

Solano County Health & Social Services Department

Mental Health Services
Public Health Services
Substance Abuse Services
Older & Disabled Adult Services



Eligibility Services
Employment Services
Children's Services
Administrative Services

Patrick O. Duterte, Director

EMERGENCY MEDICAL SERVICES AGENCY

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EMS Agency Medical Director

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Ted Selby
EMS Agency Administrator

POLICY MEMORANDUM 3820

DATE: May 26, 2011

REVIEWED & APPROVED BY:

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STEVEN WHITELEY, MD., EMS AGENCY MEDICAL DIRECTOR

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TED SELBY, SOLANO COUNTY EMS ADMINISTRATOR

SUBJECT: Emergency Medical Technician (EMT)-1 DISCIPLINE

AUTHORITY:CALIFORNIA HEALTH & SAFETY CODE Sections 1797.107, 1797.176 and 1798.204; and California Code of Regulations, Title 22. Social Security, Division 9, Prehospital Emergency Medical Services (EMS), Chapter 6, Process for EMT and Advanced EMT Disciplinary Action.

PURPOSE/POLICY:

This policy contains information developed from the California Health and Safety Code and state guidelines on EMT discipline for locally accredited EMTs. This information is modeled on the State disciplinary orders.

I. Definitions:

- A. **Certificate** - a valid Emergency Medical Technician (EMT) certificate issued pursuant to Division 2.5 of the California Health and Safety Code.
- B. **Certifying entity** - as used in this policy, means the medical director of the Solano County EMS Agency or a public safety agency if the agency has a training program for EMT personnel that is approved pursuant to the standards established in Section 1797.109 of the California Health and Safety Code.

- C. **Certification Action** - those actions taken by the EMS Agency medical director that include denial, suspension, revocation of a certificate, or placing a certificate holder on probation.
- D. **Certificate Holder** – the holder of a certificate as described above.
- E. **CCR** – California Code of Regulations, Title 22, Division 9.
- F. **Discipline** - a disciplinary plan taken by a relevant employer pursuant to Section 100206.2 of the CCR; or certification action taken by a medical director pursuant to Section 100204 of the CCR; or both a disciplinary plan and certification action.
- G. **Disciplinary Cause** - an act that is substantially related to the qualifications, functions, and/or duties of an EMT that is evidence of a threat to the public health and safety in accordance with Health and Safety Code Section 1798.200.
- H. **Disciplinary Plan** - a written plan of action taken by a relevant employer as a consequence of any action listed in Section 1798.200 (c) California Health and Safety Code. The Disciplinary Plan shall be submitted to the EMS Agency medical director and may include recommended certification action consistent with the Recommended Guidelines for Disciplinary Orders and Conditions of Probation for EMTs (MDOs).
- I. **Functioning outside of medical control** - any provision of prehospital emergency medical care which is not authorized by, or is in conflict with, any policies, procedures, or protocols established by the Solano County EMS agency, or any treatment instructions issued by the base hospital providing immediate medical direction.
- J. **Model Disciplinary Orders (MDO)** - the Recommended Guidelines for Disciplinary Orders and Conditions of Probation (EMSA document #134) which were developed to provide consistent and equitable discipline in cases dealing with censurable cause (Refer to Attachment A).
- K. **Prehospital emergency medical personnel** - those persons who have been certified/authorized/accredited as qualified to provide prehospital emergency medical care pursuant to Division 2.5, Health and Safety Code.
- L. **Relevant employer(s)** - those ambulance services permitted by the Department of the California Highway Patrol or a public safety agency that the certificate holder works for, or was working for, as an EMT either paid or volunteer, at the time of the incident under review.
- M. **Medical Director** - the Medical Director of the Solano EMS Agency, pursuant to Section 1797.202(a) of the California Health and Safety Code.

N. **Valid, Validate or Validated** – for the purpose of this policy means to determine by preliminary investigation, within reasonable certainty, that a violation of Health and Safety Code §1798.200 may have occurred and that said violation may be reason for disciplinary cause.

II. Responsibilities of Relevant Employer

- A. Under the provisions of the CCR and this policy, relevant employers:
 1. May conduct investigations into allegations of inappropriate conduct.
 2. Shall notify the Solano County EMS Agency Medical Director or designee within three (3) working days after an allegation has been validated as potential cause for discipline.
 3. Upon determination of cause, the relevant employer may develop and implement a disciplinary plan, in accordance with the MDOs.
 - a. The relevant employer shall submit that disciplinary plan to the Solano County EMS Agency along with the relevant findings of the investigation related to cause, within three (3) working days of adoption of the disciplinary plan.
 - b. The employer's disciplinary plan may include a recommendation that the medical director consider taking action against the holder's certificate to include denial of certification, suspension of certification, revocation of certification, or placing a certificate on probation.
 4. Shall notify the medical director within three (3) working days of the occurrence of any of following:
 - a. The employee is terminated or suspended for a disciplinary cause,
 - b. The employee resigns or retires following notification of an impending investigation based upon evidence that would indicate the existence of a cause for discipline
 - c. The employee is removed from employment-related duties for a disciplinary cause after completion of the employer's investigation.

