RECOMMENDED GUIDELINES FOR DISCIPLINARY ORDERS AND CONDITIONS OF PROBATION FOR EMT (BASIC) AND ADVANCED EMT

4/1/2010 *

***Effective Date**

EMSA #134

TABLE of CONTENTS

Section No. and Subject	Page
I. Foreword	1
II. Disciplinary Consideration Factors	1
III. Disciplinary Causes and Recommended Disciplinary Actions	2
Fraud in the Procurement of Any License or Certificate	2
Gross Negligence	2
Repeated Negligent Acts	2
Incompetence	2
Commission of Any Fraudulent, Dishonest, or Corrupt Act	3
Conviction of Any Crime	3
Violating, Attempting to Violate, or Abetting Violation of this Statute	3
Violating, Attempting to Violate, or Abetting Violation of Statutes Regulating Narcotics, Dangerous Drugs or Controlled Substances	3
Addiction to, Excessive Use of, or Misuse of Alcoholic Beverages, Narcotics, Dangerous Drugs, or Controlled Substances	4
Functioning Outside the Supervision of Medical Control	4
Irrational Behavior or Physical/Mental Disability which Impairs the EMT-B's Abilities	4
Unprofessional Conduct	5
IV. Detoxification/Diversion Program Criteria	5
V. Mitigating Evidence	6
VI. Language for Model Disciplinary Orders	7
Standard Revocation Orders	7
Standard Stay Order	7

Standard Suspension Orders 7

Conditions of Probation 8

Standard Conditions
#1- Probation Compliance 8
#2- Personal Appearances 8
#3- Quarterly Report Requirements 8
#4- Pre-employment Notification 8
#5- Notification of Termination 8
#6- Functioning as an EMT-I or AEMT 9
#7- Obey All Related Laws 9
#8- Completion of Probation 9
#9- Violation of Probation 9

Optional Conditions
#1- Abstinence from Drug Possession and Use 10
#2- Abstinence from the Use of Alcoholic Beverages 10
#3- Biological Fluid Testing 10
#4- Drug/Detoxification/Diversion Program 11
#5- Educational Course Work 11
#6- Ethical Practice of EMS 11
#7- Stress/Anger Management 11
#8- Practical Skills Examination 12
#9- Oral Skills Examination 12
#10- Psychiatric/Medical Evaluation 12
#11- Performance Improvement Plan 13

VII. Review Board 13

VIII. Appendix

Medical Model Assessment For Determining Impairment A
Checklist Of Imposed Certification Action B

THIS PUBLICATION WAS SUPPORTED BY THE PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANT. ITS CONTENTS ARE SOLELY THE RESPONSIBILITY OF THE AUTHORS AND DO NOT NECESSARILY REPRESENT THE OFFICIAL VIEWS OF CDC.

Section I: FOREWORD

The purpose of the Recommended Guidelines for these Model Disciplinary Orders is to provide a consistent and equitable certification action in cases dealing with disciplinary cause as defined in Health and Safety Code, Division 2.5, Section 1798.200 (e).

The relevant employer shall use this document to develop a disciplinary plan in accordance with the Process for EMT-I and Advanced EMT Disciplinary Action, Chapter 6, Division 9, Title 22 of the California Code of Regulations. The local emergency medical services agency (LEMSA) medical director shall also use this document as a standard in settling disciplinary matters when a respondent wishes to resolve the allegations through a negotiated settlement. However, the settlement may be on any terms the parties determine are appropriate pursuant to Section 11415.60 of the California Administrative Procedure Act.

Should the respondent invoke his/her right to contest the allegations through the California Administrative Procedures Act, the administrative law judge shall use this document as a guide in making his/her recommendations for certification action (if needed) to the medical director of the local EMS agency.

The respondent shall be allowed representation of his/her choice through all processes of the investigation, filing of an accusation, negotiation of a settlement, and administrative hearing pursuant to the California Administrative Procedure Act (Government Code, Title 2, Division 3, Part 1). Any such representation shall be at the respondent's expense.

