



AMBULANCE RULES AND REGULATIONS COMPLAINT PROCESSING

I. AUTHORITY:

Health and Safety Code, Division 2.5, County of Orange Ambulance Ordinance.

II. APPLICATION:

This policy describes Orange County EMS processing of complaints related to ambulance service providers/licensee.

III. GENERAL PROVISIONS:

1. Any person or organization claiming violation of the County of Orange Ambulance Ordinance, Ambulance Rules and Regulations, EMT accreditation standards, EMT certification standards, or Orange County EMS policies and procedures may initiate a complaint against an Orange County provider.
2. Any person or organization initiating a complaint against a provider must do so in writing to OCEMS.
3. Any person or service provider agency requesting information regarding ambulance complaints on file with OCEMS may do so in writing to OCEMS. OCEMS will submit, in writing, a copy of the completed OCEMS Licensee Log relevant to valid complaints requested within a specific time period not to exceed the previous four years.

NOTE: Nothing in this process shall prevent the OCEMS Medical Director from initiating license suspension or revocation proceedings.

IV. OCEMS PROCESSING OF COMPLAINTS:

Upon receipt of a written complaint from any person or organization, or a complaint initiated by the OCEMS Medical Director or his or her designee, OCEMS staff shall take the following actions:

1. The complaint shall be documented in OCEMS Licensee Complaint Log.
2. The complaint shall be reviewed by OCEMS staff for potential violation of the Orange County Ambulance Ordinance, Ambulance Rules and Regulations, and/or medical performance standards.

Complaint review- No violation determined:

- a. OCEMS staff shall send a copy of the complaint with a letter of explanation to the complainant.
- b. OCEMS staff shall annotate the Licensee Complaint Log.

Complaint review- Substantiated violation of ambulance ordinance, OCEMS policies and procedures and/or medical provider standards:

- a. OCEMS staff shall notify the complainant and the licensee in writing of receipt of complaint and action to be taken.
- b. The complaint shall be referred to OCEMS Medical Director for resolution in accordance with Title 22 of the California Code of Regulations and OCEMS Policy and Procedures.



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Complaint review- Alleged violation of Ambulance Ordinance and/or Ambulance Rules and Regulations determined to pose an imminent risk to public health, safety and welfare:

- a. OCEMS staff shall notify the complainant in writing of receipt of complaint.
- b. The OCEMS Medical Director or designee shall set a hearing for a date not less than twenty-four (24) hours from licensee receipt of notification. If the alleged violation is deemed an imminent risk to public health, safety and welfare, a license may be immediately suspended.
- c. The OCEMS Medical Director or designee shall prepare and submit a written notice, which shall be sent by certified mail, to the licensee specifying:
 - 1) The reason for the action to be taken.
 - 2) The date, time, and location of the hearing for determining license suspension or revocation.
- d. If the licensee corrects any or all alleged violations subsequent to being issued the OCEMS Medical Director's written notice, the OCEMS Medical Director or his or her designee may rescind license suspension or revocation proceedings:
 - 1) If the OCEMS Medical Director or designee declines to rescind license suspension or revocation proceeding: refer to "Hearing Conducted - Emergency Provision" (Section VI).
 - 2) If the OCEMS Medical Director or designee rescinds license suspension or revocation proceedings:
 - (a) OCEMS staff shall notify the complainant in writing of the disposition of the complaint.
 - (b) The OCEMS Medical Director or designee shall send a Notice of Correction to the licensee.
 - (c) OCEMS shall annotate the Licensee Complaint Log.
- e. If the licensee fails to correct all alleged violations before or subsequent to being issued the OCEMS Medical Director's written notice: refer to "Hearing Conducted - Emergency Provision" (Section VI).

Complaint review- Alleged violation is determined not to pose an imminent risk to public health, safety, and welfare:

- a. OCEMS staff shall notify the complainant in writing of receipt of complaint.
- b. OCEMS staff shall send by certified mail a copy of the complaint to the licensee with a letter requesting the licensee to respond in writing within fifteen (15) calendar days of the licensee's receipt of the complaint. The licensee's response shall include, but not be limited to:
 - 1) Description of the incident.