III. Jurisdiction of the Solano County EMS Agency Medical Director

- A. The Medical Director, or designee, shall conduct investigations to validate allegations for disciplinary cause when the EMT is not an employee of a relevant employer or the relevant employer does not conduct an investigation. Upon determination of disciplinary cause, the Medical Director (designee) may take certification action as necessary against a certificate holder.
- B. The Medical Director (designee) may, upon determination of cause for discipline and according to the provisions of this policy, take certification action against an EMT to deny, suspend, or revoke, or place a certificate holder on probation, upon finding of any of the actions listed in Health and Safety Code, Section 1798.200 (c) are true; or
 1. The relevant employer, after conducting an investigation, failed to impose discipline for the conduct under investigation, or the Medical Director (designee) makes a determination that discipline imposed by the relevant employer was not in accordance with the MDOs and the conduct of the certificate holder constitutes grounds for certification action.
 2. The Medical Director (designee) determines, following an investigation conducted in accordance with this policy, that the conduct requires certification action.
- C. The Medical Director (designee), after consultation with the relevant employer or without consultation when no relevant employer exists, may temporarily suspend, prior to a hearing, a certificate holder upon a determination of the following:
 1. The EMT has engaged in acts or omissions that constitute grounds for revocation of the certificate; and/or
 2. Permitting the EMT to continue to engage in certified activity without restriction poses an imminent threat to public health and safety.
- D. If the Medical Director (designee) takes any certification action the State EMS Authority shall be notified of the findings of the investigation and the certification action taken.

IV. Evaluation of possible complaints against an EMT

- A. A relevant employer who receives an allegation of conduct listed in Section 1798.200 (c) of the Health and Safety Code against a certificate holder and once the allegation is validated, shall notify the Solano County EMS Agency in writing, within three (3) working days, of the certificate holder's name, certification number, and the allegation(s).
- B. When the Solano County EMS Agency receives a complaint against a certificate holder, a copy of the original complaint and any supporting documentation shall be forwarded to the relevant employer for investigation, if there is a relevant employer, within three (3) working days of receipt of the information. If there is no relevant employer or the relevant employer does not wish to investigate the complaint, the Medical Director (designee) shall evaluate the information received from a credible source, including but not limited to, information obtained from an application, medical audit, or public complaint, alleging or indicating the possibility of a threat to public health and safety.
- C. The relevant employer or Medical Director (designee) shall conduct an investigation in accordance with the provisions of this policy, if warranted.
- D. Investigations Involving Firefighters:
 1. The rights and protections described in Chapter 9.6 of the Government Code shall only apply to a firefighter during events and circumstances involving the performance of his or her official duties.
 2. All investigations involving certificate holders who are employed by a public safety agency as a firefighter shall be conducted in accordance with Chapter 9.6 of the Government Code, Section 3250 et. seq.

V. Determination of action, discipline, and possible EMT certification actions

- A. Upon determining the disciplinary or certification action to be taken, the relevant employer or Medical Director (designee) shall complete and place in the personnel file or any other file used for any personnel purposes by the relevant employer or the Solano County EMS Agency, a statement certifying actions taken. The statement must contain findings of fact and a determination of issues, together with the disciplinary plan and the date the disciplinary plan shall take effect.

If the relevant employer has decided to take action they must notify the Solano County EMS Agency, in writing, within three (3) days and submit all pertinent investigative findings to substantiate the complaint submitted to the EMS Agency.

- B. Temporary suspension orders, pursuant to Section 100209 (c) of the CCR, shall take effect the date the notice (required by Section 100213 of the CCR) is mailed to the certificate holder.
- C. For all other certification actions, the effective date shall be 30-days from the date the notice is mailed to the applicant for, or holder of, a certificate unless another time is specified, or an appeal is made.
- D. **Temporary Suspension Order**
 - 1. The Solano County EMS Agency Medical Director, or designee, may temporarily suspend a certificate prior to hearing if the certificate holder has engaged in acts or omissions that constitute grounds for denial or revocation according to Section 100216(c) of the CCR and, if in the opinion of the Medical Director, or designee, permitting the certificate holder to continue to engage in certified activity would pose an imminent threat to public health and safety.
 - 2. Prior to, or concurrent with, initiation of a temporary suspension order of a certificate pending hearing, the medical director shall consult with the relevant employer of the certificate holder.
 - 3. The notice of temporary suspension pending hearing shall be served by registered mail, or by personal service, to the certificate holder immediately, but no later than three (3) working days after making the decision to issue the temporary suspension. The notice shall include the allegations that if substantiated would pose an imminent threat to public health and safety.
 - 4. Within three (3) working days of the initiation of the temporary suspension by the Solano County EMS Agency, Solano County EMS Agency and relevant employer shall jointly investigate the allegation in order to make a determination regarding continuation of the temporary suspension.
 - 5. All investigatory findings, not otherwise protected by law, used in making the decision to enact suspension shall be shared between the parties via facsimile transmission, e-mail, or overnight mail.
 - 6. The Solano County EMS Agency shall serve within fifteen (15) calendar days an accusation pursuant to Chapter 5 (commencing with Section 11500 of Part 1 of Division 3 of Title 2 of the Government Code Administrative Procedures Act).