Section II: DISCIPLINARY CONSIDERATION FACTORS

The following factors shall be considered for determination of the certification action to be imposed on the respondent. Specifically, whether the certification action warranted is probation, suspension, or revocation:

1. Nature and severity of the act(s), offense(s), or crime(s) under consideration;
2. Actual or potential harm to the public;
3. Actual or potential harm to any patient;
4. Prior disciplinary record;
5. Prior warnings on record or prior remediation;
6. Number and/or variety of current violations;
7. Aggravating evidence;
8. Mitigating evidence;
9. Rehabilitation evidence;
10. In case of a criminal conviction, compliance with terms of the sentence and/or court-ordered probation;
11. Overall criminal record;
12. Time that has elapsed since the act(s) or offense(s) occurred;
13. If applicable, evidence of expungement proceedings pursuant to Penal

Code 1203.4.

14. In determining appropriate certification disciplinary action, the LEMSA medical director may give credit for prior disciplinary action imposed by the respondent's employer.

Section III: VIOLATIONS and RECOMMENDED DISCIPLINARY ACTIONS

Health and Safety Code Section 1798.200 (c) specifies the offenses for which the LEMSA may take disciplinary action against an EMT-I or an Advanced EMT (AEMT). When filing an accusation, the LEMSA may also cite additional related statutes and regulations.

The recommended discipline should be imposed in the absence of any aggravating or mitigating evidence. The administrative law judge may propose any discipline between the minimum discipline and maximum discipline for a particular violation. When the administrative law judge recommends discipline that is less than the minimum or which exceeds the maximum, a full explanation shall be included as to the nature of the act that warrants unusual consideration. The LEMSA medical director has the final determination as to the discipline to be imposed.

When used below, the numbers following the "Minimum Conditions of Probation" refer to the Optional Conditions of Probation in Section VI. These conditions may vary according to the nature and circumstances of the offense.

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 and Optional Conditions: 5, 8, 9 and 11.

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 and Optional Conditions: 5, 8, 9 and 11.

4. **Incompetence -** The lack of possession of that degree of knowledge, skill, and ability ordinarily possessed and exercised by a certified EMT-I or 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 and Optional Conditions: 5, 8, 9 and 11.

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 and Optional Condition: 6

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.

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 and Optional Condition: 6.

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 and Optional Conditions: 1, 2, 3, 4, and 10.

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 and Optional Conditions: 1, 2, 3, 4, and 10.

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 and Optional Conditions: 5 and 8.

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 and Optional Conditions: 8, 9, and 10.

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 EMT-P from assisting a peace officer, or a peace officer who is acting in the dual capacity of peace officer and EMT-I, EMT-II, or EMT-P, 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 and Optional Conditions: 7 and 10.

(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 and Optional Conditions: 6 and 9.

(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

Section IV: 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.

Section V: MITIGATING EVIDENCE

The respondent is permitted to present mitigating circumstances at a hearing. The same opportunity is provided in the settlement process.

The following documents are examples of appropriate evidence the respondent may submit to demonstrate his/her rehabilitative efforts and competency:

A. Dated written statements from persons in positions of authority who have on-the-job knowledge of the respondent's current EMT-I or AEMT competence. Each statement should include the period of time and capacity in which the person worked with the respondent and should contain the following sentence at the end: **"I declare, under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge."** The statement should be signed and dated by the person making the statement;

B. Dated letters from counselors regarding the respondent's participation in a rehabilitation or recovery program, where appropriate. The letters should include a description of the program, the number of sessions that the respondent has attended, the counselor's diagnosis of the respondent's condition, the respondent's prognosis for recovery, the respondent's current state of rehabilitation (or improvement), the counselor's basis for determining improvement, and the credentials of the counselor;

C. Dated letters describing the respondent's participation in support groups;

D. Dated laboratory analyses or drug screen reports, where appropriate;

E. Dated performance evaluation(s) from the respondent's employer;

F. Dated physical examination or assessment report by a licensed physician;

G. Certificates or transcripts of courses related to EMT-I or AEMT duties that the respondent might have completed since the date of the violation. **An EMT-I or AEMT whose certification has been revoked does not possess an EMT-I or AEMT certification. Therefore, the individual cannot use his/her former certification number to obtain continuing education credit/hours or for any other purpose. However, he or she may take continuing education courses so long as an EMT- I or AEMT certification is not used.**

H. Evidence of community service or other educational experiences.

Section VI: LANGUAGE FOR MODEL DISCIPLINARY ORDERS

Standard Revocation Orders

Revocation - Single Cause:
Certification Number issued to the respondent, , is revoked.