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- 2) If applicable, the names of all personnel involved in the incident, and statements from appropriate personnel regarding the incident.
 - 3) If applicable, a complete description of the vehicle(s) involved (California license number, unit number, Vehicle Identification Number).
 - 4) Any other information, including copies of the invoices, patient care reports, and/or dispatch logs pertinent to the incident.
- c. OCEMS staff shall independently investigate and verify, if possible, the allegations described in the complaint. This investigation may include, but not be limited to:
- 1) Interviews of any individuals having first-hand knowledge of the incident.
 - 2) On-site inspections.
 - 3) Applicable documentation.
- d. After fifteen (15) calendar days have elapsed or after the licensee has responded within the 15 day limit and OCEMS staff investigation is completed, OCEMS staff shall prepare a written report regarding the complaint. This report shall include:
- 1) A description of the incident and allegation(s) set forth in the complaint.
 - 2) A listing of the specific sections of Orange County Ambulance Ordinance and/or the Ambulance Rules and Regulations pertinent to the complaint.
 - 3) A presentation of information gathered pertinent to alleged violation(s), including the licensee's written response.
- e. OCEMS staff shall send a copy of the report to the licensee by certified mail, and request any written comments or any additional relevant information to the report within seven (7) calendar days of the licensee's receipt of the report.
- f. After seven (7) calendar days have elapsed since the licensee's receipt of the report or the licensee has responded within the seven day limit, OCEMS staff shall verify and incorporate in the report any verified information received from the licensee.
- g. OCEMS staff shall submit the report to the OCEMS Medical Director or designee for review and determination if allegation(s) are supported or unsupported.
- 1) If the OCEMS Medical Director determines the allegation(s) to be unsupported:
 - (a) The OCEMS Medical Director shall notify the complainant and the licensee in writing of the disposition of the complaint.
 - (b) OCEMS staff shall annotate the Licensee Complaint Log.
 - 2) If the OCEMS Medical Director or designee determines the allegation(s) to be supported:
 - (a) The OCEMS Medical Director or designee shall prepare a written report to include:
 - (1) A listing of violation(s).

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- (2) Specific references to violated section(s) of Orange County Ambulance Ordinance and/or Ambulance Rules and Regulations.
 - (3) Time allotted for correction of violation(s).
 - (4) A statement that failure to correct the violation(s) or further violation(s) may result in license suspension or revocation pursuant to Section 4-9-8 of Ordinance 3517.
- (b) After the allotted time for correction has elapsed, OCEMS staff shall conduct a review to determine if the violation(s) has been corrected.
- (1) If the alleged violation(s) has been corrected, OCEMS staff shall:
 - (a) Document correction and issue a Notice of Correction to the licensee.
 - (b) Notify the complainant in writing of the disposition of the complaint.
 - (c) Annotate the Licensee Complaint Log.
 - (2) If the alleged violation(s) has not been corrected, OCEMS staff shall:
 - (a) Prepare a Report of Non-Compliance for the OCEMS Medical Director or designee.
 - (b) Send a copy of the Report of Non-Compliance to the licensee by certified mail, and request the licensee respond in writing to the OCEMS Medical Director within seven (7) calendar days of receipt of the Report of Non-Compliance.
 - (3) After seven (7) calendar days have elapsed since the licensee's receipt of the Report of Non-Compliance or the licensee has responded within the 7 day limit, the OCEMS Medical Director or designee may issue a second Report of Non-Compliance or initiate license suspension/revocation proceedings.
 - (a) If the OCEMS Medical Director sends a second Report of Non-Compliance, the Report shall consist of a request for written response by the licensee within seven (7) calendar days of receipt of the second Report and a statement that failure to respond will result in initiation of license suspension or revocation proceedings.
 - i. If licensee responds within allotted time with correction of violation(s) completed, OCEMS staff shall:
 - aa. Document correction and issue a Notice of Correction to the licensee.
 - bb. Notify the complainant in writing of the position of the complaint.
 - cc. Annotate the Licensee Complaint Log.

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- ii. If licensee does not respond within the allotted time or referenced violation(s) are not corrected, see "License Suspension/Revocation Proceedings" (Section V).
 - (b) If the OCEMS Medical Director decides to initiate license suspension or revocation proceedings see "License Suspension/Revocation Proceedings" (Section V).

V. LICENSE SUSPENSION/REVOCATION PROCEEDINGS:

- 1. The OCEMS Medical Director or designee shall set a hearing for not more than fifteen (15) calendar days, but not less than seven (7) calendar days from the date of a notice being sent to the licensee.
- 2. The OCEMS Medical Director or designee shall give the licensee written notice by certified mail of the intent to initiate license suspension or revocation proceedings. This notice shall specify:
 - a. The reason(s) for action to be taken.
 - b. The date, time, and location of the hearing for determining license suspension or revocation.
- 3. If the licensee corrects all alleged violations specified in the OCEMS Medical Director's notice:
 - a. OCEMS staff shall document correction and send a Notice of Correction to the licensee.
 - b. OCEMS staff shall notify the complainant in writing of the disposition of the complaint.
 - c. OCEMS staff shall annotate the Licensee Complaint Log.
- 4. If the licensee does not correct all alleged violations specified in the OCEMS Medical Director's Notice:
 - a. The scheduled hearing shall be conducted to determine whether to suspend or revoke the license.
 - b. At the conclusion of the Hearing, the Hearing Officer or designee shall prepare a written report of the evidence and proposed findings and conclusions for consideration by the HCA Director.
 - c. The HCA Director shall issue a written decision within 30 days after conclusion of the hearing.
 - 1) If the HCA Director decides not to suspend or revoke the license:
 - a) OCEMS staff shall notify the complainant in writing of the disposition of the complaint.
 - b) OCEMS staff shall annotate the Licensee Complaint Log.
 - 2) If the HCA Director decides to suspend or revoke the license, the licensee may request a hearing before the Board of Supervisors.
 - a) If the licensee decides not to request a hearing before the Board of Supervisors:
 - (1) OCEMS staff shall notify the complainant in writing of the disposition of the complaint.