7. If the certificate holder files a Notice of Defense, the administrative hearing shall be held within thirty (30) calendar days of the Solano County EMS Agency's receipt of the Notice of Defense.
8. The temporary suspension order shall be deemed vacated if Solano County EMS Agency fails to serve an accusation within fifteen (15) calendar days of a valid complaint or fails to make a final determination on the merits of the complaint within fifteen (15) calendar days after the Administrative Law Judge (ALJ) renders a proposed decision.

E. Final Determination of Certification Action by the Medical Director

1. Upon determination of certification action following an investigation and appeal of certification action pursuant to Section 100211.1 of the CCR, the medical director may take the following final actions:
 - a. Place the certificate holder on probation
 - b. Suspension of certificate
 - c. Denial of certificate
 - d. Revocation of certificate
2. Placement of a Certificate Holder on Probation:
The Solano County EMS Agency 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. The term of the probation and any conditions shall be in accordance with MDOs. The Solano County EMS Agency may revoke the EMT certificate if the certificate holder fails to successfully complete the terms of probation.
3. Suspension of a Certificate:
 - a. The Medical Director may suspend an individual's EMT certificate for a specified period of time for disciplinary cause in order to protect public health and safety.
 - b. The term of suspension and any conditions for reinstatement shall be in accordance with MDOs.
 - c. Upon expiration of the term of suspension, the individual's certificate shall be reinstated only when all conditions for reinstatement have been met. The Medical Director shall continue the suspension until all conditions for reinstatement have been met.
 - d. If the expiration date of the certificate precedes termination of the suspension period, the EMT shall meet all recertification requirements prior to the expiration date of the certificate.

4. Denial or Revocation of a Certificate
 - a. The Medical Director may deny or revoke any EMT certificate for disciplinary cause that has been investigated and verified by application of this policy.
 - b. The Solano County EMS Agency Medical Director shall deny or revoke an EMT certificate if any of the following apply to the applicant:
 - 1). Has committed any sexually related offense specified under Section 290 of the Penal Code.
 - 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 offence relating to force, threat, violence, or intimidation.
 - 9). Has been convicted within the preceding five (5) years of any theft related misdemeanor.
 - c. The Medical Director may deny or revoke an EMT certificate if any of the following apply to the applicant:
 - 1). Has committed any act involving fraud or intentional dishonesty for personal gain within the preceding seven (7) years.
 - 2). Is required to register pursuant to Section 11590 of the Health and Safety Code. This section of Health and Safety Code references certain types of drug related violations.

- 3). Subsection 3. (a) and (b) shall not apply to convictions that have been pardoned by the Governor, and shall only apply to convictions where the applicant/certificate holder was prosecuted as an adult. Equivalent convictions from other states shall apply to the type of offenses listed in (a) and (b). 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.
- 4). This Section shall not apply to those EMT's who obtain their California certificate prior to July 1, 2010; unless:
 - a). The certificate holder is convicted of any misdemeanor or felony after July 1, 2010.
 - b). The certificate holder committed any sexually related offense specified under Section 290 of the Penal Code.
 - c). The certificate holder failed to disclose to the certifying entity any prior convictions when completing his/her application for initial EMT certification or certification renewal.
 - d. Nothing in this Section shall negate an individual's right to appeal a denial of an EMT certificate pursuant to this policy.
 - e. Certification action by the Solano County EMS Agency Medical Director shall be valid statewide and honored by all certifying entities for a period of at least twelve (12) months from the effective date of the certification action. An EMT whose application was denied or an EMT whose certification was revoked by the Solano County EMS Agency Medical Director shall not be eligible for EMT application by any other certifying entity for a period of at least twelve (12) months from the effective date of the certification action. EMT's whose certification is placed on probation must complete their probationary requirements with the EMS Agency that imposed the probation.

VI. Notification of Final Decision of Certification Action

- A. For the final decision of certification action, the Solano County EMS Agency 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 final decision shall be served by registered mail or personal service and shall include the following information:
 1. The specific allegations and/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) working days to any other Solano County EMS Agency and relevant employer in whose jurisdiction s/he uses the certificate.

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Model Discipline Orders (MDOs)