Revocation - Multiple Causes:
Certification Number issued to the respondent, , is revoked pursuant to Determination of Issues: , jointly and separately.

Standard Stay Order

Standard Stay Order:
However, such revocation is stayed and the respondent is placed on probation for year(s) upon the following terms and conditions:

(List of terms and conditions.)

Standard Suspension Orders

Suspension - Single Cause:
Certification Number issued to the respondent, , is suspended for .

Suspension - Multiple Causes: (Concurrent)
Certification Number issued to the respondent, , is suspended for pursuant to determination of issues: , jointly and separately. All suspensions shall run concurrently.

Suspension - Multiple Causes: (Consecutive)
Certification Number issued to the respondent,
, is suspended for pursuant to determination of issues:
, jointly and separately. All suspensions shall run consecutively.

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 LEMSA 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 LEMSA all Release of Information forms that the LEMSA may require of the respondent.

2. Personal Appearances:
As directed by the LEMSA, 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 the LEMSA in writing of any EMS employment. The respondent shall inform the LEMSA 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 the LEMSA 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 the LEMSA 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 the LEMSA 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 the LEMSA 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 the LEMSA, in writing, of the date of such departure and the date of return to California, if the respondent returns.

Any and all notifications to the LEMSA 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 the LEMSA 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 the LEMSA a full and detailed account of the circumstances thereof. The LEMSA 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 the LEMSA 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, the LEMSA 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 the LEMSA. 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 the LEMSA.

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 the LEMSA 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 the LEMSA 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 the LEMSA 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 the LEMSA 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 the LEMSA or its designee. Respondent may use a lab pre-approved by the LEMSA or may provide to the LEMSA the name and location of an independent laboratory or drug/alcohol testing facility for approval by the LEMSA. 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 the LEMSA 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 the LEMSA requests a random test, the respondent shall ensure that any positive test results are conveyed telephonically by the lab to the LEMSA within forty-eight (48) hours, and all written positive or negative results are provided directly by the lab to the LEMSA within ten (10) days. The respondent shall be responsible for all costs associated with the drug/alcohol screening.

The LEMSA 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 the LEMSA in the time frames described above.

4. Drug/Detoxification/Diversion Program:

Within days 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 days of the effective date of this decision, the respondent shall submit to the LEMSA proof of completion of hours of education in areas substantially related to the offense as stated in the accusation and to the satisfaction of the LEMSA.
Any educational program may include community service to reinforce the learning objectives of the educational program.

All courses must be approved by the LEMSA. 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 the LEMSA shall be by registered mail.

6. Ethical Practice of EMS:

Within days of the effective date of this decision, the respondent shall submit to the LEMSA, 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 the LEMSA that he/she fulfilled all course requirements.

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

7. Stress/Anger Management:

Within days 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 the LEMSA that he/she has fulfilled all course requirements.

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

8. Practical Skills Examination:

Within ____ days 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 the LEMSA 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 days 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 the LEMSA 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 days 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 the LEMSA, the respondent shall submit to a psychiatric evaluation. The psychiatrist must be approved by the LEMSA prior to the evaluation. The LEMSA 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 days 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 the LEMSA the respondent shall submit to a medical evaluation. The physician must be approved by the LEMSA prior to the evaluation. The LEMSA 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.

The LEMSA 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 the LEMSA periodic Performance Improvement Plan reports compiled by his/her employer, LEMSA, 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 the LEMSA in conjunction with the respondent's employer(s). Performance Improvement Plan reports shall be submitted to the LEMSA every ____ days for a period of _____.

