



**TITLE: EMT AND AEMT DISCIPLINARY ACTION
– SJCEMSA RESPONSIBILITIES**

EMS Policy No. **2710**

PURPOSE: The purpose of this policy is to specify the responsibilities of San Joaquin County Emergency Medical Services Agency (SJCEMSA) investigating and taking disciplinary action for EMT and Advanced EMT personnel that have or may have committed actions considered as evidence of a threat to public health and safety as specified in Heath and Safety Code Section 1798.200 (c).

AUTHORITY: Health and Safety Code, Division 2.5, Section 1797.220; 1798.200

DEFINITIONS:

- A. “Advanced Emergency Medical Technician” or “AEMT” means a person who has successfully completed an AEMT course which meets the requirements of the California Code of Regulations, Title 22, Division 9, Chapter 3, and has passed all required tests and has been certified by the AEMT certifying entity.
- B. “SJCEMSA ” means the San Joaquin County Emergency Medical Services Agency.
- C. “Emergency Medical Technician (EMT)” means a person who has successfully completed a basic EMT course which meets the requirements of the California Code of Regulations, Title 22, Division 9, Chapter 2, and has passed all required tests and has been certified by an EMT certifying entity.
- D. “Medical Director” means the medical director of SJCEMSA.
- E. “Relevant employer(s)” means those ambulance service providers permitted by the Department of the California Highway Patrol or a public safety agency (i.e. fire department or law enforcement agency) that the EMT or AEMT is employed or volunteers (paid or unpaid) for at the time of the incident under review.

POLICY:

It is the policy of SJCEMSA to investigate and to deny, suspend, or revoke EMT or AEMT certificates for cause pursuant to Health and Safety Code 1798.200 and California Code of Regulations, Section 100209 (c)

PROCEDURE:

- I. All information received from any source, which purports a violation of or deviation from state or local EMS statutes, regulations, policies, procedures, protocols, or standards shall be evaluated pursuant to the requirements set forth in this policy.
- II. An application for EMT or AEMT shall be denied without prejudice and does not require an administrative hearing when an applicant does not meet the requirements for certification or certification renewal. The denial shall be effective until all

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requirements for certification or renewal are met. If a certificate expires before renewal requirements are met, the certification shall be deemed lapsed and subject to the provisions pertaining to lapsed certification.

III. Evaluation of Information:

- A. A relevant employer who receives an allegation of conduct listed in Section 1798.200(c) of the Health and Safety Code against an EMT or AEMT, once the allegation is validated, shall notify the medical director of SJCEMSA within three (3) working days, of the EMT or AEMT's name, certification number, and the allegation(s).
- B. SJCEMSA will notify a relevant employer if any complaint is received against and EMT or AEMT and will forward the original complaint and any supporting documentation to the relevant employer for investigation 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 or designee shall evaluate the information received from the credible source.

IV. Jurisdiction of the Medical Director:

- A. The medical director or designee shall conduct investigations to validate allegations for disciplinary cause when either the applicant or certificate holder is not an employee of a relevant employer, the relevant employer does not conduct an investigation, or the relevant employer requests that the SJCEMSA conduct the investigation. Upon determination of disciplinary cause, the Medical Director may take certification action as necessary against an EMT or AEMT applicant or certificate holder.
 - 1) The rights and protections for investigations involving firefighters described in Chapter 9.6, Division 4 of Title 1 of the Government Code shall only apply to a firefighter during events and circumstances involving the performance of their official duties.
- B. The Medical Director may upon determination of disciplinary cause take action against an applicant or certificate holder to deny, suspend, revoke, or place on probation upon finding the occurrence of any of the actions listed in Health and Safety Code, Section 1798.200 (c) and for which any of the following conditions are true:



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- 1) The relevant employer, after conducting an investigation, failed to impose discipline for the conduct under investigation in accordance with the Recommended Guidelines for Disciplinary Orders and Conditions of Probation for EMT (Basic) and Advanced EMT, EMSA #134, effective 4-1-2010.
 - 2) The Medical Director determines that the conduct requires disciplinary action against the EMT or AEMT applicant or certificate holder.
- C. If action is taken against an EMT or AEMT applicant or certificate holder the SJCEMSA shall notify the California EMS Authority of the action and enter the information into the Central Registry.