1. **Fraud in the procurement of any certificate or license under this division.**
 - Maximum Certification Action: Revocation or denial.
 - Recommended Certification Action: Revocation or denial.
 - Minimum Certification Action: Revocation stayed, sixty (60) day suspension/denial.
2. **Gross negligence** - An extreme departure from the standard of care which, under similar circumstances would have ordinarily been exercised by a reasonable and prudent person trained and acting in a similar capacity while engaged in the performance of his or her duties if confronted with a similar circumstance.
 - Maximum Certification Action: Revocation
 - Recommended Certification Action: Revocation stayed, sixty (60) day suspension, three (3) years probation with terms and conditions.
 - Minimum Certification Action: Revocation stayed, three (3) years probation with terms and conditions.
 - Minimum Conditions of Probation: All Standard Conditions of Probation listed in Attachment B and Optional Conditions of Probation numbers: 5, 8, 9 and 11 listed in Attachment B.
3. **Repeated negligent acts** - A repeated failure to use such care as a reasonable and prudent person trained and acting in a similar capacity while engaged in the performance of his or her duties would use if confronted with a similar circumstance.
 - Maximum Certification Action: Revocation
 - Recommended Certification Action: Revocation stayed, thirty (30) day suspension, three (3) years probation with terms and conditions.
 - Minimum Certification Action: Revocation stayed, one (1) year probation with terms and conditions.
 - Minimum Conditions of Probation: All Standard Conditions of Probation listed in Attachment B and Optional Conditions of Probation numbers: 5, 8, 9 and 11 listed in Attachment B.
4. **Incompetence** - The lack of possession of that degree of knowledge, skill, and ability ordinarily possessed and exercised by a certified EMT-I or Advanced EMT (AEMT).
 - Maximum Certification Action: Revocation
 - Recommended Certification Action: Revocation stayed, thirty (30) day suspension, three (3) years probation with terms and conditions.
 - Minimum Certification Action: Revocation stayed, one (1) year probation with terms and conditions.
 - Minimum Conditions of Probation: All Standard Conditions of Probation listed in Attachment B and Optional Conditions of Probation numbers: 5, 8, 9 and 11 listed in Attachment B.

5. **The commission of any fraudulent, dishonest, or corrupt act which is substantially related to the qualifications, functions, and duties of prehospital personnel.**
 - Maximum Certification Action: Revocation.
 - Recommended Certification Action: Revocation stayed, sixty (60) day suspension, 3 years probation with terms and conditions.
 - Minimum Certification Action: Revocation stayed, three (3) years probation with terms and conditions.
 - Minimum Conditions of Probation: All Standard Conditions of Probation listed in Attachment B and Optional Conditions of Probation number: 6 listed in Attachment B.
6. **Conviction of any crime which is substantially related to the qualifications, functions, and duties of prehospital personnel. The record of conviction or certified copy of the record shall be conclusive evidence of such conviction.**
 - Maximum Certification Action: Revocation.
 - Recommended Certification Action: Variable depending on the nature of the crime with terms and conditions.
 - Minimum Certification Action: Revocation stayed, one (1) year probation with terms and conditions.
 - Minimum Conditions of Probation: All Standard Conditions of Probation listed in Attachment B.
7. **Violating or attempting to violate directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this division or the regulations adopted by the authority pertaining to prehospital personnel.**
 - Maximum Certification Action: Revocation
 - Recommended Certification Action: Revocation stayed, sixty (60) day suspension, 3 years probation with terms and conditions.
 - Minimum Certification Action: Revocation stayed, three (3) years probation with terms and conditions.
 - Minimum Conditions of Probation: All Standard Conditions of Probation listed in Attachment B and Optional Conditions of Probation number: 6 listed in Attachment B.

8. **Violating or attempting to violate any federal or state statute or regulation which regulates narcotics, dangerous drugs, or controlled substances.**
 - Maximum Certification Action: Revocation
 - Recommended Certification Action: Revocation stayed, sixty (60) day suspension, 3 years probation with terms and conditions.
 - Minimum Certification Action: Revocation stayed, three (3) years probation with terms and conditions.
 - Minimum Conditions of Probation: All Standard Conditions of Probation listed in Attachment B and Optional Conditions of Probation numbers: 1, 2, 3, 4, and 10 listed in Attachment B.
9. **Addiction to the excessive use of, or the misuse of, alcoholic beverages, narcotics, dangerous drugs, or controlled substances.**
 - Maximum Certification Action: Revocation
 - Recommended Certification Action: Revocation stayed, suspension until successful completion of drug/alcohol detoxification diversion program five (5) years probation with terms and conditions.
 - Minimum Certification Action: Revocation stayed, three (3) years probation with terms and conditions.
 - Minimum Conditions of Probation: All Standard Conditions of Probation listed in Attachment B and Optional Conditions of Probation numbers: 1, 2, 3, 4, and 10 listed in Attachment B.
10. **Functioning outside the supervision of medical control in the field care system operating at the local level, except as authorized by any other license or certification.**
 - Maximum Certification Action: Revocation
 - Recommended Certification Action: Revocation stayed, fifteen (15) day suspension, 1 year probation with terms and conditions.
 - Minimum Certification Action: Revocation stayed, one (1) year probation with terms and conditions.
 - Minimum Conditions of Probation: All Standard Conditions of Probation listed in Attachment B and Optional Conditions of Probation numbers: 5 and 8 listed in Attachment B.
11. **Demonstration of irrational behavior or occurrence of a physical disability to the extent that a reasonable and prudent person would have reasonable cause to believe that the ability to perform the duties normally expected may be impaired.**
 - Maximum Certification Action: Revocation
 - Recommended Certification Action: Revocation stayed, suspension until resolution of the physical or mental disability.
 - Minimum Certification Action: Revocation stayed, one (1) year probation with terms and conditions.

- Minimum Conditions of Probation: All Standard Conditions of Probation listed in Attachment B and Optional Conditions of Probation numbers: 8, 9, and 10 listed in Attachment B.