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 the LEMSA shall be by registered mail.

Section VII: REVIEW BOARD

The LEMSA shall convene a Review Board to meet the requirements of Optional Conditions 8 and 9 of the Conditions of Probation. The board would be responsible for testing the respondent per the terms and conditions of probation. The board shall submit to the LEMSA its recommendation as to whether the respondent has successfully completed the exam.

Each board shall consist of an EMS physician, an EMT or AEMT, and an EMS educator. All board members must be currently active in California in an EMS clinical or administrative capacity.

Any individual that meets the minimum criteria to serve on the board may apply to the LEMSA for a position on the board. The LEMSA shall review the applications for eligibility and establish a list of qualified individuals.

When it is necessary to convene a board, the LEMSA shall select individuals from the list to serve on the board. The LEMSA shall make reasonable attempts to convene a regional board based upon the location of the respondent. Each board member shall be required to sign a document advising that he/she does not have a conflict with the respondent (i.e. personal friend, employer, EMS oversight, etc.).

The term for any board member shall be two (2) years. At the conclusion of the term, a board member may reapply.

Board Member Qualifications

Physician

- Must be licensed by the California Medical Board.
- Must have five (5) or more years of experience in EMS.
- Must not have had any discipline brought against him/her by the Medical Board of California.
- Must not have any criminal convictions.

EMT-I or AEMT

- Must be currently certified in California without any restrictions.
- Must not have had certification actions for actions for disciplinary cause as defined under the Health and Safety Code, Division 2.5, Section 1798.200 (e).
- Must not have any criminal convictions
- Must have two (2) or more years prehospital EMS experience

Educator

- Must qualify as a course director or principal instructor for an EMT-I or AEMT Training Program as that term is defined in California Code of Regulations, Title 22, Division 9, Chapter 2 Section 100070, for EMT-Is, or Chapter 3 Section 100109, for AEMT s.
- Must have five (5) or more years of experience in EMS with at least two (2) years as

an EMS educator in an EMT or AEMT training program.

- Must not have had certification actions by their Professional Licensing/Certification Board.
- Must not have any criminal convictions.

Appendix A

ASSESSMENT USING MEDICAL MODEL FOR DETERMINING IMPAIRMENT IN EMT OR ADVANCED EMT CERTIFICATE HOLDERS OR APPLICANTS WITH DRUG / ALCOHOL RELATED INVESTIGATIONS, ARRESTS, AND/OR CONVICTIONS PURSUANT TO H&S 1798.200 (c) (9)

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	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. 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.	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. a. If no signs of impairment certification will be revoked, stayed, 3 years probation with standard terms and conditions. Random testing may be waived. b. If impaired, certification will be revoked. 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	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. a. If no signs of impairment, offer probation for 2 years with standard terms and conditions. Random testing required. Workplace monitoring may be required. b. If the individual is impaired, deny certification.	1. Temporary suspension order (TSO) pursuant to Section 100213 of Chapter 6, Division 9, Title 22, California Code of Regulations. 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. 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

Appendix A

ASSESSMENT USING MEDICAL MODEL FOR DETERMINING IMPAIRMENT IN EMT OR ADVANCED EMT CERTIFICATE HOLDERS OR APPLICANTS WITH DRUG / ALCOHOL RELATED INVESTIGATIONS, ARRESTS, AND/OR CONVICTIONS PURSUANT TO H&S 1798.200 (c) (9)

Offenses:	Applicant	Certificate holder
		be required. 3. If impaired, certification will be revoked. 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	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

Appendix A

ASSESSMENT USING MEDICAL MODEL FOR DETERMINING IMPAIRMENT IN EMT OR ADVANCED EMT CERTIFICATE HOLDERS OR APPLICANTS WITH DRUG / ALCOHOL RELATED INVESTIGATIONS, ARRESTS, AND/OR CONVICTIONS PURSUANT TO H&S 1798.200 (c) (9)

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	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. 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.	1. TSO and revocation 2. Reinstatement will require that certificate holder go through re-application process and demonstrate 2 years of sobriety 3. 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

CHECKLIST OF IMPOSED DISCIPLINE

The local EMS agency (LEMSA) shall use the "Recommended Guidelines for Disciplinary Orders and Conditions of Probation" in setting disciplinary matters when an EMT-I or AEMT applicant or certificate holder is subject to certification action due to disciplinary cause.

