificate under suspension, during the term~~
4 ~~of suspension, t~~The medical director shall continue the suspension until all conditions
5 for reinstatement have been met ~~may begin proceedings for further disciplinary action.~~

6 (d) If the suspension period will run past the expiration date of the certificate, the
7 individual ~~must~~ EMT or Advanced EMT shall meet the recertification requirements for
8 certificate renewal prior to the expiration date of the certificate.

9 NOTE: Authority cited: Sections 1797.107, 1797.175, 1797.176, 1797.184, and
10 1798.204, Health and Safety Code.

11 Reference: Sections 1797.61, 1797.176, 1797.202, 1797.220, 1798, 1798.200, and
12 1798.204, Health and Safety Code.

13 **§ 100216 4.3. Denial or Revocation of a Certificate.**

14 (a) A certifying entity, that is not a LEMSA, shall advise a certification or recertification
15 applicant whose conduct indicates a potential for disciplinary cause, based on an
16 investigation by the certifying entity prompted by a DOJ and/or FBI CORI, pursuant to
17 Section 100210(a) of this Chapter, to apply to a LEMSA for certification or
18 recertification. ~~The medical director may deny or revoke any EMT-I or EMT-II certificate~~
19 ~~for any actions listed in Section 1798.200(c) of Division 2.5.~~

20 (b) The medical director may deny or revoke any EMT or Advanced EMT certificate for
21 disciplinary cause that have been investigated and verified by application of this
22 Chapter ~~of a local EMS agency may deny an application for a certificate from any~~
23 ~~person whose certificate has been denied or revoked, for any actions listed in Section~~

1 ~~1798.200(c) of Division 2.5, unless that person submits documentation which, in the~~
2 ~~opinion of the medical director, demonstrates that the threat to the public health and~~
3 ~~safety, which was the basis for the denial or revocation, is no longer applicable.~~

4 (c) The medical director shall deny or revoke an EMT or Advanced EMT certificate if
5 any of the following apply to the applicant: Any person who has ever had a certificate or
6 authorization or other health care certificate or license denied or revoked for any actions
7 listed in Section 1798.200(c) of Division 2.5 shall report that denial or revocation at any
8 time s/he applies for any certificate. Failure to report may be grounds for denial,
9 suspension or revocation of a certificate.

10 (1) Has committed any sexually related offense specified under Section 290 of the
11 Penal Code.

12 (2) Has been convicted of murder, attempted murder, or murder for hire.

13 (3) Has been convicted of two (2) or more felonies.

14 (4) Is on parole or probation for any felony.

15 (5) Has been convicted and released from incarceration for said offense during the
16 preceding fifteen (15) years for the crime of manslaughter or involuntary manslaughter.

17 (6) Has been convicted and released from incarceration for said offense during the
18 preceding ten (10) years for any offense punishable as a felony.

19 (7) Has been convicted of two (2) or more misdemeanors within the preceding five (5)
20 years for any offense relating to the use, sale, possession, or transportation of narcotics
21 or addictive or dangerous drugs.

22 (8) Has been convicted of two (2) or more misdemeanors within the preceding five (5)
23 years for any offence relating to force, threat, violence, or intimidation.

1 (9) Has been convicted within the preceding five (5) years of any theft related
2 misdemeanor.

3 (d) The medical director may deny or revoke an EMT or Advanced EMT certificate if any
4 of the following apply to the applicant:

5 (1) Has committed any act involving fraud or intentional dishonesty for personal gain
6 within the preceding seven (7) years.

7 (2) Is required to register pursuant to Section 11590 of the Health and Safety Code.

8 (e) Subsection (a) and (b) shall not apply to convictions that have been pardoned by the
9 Governor, and shall only apply to convictions where the applicant/certificate holder was
10 prosecuted as an adult. Equivalent convictions from other states shall apply to the type
11 of offenses listed in ~~(c) and (d)(a) and (b)~~. As used in this Section, “felony” or
12 “offense punishable as a felony” refers to an offense for which the law prescribes
13 imprisonment in the state prison as either an alternative or the sole penalty, regardless
14 of the sentence the particular defendant received.