12. Unprofessional Conduct

- A.** The mistreatment or physical abuse of any patient resulting from force in excess of what a reasonable and prudent person trained and acting in a similar capacity while engaged in the performance of his or her duties would use if confronted with a similar circumstance. Nothing in this section shall be deemed to prohibit an EMT-I, AEMT or Paramedic from assisting a peace officer, or a peace officer who is acting in the dual capacity of peace officer and EMT-I, AEMT, or Paramedic, from using that force that is reasonably necessary to effect a lawful arrest or detention.
 - Maximum Certification Action: Revocation/Denial
 - Recommended Certification Action: Revocation stayed, sixty (60) day suspension, three (3) years probation with terms and conditions.
 - Minimum Certification Action: Revocation stayed, three (3) years probation with terms and conditions.
 - Minimum Conditions of Probation: All Standard Conditions of Probation listed in Attachment B and Optional Conditions of Probation numbers: 7 and 10 listed in Attachment B.
- B.** The failure to maintain confidentiality of patient medical information, except as disclosure is otherwise permitted or required by law in Sections 56 and 56.6, inclusive of the Civil Code.
 - Maximum Certification Action: Revocation/Denial
 - Recommended Certification Action: Revocation stayed, thirty (30) day suspension, one (1) year probation with terms and conditions.
 - Minimum Certification Action: Revocation stayed, one (1) year probation with terms and conditions.
 - Minimum Conditions of Probation: All Standard Conditions of Probation listed in Attachment B and Optional Conditions of Probation numbers: 6 and 9 listed in Attachment B.
- C.** The commission of any sexually related offense specified under Section 290 of the Penal Code.
 - Maximum Certification Action: Revocation/ Denial
 - Recommended Certification Action: Revocation/Denial
 - Minimum Certification Action: Revocation/Denial

**Conditions of Probation:
Standard and Optional Conditions**

Standard Conditions of Probation

1. Probation Compliance:

The respondent shall fully comply with all terms and conditions of the probationary order. The respondent shall fully cooperate with the Solano County EMS Agency in its monitoring, investigation, and evaluation of the respondent's compliance with the terms and conditions of his/her probationary order.

The respondent shall immediately execute and submit to the Solano County EMS Agency all Release of Information forms that the Solano County EMS Agency may require of the respondent.

2. Personal Appearances:

As directed by the Solano County EMS Agency, the respondent shall appear in person for interviews, meetings, and/or evaluations of the respondent's compliance with the terms and conditions of the probationary order. The respondent shall be responsible for all of his/her costs associated with this requirement.

3. Quarterly Report Requirements:

During the probationary period, the respondent shall submit quarterly reports covering each calendar quarter which shall certify, under penalty of perjury, and document compliance by the respondent with all the terms and conditions of his/her probation. If the respondent submits his/her quarterly reports by mail, it shall be sent as registered mail.

4. Employment Notification:

During the probationary period, the respondent shall notify Solano County EMS Agency in writing of any EMS employment. The respondent shall inform the Solano County EMS Agency in writing of the name and address of any prospective EMS employer prior to accepting employment.

Additionally, the respondent shall submit proof in writing to Solano County EMS Agency of disclosure, by the respondent, to the current and any prospective EMS employer of the reasons for and terms and conditions of the respondent's probation.

The respondent authorizes any EMS employer to submit performance evaluations and other reports which Solano County EMS Agency may request that relate to the qualifications, functions, and duties of an EMT-I and/or AEMT.

Any and all notifications to the LEMSA shall be by registered mail.

5. Notification of Termination:

During the probationary period, the respondent shall notify Solano County EMS Agency within seventy-two (72) hours after termination, for any reason, with his/her prehospital medical care employer. The respondent must provide a full, detailed written explanation of the reasons for and circumstances of his/her termination.

Any and all notifications to Solano County EMS Agency shall be by registered mail.

6. Functioning as an EMT-I or AEMT:

The period of probation shall not run anytime that the respondent is not practicing as an **EMT-I or AEMT** within the jurisdiction of California.

If the respondent, during his/her probationary period, leaves the jurisdiction of California to practice as an EMT-I or AEMT, the respondent must immediately notify Solano County EMS Agency, in writing, of the date of such departure and the date of return to California, if the respondent returns.

Any and all notifications to Solano County EMS Agency shall be by registered mail.

7. Obey All Related Laws:

The respondent shall obey all federal, state and local laws, statutes, regulations, and local written policies, protocols and rules governing the practice of medical care as an EMT-I or AEMT. The respondent shall not engage in any conduct that is grounds for disciplinary action pursuant to Section 1798.200. To permit monitoring of compliance with this term, if the respondent has not submitted fingerprints to Solano County EMS Agency in the past as a condition of certification, then the respondent shall submit his/her fingerprints by Live Scan or by fingerprint cards and pay the appropriate fees within forty-five (45) days of the effective date of this decision.

Within seventy-two (72) hours of being arrested, cited or criminally charged for any offense, the respondent shall submit to Solano County EMS Agency a full and detailed account of the circumstances thereof. Solano County EMS Agency shall determine the applicability of the offense(s) as to whether the respondent violated any federal, state and local laws, statutes, regulations, and local written policies, protocols and rules governing the practice of medical care as an EMT-I or AEMT.

Any and all notifications to Solano County EMS Agency shall be by registered mail.

8. Completion of Probation:

The respondent's certification shall be fully restored upon successful completion of probation.