V. Due Process:

- A. The certification action process for an EMT or AEMT shall be in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

VI. Determination of Action:

- A. Upon determining the certification action to be taken, as a result of the findings of the investigation, the medical director shall complete and place in the personnel file or any other file used for any personnel purposes by the SJCEMSA, a statement certifying the decision made and the date the decision was made. The decision must contain findings of fact and a determination of issues, together with the disciplinary plan and the date the disciplinary plan shall take effect.
- B. In the case of a temporary suspension order pursuant to Section 100209 (c) of the CCR, it shall take effect upon 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 thirty 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.

VII. Temporary Suspension Order:

- A. The medical director 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 100214.3(c) and (d) of the CCR and if

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in the opinion of the medical director permitting the certificate holder to continue to engage in certified activity would pose an imminent threat to the public health and safety.

- B. 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.
- C. The notice of temporary suspension pending hearing shall be served by registered mail or by personal service to the certificate holder immediately, but no longer than three (3) working days from making the decision to issue the temporary suspension. The notice shall include the allegations that allowing the certificate holder to continue to engage in certified activities would pose an imminent threat to the public health and safety.
- D. Within three (3) working days of the initiation of the temporary suspension by the medical director, the medical director and relevant employer shall jointly investigate the allegation in order for the medical director to make a determination of the continuation of the temporary suspension.
 - 1) All investigatory information, not otherwise protected by the law, held by the SJCEMSA and the relevant employer shall be shared between the parties via facsimile transmission or overnight mail relative to the decision to temporarily suspend.
 - 2) SJCEMSA shall serve within fifteen (15) calendar days an accusation pursuant to the California Administrative Procedures Act.
 - 3) If the certificate holder files a Notice of Defense, the administrative hearing shall be held within thirty (30) calendar days of SJCEMSA's receipt of the Notice of Defense.
 - 4) The temporary suspension order shall be deemed vacated if SJCEMSA fails to serve an accusation within fifteen (15) calendar days or fails to make a final determination on the merits within fifteen (15) calendar days after the Administrative Law Judge renders a proposed decision.

VIII. Final Determination of Certification Action by the Medical Director:

- A. Upon determination of certification action following an investigation, and appeal of certification action pursuant to Section 100211.1 of the CCR, if the respondent so chooses, the medical director may take the following final actions on an EMT or AEMT certificate:

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1) Probation:

(a) The 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 the public health and safety. The term of the probation and any conditions shall be in accordance with the Recommended Guidelines for Disciplinary Orders and Conditions of Probation for EMT (Basic) and Advanced EMT, EMSA #134, effective 4-1-2010. The medical director may revoke the EMT certificate if the certificate holder fails to successfully complete the terms of probation.

2) Suspension:

(a) The medical director may suspend an EMT or AEMT certificate for a specified period of time for disciplinary cause in order to protect the public health and safety. The term of the suspension and any conditions for reinstatement shall be in accordance with the Recommended Guidelines for Disciplinary Orders and Conditions of Probation for EMT (Basic) and Advanced EMT, EMSA #134, effective 4-1-2010. Upon the expiration of the term of suspension, the individual's certificate shall be reinstated only when all conditions for reinstatement have been met. The medical director shall continue the suspension until all conditions for reinstatement have been met. If the suspension period will run past the expiration date of the certificate, the EMT or AEMT must meet the renewal requirements prior to the expiration date of the certificate to avoid routine issues related to having a lapsed certification.

3) Denial or Revocation:

- (a) The medical director may deny or revoke any applicant or certificate holder for disciplinary cause that has been investigated and verified by application of this policy.
- (b) The medical director shall deny or revoke an applicant or certificate holder for any disqualifying offense listed in EMS Policy No. 2702, Causes for the Denial or Revocation of a SJCEMSA Prehospital Certificate.

B. Disciplinary action by the 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 or AEMT whose application

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was denied or whose certification was revoked by the medical director shall not be eligible to apply for EMT or AEMT certification with any other certifying entity for a period of at least twelve (12) months from the effective date of the certification action. An EMT or AEMT placed on probation must complete their probationary requirements with SJCEMSA .

IX. Notification of Final Decision:

- A. The medical director shall notify the applicant or certificate holder and the relevant employer(s) of the final decision of disciplinary 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 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 Local EMS Agency (LEMSA) and/or relevant employer in whose jurisdiction the certificate is used.