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- (2) OCEMS staff shall notify the licensee in writing of the effective license suspension or revocation.
 - (3) OCEMS staff shall annotate the Licensee Complaint Log.
- b) If the licensee decides to request a hearing before the Board of Supervisors, refer to "Licensee Requested Board of Supervisors Hearing" (Section VII).

VI. HEARING CONDUCTED - EMERGENCY PROVISION:

- 1. If the OCEMS Medical Director or designee determines that the Licensee's alleged violation(s) is an imminent risk to public health, safety, and welfare, the OCEMS Medical Director shall schedule a hearing to determine whether to suspend or revoke the license. If the alleged violation is deemed an imminent risk to public health, safety and welfare, a license may be immediately suspended.
- 2. At the conclusion of the hearing, the Hearing Officer shall prepare a written report of the evidence and proposed findings and conclusions for consideration by the HCA Director.
- 3. The HCA Director or designee shall issue a written decision within thirty (30) days after conclusion of the hearing.
 - a. If the HCA Director or designee decides not to suspend or revoke the license:
 - 1) OCEMS staff shall notify the complainant in writing of the disposition of the complaint.
 - 2) OCEMS staff shall annotate the Licensee Complaint Log.
 - b. If the HCA Director decides to suspend or revoke the license, the licensee may, within 24 hours of HCA Director's notice, request an additional hearing:
 - 1) If the licensee decides not to request an additional hearing:
 - a) OCEMS staff shall notify the complainant in writing of the disposition of the complaint.
 - b) OCEMS staff shall notify the licensee in writing of effective license suspension or revocation.
 - c) OCEMS staff shall annotate the Licensee Complaint Log.
 - 2) If the licensee requests an additional hearing, the additional hearing shall be conducted within five (5) days of licensee's request.
 - a) If the conclusion of the additional hearing is to recommend over-turning the suspension/revocation decision of the HCA Director:
 - (1) The Hearing Officer shall prepare a written report of the evidence and proposed findings and conclusions for reconsideration by the HCA Director.
 - (a) If the HCA Director rescinds his decision to suspend or revoke the license:
 - i. OCEMS staff shall notify the complainant in writing of the disposition of the complaint.

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- ii. OCEMS staff shall annotate the Licensee Complaint Log.
 - b) If the conclusion of the additional hearing is to maintain the HCA Director's decision to suspend or revoke the license, the licensee may request a hearing before the Board of Supervisors.
 - (1) If the licensee decides not to request a hearing before the Board of Supervisors:
 - (a) OCEMS staff shall notify the complainant in writing of the disposition of the complaint.
 - (b) OCEMS staff shall notify the licensee in writing of effective license suspension or revocation.
 - (c) OCEMS staff shall annotate the Licensee Complaint Log.
 - (2) If the licensee decides to request a hearing before the Board of Supervisors, refer to "Licensee Requested Board of Supervisors Hearing" (Section VII).

VII. LICENSEE REQUESTED BOARD OF SUPERVISORS HEARING:

Upon the request by a licensee for a hearing before the Board of Supervisors, pursuant to the manner for hearing requests specified in Section 5-2-19 of the County of Orange Codified Ordinances, a hearing shall be conducted.

- 1. Board of Supervisors hearings shall be conducted in the manner specified in Section 5-2-19 of the County of Orange Codified Ordinances.
- 2. If the Board of Supervisors over-turns the suspension or revocation decisions of the previous panel(s)/HCA Director:
 - a. OCEMS staff shall notify the complainant in writing of the disposition of the complaint.
 - b. OCEMS staff shall annotate the Licensee Complaint Log.
- 3. If the Board of Supervisors maintains the suspension or revocation decision of the previous panel(s)/HCA Director:
 - a. OCEMS staff shall notify the complainant in writing of the disposition of the complaint.
 - b. OCEMS staff shall notify the licensee in writing of effective license suspension or revocation.
 - c. OCEMS staff shall annotate the Licensee Complaint Log.

Approved:

OCEMS Medical Director

OCEMS Administrator

Effective Date: 04/01/2014
Reviewed Date(s): 04/01/2014
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