9. Violation of Probation:

If during the period of probation the respondent fails to comply with any term of probation, Solano County EMS Agency may initiate action to terminate probation and implement actual certificate suspension/revocation. Upon the initiation of such an action, or the giving of a notice to the respondent of the intent to initiate such an action, the period of probation shall remain in effect until such time as a decision on the matter has been adopted by Solano County EMS Agency. An action to terminate probation and implement actual certificate suspension/revocation shall be initiated and conducted pursuant to the hearing provisions of either Chapter 6 of the California Code of Regulations, Title 22, Division 9, or the California Administrative Procedure Act, whichever process was used by Solano County EMS Agency.

The issues to be resolved shall be limited to whether the respondent has violated any term of his/her probation sufficient to warrant termination of probation and implementation of actual suspension/revocation. The respondent and Solano County EMS Agency shall be bound by the admissions contained in the terms of probation and neither party shall have a right to litigate the validity or invalidity of such admissions.

Optional Conditions of Probation

1. Abstinence from Drug Possession and Use:

The respondent shall abstain from the possession, injection or consumption by any route of all controlled substances, dangerous drugs, or any drugs requiring a prescription unless prescribed under federal or state law as part of a documented medical treatment. Within fourteen (14) days of obtaining such a prescription, respondent shall ensure that the prescribing professional provides Solano County EMS Agency a written report identifying the medication, dosage, the date the medication was prescribed, the respondent's diagnosis, and the date the medication will no longer be required. This report must be provided to Solano County EMS Agency directly by the prescribing professional.

If the respondent has a lawful prescription when initially placed on probation, this same report must be provided within fourteen days of the commencement of probation.

Any and all notifications to Solano County EMS Agency shall be by registered mail.

2. Abstinence from the Use of Alcoholic Beverages:

The respondent shall abstain from the use of alcoholic beverages.

3. Biological Fluid Testing:

The respondent shall submit to routine and random biological fluid testing or drug/alcohol screening as directed by Solano County EMS Agency or its designee. Respondent may use a lab pre-approved by Solano County EMS Agency or may provide to Solano County EMS Agency the name and location of an independent laboratory or drug/alcohol testing facility for approval by Solano County EMS Agency. Lab approval shall be based on criteria regulating professional laboratories and drug/alcohol testing facilities as set forth in Chapter 3, Division 2, of the Business and Professions Code and Division 1 of Title 17 of the California Code of Regulations. When Solano County EMS Agency requests a random test, the respondent shall provide the required blood/urine sample by the time specified, or within twelve (12) hours of the request if no time is specified. When Solano County EMS Agency requests a random test, the respondent shall ensure that any positive test results are conveyed telephonically by the lab to Solano County EMS Agency within forty-eight (48) hours, and all written positive or negative results are provided directly by the lab to Solano County EMS Agency within ten (10) days. The respondent shall be responsible for all costs associated with the drug/alcohol screening.

Solano County EMS Agency may allow the random drug testing to be conducted by a laboratory under contract with the respondent's employer to meet the requirement of random drug testing as set forth in this section. The results of the employer's random drug testing shall be made available to Solano County EMS Agency in the time frames described above.

4. Drug/Detoxification/Diversion Program:

Within the number of days determined by the Medical Director of the effective date of this decision, the respondent shall enroll and participate in a drug/detoxification/diversion program approved by the LEMSA. The respondent shall participate in the program until appropriate medical supervision determines that further treatment and rehabilitation is no longer necessary.

If the respondent voluntarily withdraws from the drug/detoxification/diversion program or the respondent is expelled from the program, such withdrawal or expulsion shall constitute a violation of probation by the respondent. The respondent shall be responsible for all costs associated with such drug/detoxification/diversion program.

5. Educational Course Work:

Within the number of days determined by the Medical Director of the effective date of this decision, the respondent shall submit to Solano County EMS Agency proof of completion of the number of hours determined by the Medical Director of education in areas substantially related to the offense as stated in the accusation and to the satisfaction of Solano County EMS Agency. Any educational program may include community service to reinforce the learning objectives of the educational program.

All courses must be approved by Solano County EMS Agency. Within thirty-five (35) days after completing the course work, the respondent shall submit evidence of competency in the required education. Submittal of a certificate or letter from the instructor attesting to the respondent's competency shall suffice.

Any and all notifications to Solano County EMS Agency shall be by registered mail.

6. Ethical Practice of EMS:

Within the number of days determined by the Medical Director of the effective date of this decision, the respondent shall submit to Solano County EMS Agency for its prior approval, a course in Ethics. The respondent must complete this course during his/her probation period.

Upon completion by the respondent of the Ethics course, the respondent shall submit proof to Solano County EMS Agency that he/she fulfilled all course requirements.

Any and all notifications to Solano County EMS Agency shall be by registered mail.

7. Stress/Anger Management:

Within the number of days determined by the Medical Director of the effective date of this decision, the respondent shall enroll and participate in a local, court approved, stress/anger management program, which the respondent shall complete during his/her probation. Upon completion of the approved program, the respondent shall submit proof to Solano County EMS Agency that he/she has fulfilled all course requirements.

Any and all notifications to Solano County EMS Agency shall be by registered mail.