15 (f) This Section shall not apply to those EMT’s, or EMT-IIs who obtain their California
16 certificate prior to the effective date of this Section; unless:

17 (1) The certificate holder is convicted of any misdemeanor or felony after the effective
18 date of this Section.

19 (2) The certificate holder committed any sexually related offense specified under
20 Section 290 of the Penal Code.

21 (3) The certificate holder failed to disclose to the certifying entity any prior convictions
22 when completing his/her application for initial EMT or Advanced EMT certification or
23 certification renewal.

1 (g) Nothing in this Section shall negate an individual's right to appeal a denial of an EMT
2 or Advanced EMT certificate pursuant to this Chapter.

3 (h) Certification action by a medical director shall be valid statewide and honored by all
4 certifying entities for a period of at least twelve (12) months from the effective date of
5 the certification action. An EMT or Advanced EMT whose application was denied or an
6 EMT or Advanced EMT whose certification was revoked by a medical director shall not
7 be eligible for EMT or Advanced EMT application by any other certifying entity for a
8 period of at least twelve (12) months from the effective date of the certification action.
9 EMT's or Advanced EMT's whose certification is placed on probation must complete
10 their probationary requirements with the LEMSA that imposed the probation.

11 Authority cited: Sections 1797.107, 1797.176, 1797.184, and 1798.204, Health and
12 Safety Code, Section 11522, Government Code. Reference: Sections 1797.61,
13 1797.62, 1797.118, 1797.176, 1797.202, 1797.220, 1798, 1798.200, and 1798.204, and
14 1797.216, Health and Safety Code.

15 **§ 1002175. Notification of Final Decision of Certification Action.**

16 (a) For the final decision of certification action, ~~all action other than an immediate~~
17 ~~suspension~~, the medical director shall notify the applicant/certificate holder and his/her
18 relevant employer(s) of the ~~disciplinary~~ certification action within ten (10) working days
19 after making the final determination of ~~what that action shall be~~.

20 (b) The notification of final decision shall be served by ~~certified~~ registered mail or ~~in~~
21 ~~person~~ personal service and shall include the following information:

22 (1) The specific allegations or evidence which resulted in the ~~disciplinary~~ certification
23 action;

1 ~~(2) a summary of the findings of the investigation, including the findings and~~
2 ~~recommendation of the IRP, if one was convened;~~

3 ~~(3 2) The disciplinary certification action(s) to be taken, and the effective date(s) of the~~
4 ~~certification action(s), including the duration of the action(s);~~

5 ~~(4 3) Which certificate(s) the certification action applies to in cases of holders of multiple~~
6 ~~certificates holders;~~

7 ~~(5 4) A statement that the certificate holder must report the disciplinary certification~~
8 ~~action within ten (10) working days to any other local EMS agency LEMSA and relevant~~
9 ~~employer in whose jurisdiction s/he uses the certificate;~~

10 ~~(6) if the certificate holder has been placed on probation, a statement that, during the~~
11 ~~probationary period, the certificate holder must report the probation if s/he applies for~~
12 ~~certification or accreditation from another certifying authority or local EMS agency;~~

13 ~~(7) if the certificate has been suspended, a statement that the certificate holder must~~
14 ~~report that suspension if s/he applies for any certification or accreditation from another~~
15 ~~certifying authority or local EMS agency; or~~

16 ~~(8) if the certificate has been denied or revoked, a statement that s/he must report that~~
17 ~~action if s/he applies for any certification or accreditation from another certifying~~
18 ~~authority or local EMS agency, and that his/her application may be denied unless s/he~~
19 ~~presents documentation which, in the opinion of the medical director of the local EMS~~
20 ~~agency, demonstrates that the threat to the public health and safety which was the~~
21 ~~basis for the denial or revocation is no longer applicable.~~

