

	COUNTY OF SACRAMENTO EMERGENCY MEDICAL SERVICES AGENCY	Document #	4006.06
	<u>PROGRAM DOCUMENT:</u> Reporting Responsibilities of Relevant Employers	Draft Date:	05/31/07
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 EMS Medical Director

 EMS Administrator

Purpose:

To provide guidelines to Relevant Employers providing prehospital emergency medical services (EMS) within the County of Sacramento, and Sacramento County certified Emergency Medical Technicians who are not affiliated with a prehospital EMS provider, for reporting disciplinary action plans or actions potentially requiring disciplinary plans related to violations of the California Health and Safety Code Section 1798.200, sub-sections (a) through (c) and any of the actions listed in California Health and Safety Code Section 1799.112, sub-section (a).

Authority:

- A. California Health and Safety Code, Division 2.5
- B. California Code of Regulations, Title 22, Division 9

Definitions:

- A. Certificate: a valid Emergency Medical Technician certificate issued pursuant to Division 2.5 of the California Health and Safety Code.
- B. Emergency Medical Technician (EMT): 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, has passed all required tests and who has been certified by the EMT Certifying Authority.
- C. Medical Director: the Sacramento County Emergency Medical Services Agency (SCEMSA) Medical Director.
- D. Relevant Employer: 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 at the time of the incident under review, as an EMT either a paid employee or a volunteer.

Responsibilities of Relevant Employer:

- A. The Relevant Employer shall develop policies to address EMT disciplinary actions for incidents that occur while the EMT is on duty and directly related to their job as an EMT.

A Relevant Employer:

- 1. May conduct investigations to determine disciplinary cause or refer it to SCEMSA.
- 2. Shall notify the SCEMSA Medical Director within three (3) working days after an allegation has been validated as potential for disciplinary cause.
- 3. When a Paramedic is no longer employed by, or holds affiliation with an approved Sacramento County ALS provider, the paramedic's accreditation ceases. The

paramedic and the provider shall notify Sacramento County Emergency Medical Service Agency (SCESMA), using the Paramedic Employee Status Report form, no later than ten calendar days after termination of employment.

4. Shall notify the SCESMA 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, The employee resigns or retires following notification of an impending investigation based upon evidence that would indicate the existence of a disciplinary cause, or
 - b. The employee is removed from employment-related duties for a disciplinary cause after the completion of the employer's investigation.
5. May develop and implement, a disciplinary plan, in accordance with the Model Disciplinary Orders upon determination of disciplinary cause.
 - a. The Relevant Employer shall submit that disciplinary plan to SCESMA along with the relevant findings of the investigation related to disciplinary cause, within three (3) working days of adoption of the disciplinary plan.
 - b. The employer's disciplinary plan may include a recommendation that the SCESMA 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.

Evaluation of Information:

- A. A Relevant Employer who receives an allegation of conduct listed in § 1798.200 (c) of the Health and Safety Code against a certificate holder and once the allegation is validated, shall notify the SCESMA Medical Director, within three (3) working days, of the certificate holder's name, certification number, and the allegation(s). The following is a list of Health and Safety Code violation listed in §1798.200 (c):
 1. Fraud in the procurement of any certificate or license under this division.
 2. Gross negligence.
 3. Repeated negligent acts.
 4. Incompetence.
 5. The commission of any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications, functions, and duties of prehospital personnel.
 6. Conviction of any crime, which is substantially related to the qualifications, functions, and duties of prehospital personnel. The record of conviction or a certified copy of the record shall be conclusive evidence of the conviction.
 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.
 8. Violating or attempting to violate any federal or state statute or regulation that regulates narcotics, dangerous drugs, or controlled substances.
 9. Addiction to, the excessive use of, or the misuse of, alcoholic beverages, narcotics, dangerous drugs, or controlled substances.
 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.

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.
 12. Unprofessional conduct exhibited by any of the following:
 - 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, Advanced EMT, or Paramedic from assisting a peace officer, or a peace officer who is acting in the dual capacity of peace officer and EMT, Advanced EMT, or Paramedic, from using that force that is reasonably necessary to effect a lawful arrest or detention.
 - b. The failure to maintain confidentiality of patient medical information, except as disclosure is otherwise permitted or required by law in Sections 56 to 56.6, inclusive, of the Civil Code.
 - c. The commission of any sexually related offense specified under Section 290 of the Penal Code.
- B. When SCEMSA receives a complaint against a certificate holder, SCEMSA shall forward the original complaint and any supporting documentation to the Relevant Employer for investigation, if there is a Relevant Employer, within three (3) working days of receipt of the information, or the Relevant Employer requests that SCEMSA conduct the investigation. The SCEMSA Medical Director shall evaluate the information received from a credible source indicating the possibility of a threat to the public health and safety by the action of an applicant for, or holder of, a certificate issued by SCEMSA or pursuant to Division 2.5, Health and Safety Code.
- C. The Relevant Employer or SCEMSA Medical Director shall conduct an investigation of the allegations in accordance with the provisions of this Policy, if warranted.

Reference:

Certification/Accreditation Review Process, PD #4050