8. Practical Skills Examination:

Within the number of days determined by the Medical Director of the effective date of this decision, the respondent shall submit to and pass a skills examination in subjects substantially related to the accusation based upon the U. S. Department of Transportation (DOT) and/or the National Registry of Emergency Medical Technicians (NREMT) skills examination, when applicable. If not addressed in the DOT or NREMT, an approved local standard shall be identified and utilized. The skills examination shall be administered by a board selected by Solano County EMS Agency using the pre-established criteria (See Section VII: Review Board for criteria).

The respondent shall not be allowed to function as an EMT-I or AEMT until the respondent passes the examination. The respondent has the option and right to repeat the examination. There shall be at least a two (2) week period between examinations. No more than three (3) attempts to pass the examination shall be allowed. If the respondent fails to pass the exam after three (3) attempts, or chooses not to retake the examination, the respondent's certification shall be revoked.

9. Oral Skills Examination:

Within the number of days determined by the Medical Director of the effective date of this decision, the respondent shall submit to and pass an oral exam in subjects substantially related to the accusation. The oral exam shall be administered by an examination board selected by Solano County EMS Agency using pre-established criteria (See Section VII: Review Board for criteria).

The respondent shall not be allowed to function as an EMT-I or AEMT until the respondent passes the examination. The respondent has the option and right to repeat the examination. There shall be at least a two (2) week period between examinations. No more than three (3) attempts to pass the examination shall be allowed. If the respondent fails to pass the exam after three (3) attempts, or chooses not to retake the examination, the respondent's certification shall be revoked.

10. Psychiatric/Medical Evaluation:

Within the number of days determined by the Medical Director of the effective date of this decision, and on a periodic basis as specified by a psychiatrist certified by the American Board of Psychiatry and Neurology, or other specialist as determined by the medical director of Solano County EMS Agency, the respondent shall submit to a psychiatric evaluation. The psychiatrist must be approved by Solano County EMS Agency prior to the evaluation. Solano County EMS Agency may allow the psychiatric evaluation to be conducted by the respondent employer's employee assistance program that meets the qualifications as set forth above. The respondent shall be responsible for all costs associated with the evaluation.

Within the number of days determined by the Medical Director of the effective date of this decision, and on a periodic basis as specified by a licensed physician, or other specialist as determined by the medical director of Solano County EMS Agency the respondent shall submit to a medical evaluation. The physician must be approved by Solano County EMS Agency prior to the evaluation. Solano County EMS Agency may allow the medical evaluation to be conducted by the respondent employer's contracted physician that meets the qualifications as set forth above. The respondent shall be responsible for all costs associated with the evaluation.

Solano County EMS Agency shall have the sole discretion to determine if the respondent may continue to practice as an EMT or AEMT until such time that the psychiatrist or physician evaluates and determines that the respondent is mentally and/or physically fit to practice safely as an EMT or AEMT.

11. Performance Improvement Plan:

The respondent shall function as a practicing EMT or AEMT while on probation, except during the time when the respondent's certification is suspended by a term or condition of the disciplinary order. The respondent shall submit to Solano County EMS Agency periodic Performance Improvement Plan reports compiled by his/her employer, Solano County EMS Agency, or approved education provider. These reports shall document improvement as desired in the plan in order to satisfy this condition. The Performance Improvement Plan shall be developed by Solano County EMS Agency in conjunction with the respondent's employer(s). Performance Improvement Plan reports shall be submitted to Solano County EMS Agency every 30 days while on the Performance Improvement Plan.

A Performance Improvement Plan may include, but not be limited to, education and/or evaluation of the respondent in areas substantially related to the accusation as follows:

1. Remedial training by a preceptor in a field or clinical setting.
2. Remedial training with performance demonstration by the respondent.
3. Policy review by the respondent.
4. Participation by the respondent in Quality Assurance/Quality Improvement review audits.

Any and all notifications to Solano County EMS Agency shall be by registered mail.

DETOXIFICATION/DIVERSION PROGRAM CRITERIA

The criteria to be considered in determining rehabilitation for alcohol/drug abuse offenses include, but are not limited to:

- Successful completion of a drug/alcohol treatment program (a minimum of six (6) months duration). The treatment program may be a combined in-patient/out-patient and aftercare program. The program shall include at least the following elements:
 1. Chemical-free treatment philosophy;
 2. Individual and/or group counseling;
 3. Random, documented biological fluid testing;
 4. Participation in support groups;
 5. Education about addictive disease;
 6. Adherence to a 12-step recovery program philosophy or equivalent;
 7. Written documentation of participation in a 12-step recovery group or equivalent.
- Employment with a pre-hospital care provider, for a minimum of six (6) months, with documentation from the employer that the employer was aware of the previous drug or alcohol abuse problems. The documentation must substantiate that while employed, there was no evidence of continued alcohol or drug use and that the respondent performed EMT-I or AEMT functions in a safe and competent manner.
- If the respondent is seeking reinstatement of his/her certification, employment for a minimum of six (6) months with documentation from the employer that while employed, there was no evidence of alcohol or drug use.
- A minimum of one (1) year must have elapsed between the time of the second offense and the effective date of the prior order.