1 ~~(9) within fifteen days of receipt of the final decision, the individual's right to file with the~~
2 ~~local EMS agency, in writing and by certified mail, a response to the final decision in~~
3 ~~which the individual may:~~

4 ~~(A) concur with the disciplinary action; or~~

5 ~~(B) request an IRP review of the disciplinary action if no IRP was convened.~~

6 ~~(10) information on the IRP process, a copy of this chapter, and a copy of any local~~
7 ~~policies and procedures developed for local implementation of this chapter.~~

8 NOTE: Authority cited: Sections 1797.107, 1797.176, 1797.184, and 1798.204, Health
9 and Safety Code.

10 Reference: Sections 1797.61, 1797.160, 1797.176, 1797.202, 1797.217, 1797.220,
11 1798, 1798.200 and 1798.204, Health and Safety Code.

12 **Article 5. Local Responsibilities.**

13 **§ 1002186. Development of Local Policies and Procedures.**

14 ~~(a) Each Relevant Employer, Certifying Entity and LEMSA local EMS agency shall~~
15 ~~develop and adopt policies and procedures for local implementation of the provisions of~~
16 ~~this Chapter herein. All local policies and procedures so adopted must be in accordance~~
17 ~~with these provisions and must address all of the requirements of this Chapter, as~~
18 ~~applicable.~~

19 ~~(b) After the adoption of local policies and procedures for the implementation of the~~
20 ~~provisions herein, the local EMS agency shall submit a copy of those policies and~~
21 ~~procedures, and any subsequent revisions to the policies and procedures, to the EMS~~
22 ~~Authority. The EMS Authority shall review the policies and procedures to verify that~~
23 ~~policies adopted address all of the requirements and are in accordance with the~~

1 provisions of this chapter. The EMS Authority will advise the local EMS agency of the
2 results of the review.

3 Note: Authority cited: Sections 1797.107, 1797.176 and 1798.204, Health and Safety
4 Code. Reference: Sections 1797.176, 1797.202, 1797.220, 1798. 1798.200 and
5 1798.204, Health and Safety Code.

6 **§ 100217. Reimbursement for Administrative Law Judge Costs.**

7 (a) Actual fees paid by a LEMSA for the services of an ALJ, who is on the staff of the
8 Office of Administrative Hearings, for disciplinary action appeals as required by this
9 Chapter and in accordance with Chapter 5 (commencing with Section 11500) of Part 1
10 of Division 3 of Title 2 of the Government Code are eligible for reimbursement from the
11 Emergency Medical Technician Certification Fund.

12 (1) Each LEMSA that has paid for the services of an ALJ under this section during the
13 preceding fiscal year shall submit, to the Authority, copies of invoices for fees charged
14 and proof of the actual amount paid according to the provisions of (a) (2) (A) of this
15 section.

16 (2) The Authority shall reimburse the LEMSAs no more than the actual payment made
17 for the ALJ in accordance with the following:

18 (A) Invoices for fees incurred between July 1 and June 30 shall be due at the Authority
19 no later than August 31.

20 (B) The LEMSA has provided evidence of the costs to include an invoice, payment, the
21 name and any other required identifying information for the emergency medical
22 technician(s) whose disciplinary hearing was included in the costs.

1 (C) If there are insufficient monies available to reimburse each LEMSA the entire actual
2 amount expended for ALJ services, then reimbursements will be allocated
3 proportionately among all the LEMSAs for actual expenditures for ALJ services within
4 that fiscal year.

5 NOTE: Authority cited: Sections 1797.107, 1797.176, 1797.184, and 1798.204, Health
6 and Safety Code.

7 Reference: Sections 1797.62, 1797.176, 1797.202, 1797.216, 1797.217, 1797.220,
8 1798, 1798.200, and 1798.204, Health and Safety Code.