When making a decision regarding certification action pursuant to Section 1798.200 the LEMSA may give credit for discipline imposed by the employer for the same conduct.

The tables on the reverse enumerate the recommended certification actions that may be taken by the LEMSA and the optional terms and conditions of probation as detailed in the guidelines cited above. The left column of the table denotes the recommended action sought by the LEMSA. The right column is used to denote the action imposed by the employer. Use the chart below to determine which optional conditions of probation are applicable to the violations listed in section 1798.200 of the Health and Safety Code.

Quick Reference				
Violation	Discipline			Optional Conditions of Probation
1798.200(c):	Maximum	Recom'd.*	Minimum*	
(1) Fraud in the Procurement	Rev/Denial	Rev/Denial	60 days	N/A
(2) Gross Negligence	Rev.	60 days, 3 years	3 years	5, 8, 9, 11
(3) Repeated Negligent Acts	Rev.	30 days, 3 years	1 year	5, 8, 9, 11
(4) Incompetence	Rev.	30 days, 3 years	1 year	5, 8, 9, 11
(5) Fraudulent, Dishonest, Corrupt Acts	Rev.	60 days, 3 years	3 years	6
(6) Conviction of a Crime	Rev.	Variable	1 year	N/A
(7) Violating Division 2.5 or Regulations	Rev.	60 days, 3 years	3 years	6
(8) Violating Drug Statutes or Regulations	Rev.	60 days, 3 years	3 years	1, 2, 3, 4, 10
(9) Addiction or Misuse	Rev.	Indef., 3 yrs[Ŧ]	3 years	1, 2, 3, 4, 10
(10) Outside Medical Control	Rev.	15 days, 1 year	1 year	5, 8
(11) Irrational Behavior	Rev.	Indef., [Ŧ]	1 year	8, 9, 10
(12) Unprofessional Conduct:				
(A) Mistreatment of Abuse of a Patient	Rev/Denial	60 days, 3 years	3 years	7, 10
(B) Failure to Maintain Confidentiality	Rev/Denial	30 days, 1 year	1 year	6, 9
(C) Commission of any PC 290 Offense	Rev/Denial	Rev/Denial	Rev/Denial	N/A

Note: Days refers to suspension, years refer to probation

***** Including all standard terms and conditions and optional conditions if applicable.

Ŧ Suspension time is indefinite: until completion of a detoxification program or until resolution of the physical or mental disability.

RESPONDENT: _____ CASE NO.: _____

Primary Violation: _____ Secondary Violation: _____

Certification Actions

LEMSA		Employer
☐	Revocation	N/A
☐	Stayed Revocation	N/A
☐ _____ Days	Suspension by LEMSA	N/A
☐ _____ Days	Suspension	☐ _____ Days
☐ _____ Months	Probation (Certification)	N/A
☐	Standard Terms and Conditions (Nos. 1-9)	N/A

Optional Conditions of Probation

☐	1. Abstinence from Drug Possession and Use	☐
☐	2. Abstinence from the Use of Alcoholic Beverages	☐
☐	3. Biological Fluid Testing	☐
☐	4. Drug/Detoxification/Diversion Program	☐
☐	5. Educational Course Work (compare hours and course)	☐
☐	6. Ethical Practice of EMS	☐
☐	7. Stress/Anger Management	☐
☐	8. Practical Skills Examination	☐
☐	9. Oral Skills Examination	☐
☐	10. Psychiatric/Medical Evaluation (by a practitioner approved by LEMSA)	☐
☐	11. Performance Improvement Plan	☐

Notes: _____