ALCOHOL/DRUG DISCIPLINARY ACTIONS

Offenses:	Applicant	Certificate holder
One Misdemeanor Alcohol or Drug-Related Conviction Within 5 Years of Applying for EMT-I or AEMT Certification, or Conviction for Misdemeanor Alcohol or Drug-Related offense	<p>1. Obtain a medical and psychiatric evaluation by a physician certified in addiction medicine by the American Society of Addiction Medicine (ASAM) or the American Board of Psychiatry and Neurology (ABPN) at applicant's expense.</p> <ul style="list-style-type: none"> a. If no signs of impairment, offer certification with 2 years probation with standard terms and conditions. No random testing required. b. If the individual is impaired, deny certification. 	<p>1. Obtain a medical and psychiatric evaluation by a physician certified in addiction medicine by the American Society of Addiction Medicine (ASAM) or the American Board of Psychiatry and Neurology (ABPN) at applicant's expense.</p> <ul style="list-style-type: none"> a. If no signs of impairment certification revocation, will be stayed, 3 years probation with standard terms and conditions. Random testing may be waived. b. If impaired, certification will be revoked. <ul style="list-style-type: none"> i. Reinstatement will require that certificate holder go through re-application process and demonstrate 2 years of sobriety ii. Applicant will be required to obtain a medical and psychiatric evaluation by a physician certified by the American Society of Addiction Medicine (ASAM) at applicant's expense within 30 days of re-applying for licensure. iii. Random testing required. Workplace monitoring may be required.
Two Misdemeanor Alcohol-Related Convictions Within 5 Years of Applying for EMT-I or AEMT Certification, or Misdemeanor Alcohol-Related Arrest/Conviction While on Probation	<p>1. Obtain a medical and psychiatric evaluation by a physician certified in addiction medicine by the American Society of Addiction Medicine (ASAM) or the American Board of Psychiatry and Neurology (ABPN) at applicant's expense.</p> <ul style="list-style-type: none"> a. If no signs of impairment, offer probation for 2 years with standard terms and conditions. Random testing required. Workplace monitoring may be required. 	<p>1. Temporary suspension order (TSO) pursuant to Section 100213 of Chapter 6, Division 9, Title 22, California Code of Regulations.</p> <p>2. Obtain medical and psychiatric evaluation by a physician certified in addiction medicine by the American Society of Addiction Medicine (ASAM) or the American Board of Psychiatry and Neurology (ABPN) at applicant's expense.</p> <ul style="list-style-type: none"> a. If no signs of impairment certificate holder will receive 30 to 90 days actual suspension time with additional terms and conditions and additional probation time. Random testing required. Workplace monitoring may be required. <p>3. If impaired, certification will be revoked.</p>

ALCOHOL/DRUG DISCIPLINARY ACTIONS

Offenses:	Applicant	Certificate holder
	b. If the individual is impaired, deny certification.	<ul style="list-style-type: none"> a. Reinstatement will require that Certificate holder go through re-application process and demonstrate 2 years of sobriety b. Certificate holder will be required to obtain a medical and psychiatric evaluation by a physician certified in addiction medicine by the American Society of Addiction Medicine (ASAM) or the American Board of Psychiatry and Neurology (ABPN) at applicant's expense within 30 days of re-applying for licensure. Random testing will be required. Workplace monitoring may be required.
Two Misdemeanor Drug-Related Convictions in the past 5 years	Deny Certification	Revoke Certification
Three Misdemeanor Alcohol-Related Convictions Within 5 Years of Applying for EMT-I or AEMT Certification, or Third Misdemeanor Alcohol-Related Arrest/Convictions While on Probation	Deny Certification	<ul style="list-style-type: none"> 1. TSO and revocation 2. Reinstatement will require that certificate holder go through re-application process and demonstrate 2 years of sobriety 3. Certificate holder will be required to obtain a medical and psychiatric evaluation by a physician certified in addiction medicine by the American Society of Addiction Medicine (ASAM) or the American Board of Psychiatry and Neurology (ABPN) at applicant's expense within 30 days of re-applying for licensure. Random testing will be required. Workplace monitoring may be required

ALCOHOL/DRUG DISCIPLINARY ACTIONS

Offenses:	Applicant	Certificate holder
Investigation, Arrest or Conviction for Drinking or Drug use on-Duty, or Theft or Diversion of Drugs Intended for Patient Care	<ol style="list-style-type: none">1. Obtain medical and psychiatric evaluation by a physician certified in addiction medicine by the American Society of Addiction Medicine (ASAM) or the American Board of Psychiatry and Neurology (ABPN) at applicant's expense.<ol style="list-style-type: none">a. If no signs of impairment, offer probation for 2 years with standard terms and conditions. No random testing required.b. If the individual is impaired, deny certification.	<ol style="list-style-type: none">1. TSO and revocation2. Reinstatement will require that certificate holder go through re-application process and demonstrate 2 years of sobriety3. Obtain medical and psychiatric evaluation by a physician certified in addiction medicine by the American Society of Addiction Medicine (ASAM) or the American Board of Psychiatry and Neurology (ABPN) at applicant's expense within 30 days of re-applying for certification. Random testing will be required. Workplace monitoring required