

POLICY: 240.00
TITLE: Discipline

EFFECTIVE: 6/21/2024
REVIEW: 6/2027
SUPERCEDES:

APPROVAL SIGNATURES ON FILE IN EMS OFFICE

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DISCIPLINE

- I. **AUTHORITY:**
Health and Safety Code, Division 2.5, Section 1797.220, 1797.202, 1798.202; California Code of Regulations, Title 22, Division 9, Chapter 6, Administrative Procedures Act (Government Code), title 2, Division 3, Chapter 5, Sections 11507.6, 11507.7, 11513 and 11514.
- II. **DEFINITIONS**
- A. “EMS Agency” means the Mountain Counties Emergency Medical Services Agency.
- B. “Certificate” means any one of the following:
1. Any valid Emergency Medical Technician (EMT) certificate issued pursuant to Health and Safety Code Division 2.5;
 2. Any valid Advanced Emergency Medical Technician (AEMT) certificate issued pursuant to Health and Safety Code Division 2.5;
 3. Any valid Emergency Medical Technician- Paramedic (Paramedic) issued pursuant to Health and Safety Code Division 2.5.
 4. Any valid First Responder/Emergency Medical Responder certificate issued by a local EMS agency or Public Safety agency.
- III. **PURPOSE**
The purpose of this policy is to provide oversight of the Mountain Counties Emergency Medical Services (EMS) Agency’s process for license, accreditation, authorization, and certification disciplinary review. This policy also provides transparency and consistency in the disciplinary process.
- IV. **POLICY**
- A. The Medical Director of Mountain Counties EMS Agency may take disciplinary action against a certificate holder for which any of the following are true:
1. The certificate was issued by Mountain Counties EMS Agency
 2. The certificate holder utilized or has utilized the certificate, or the skills authorized by another certifying authority in the State of California. This shall include using the license to apply for a certificate.
- B. Disciplinary proceedings shall be conducted in accordance with California Code of Regulations, Title 22, Division 9, Chapter 6, Section 11415.60 of the California Administrative Procedure Act (Government Code, Title 2, Division 3, Part 1)
- C. Disciplinary actions shall be performed according to the provisions of Health and Safety Code 2.5, Section 1798.202.

- D. If the final action is a recommendation to the EMS Authority for disciplinary action of an Paramedic license, a summary explaining the actions of the Paramedic that are a threat to the public health and safety pursuant to Section 1798.200 of the Health and Safety Code and all documentary evidence, relative to the recommendation, collected by the Medical Director, shall be forwarded to the State EMS Authority.
- E. Requests for discovery, petitions to compel discovery, evidence, and affidavits shall be conducted pursuant to the Administrative Procedures Act (Government Code, Title 2, Chapter 5, Sections 11507.6, 11507.7, 11513, 11514.)
- F. An application for certification or recertification shall be denied and does not require an Investigative Review Panel or the Medical Director's professional judgement, when an applicant fails to meet the requirements contained in Mountain Counties EMS Agency policy, for certification or recertification.
- G. All disciplinary actions shall be performed in accordance with the provisions contained in Health and Safety Code 2,5, Section 1798.202.

V. 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:

- A. Nature and severity of the act(s), offense(s), or crime(s) under consideration;
- B. Actual or potential harm to the public;
- C. Actual or potential harm to any patient;
- D. Prior disciplinary record;
- E. Prior warnings on record or prior remediation;
- F. Number and/or variety of current violations;
- G. Aggravating evidence;
- H. Mitigating evidence;
- I. Rehabilitation evidence;
- J. In case of a criminal conviction, compliance with terms of the sentence and/or court-ordered probation;
- K. Overall criminal record;
- L. Time that has elapsed since the act(s) or offense(s) occurred;
- M. If applicable, evidence of expungement proceedings pursuant to Penal Code 1203.4
- N. In determining appropriate certification disciplinary action, Mountain Counties EMS Agency's medical director may give credit for prior disciplinary action imposed by the respondent's employer.

VI. DISCIPLINARY GUIDELINES

The Mountain Counties EMS Agency's Medical Director has the sole discretion when determining disciplinary actions. However, the Mountain Counties EMS Agency's Medical Director shall consult the following documents when determining the discipline to be administered:

- A. EMSA Publication #134, Recommended Guidelines for Disciplinary Orders and Conditions of Probation for EMT and AEMT;
- B. Mountain Counties EMS Agency Discipline Table

MOUNTAIN COUNTIES EMERGENCY MEDICAL SERVICES AGENCY

Offense	Explanation	1st Offense	2nd Offense	3rd Offense
Failure to comply with infection control procedures that endangers yourself.	Not using appropriate PPE on ALL patient contacts. Not complying with specific infection control issued by EMS medical Director and/or Health Officer that might endanger you.	Written reprimand, probation	Seven-day suspension of accreditation, authorization and/or certification and probation	Thirty-day suspension of accreditation, authorization, and/or certification and probation.
Failure to comply with infection control procedure that endangers others.	Not disposing of sharps into an approved container. Failure to complying with specific infection control issued by EMS medical Director and/or Health Officer that may endanger others, including masking orders.	Seven-day suspension of accreditation, authorization, and/or certification and probation.	Thirty-day suspension of accreditation, authorization and/or certification and probation.	One hundred eighty-day suspension of accreditation, authorization, and/or certification and probation.
False statements, misrepresentation, deceit and/or concealment. (Minor)	When there is evidence of a misunderstanding and no personal gain attained and/or MCEMSA relations are not adversely affected.	Corrective action plan and/or written reprimand, probation	Seven-day suspension of accreditation, authorization and/or certification and probation.	Thirty-day suspension of accreditation, authorization and/or certification and probation.
False statements, misrepresentation, deceit and/or concealment. (Major)	Deliberate misrepresentation, deceit and/or concealment. Violation is egregious if personal gain is attempted or attained and may justify permanent revocation.	Seven-day suspension to permanent revocation of accreditation, authorization and/or certification and probation.	Permanent revocation of accreditation, authorization and/or certification.	
Under the influence or possession of intoxicants or illicit drugs while on duty.	Physically or mentally impaired. Inability to perform duties due to use of intoxicants or illicit drugs. The odor of intoxicants or illicit drugs. Possession of intoxicants or illicit drugs on station grounds or in EMS response vehicles.	Seven-day suspension to permanent revocation of accreditation, authorization and/or certification and enrollment in an alcohol/drug treatment program approved by the EMS Medical Director and probation.	Permanent revocation of accreditation, authorization and/or certification.	
Addiction to excessive use of, or misuse of, alcoholic beverages, narcotics, dangerous drugs, or controlled substances		Seven-day suspension to permanent revocation of accreditation, authorization and/or certification and enrollment in an alcohol/drug treatment program approved by the EMS Medical Director and probation.	Permanent revocation of accreditation, authorization and/or certification.	

MOUNTAIN COUNTIES EMERGENCY MEDICAL SERVICES AGENCY

Offense	Explanation	1st Offense	2nd Offense	3rd Offense
Disorderly Conduct (Minor)	Threatening bodily harm, continued use of abusive language or other actions that would cause a reasonable person to fear for their safety and/or adversely affect the performance of the EMS system	Seven-day suspension to permanent revocation of accreditation, authorization and/or certification and evaluation and clearance for work by a Behavioral Health Professional approved by the EMS Medical Director and probation.	Permanent revocation of accreditation, authorization and/or certification.	
Disorderly Conduct (Major)	Actual or attempted contact with a person with the intent to inflict bodily harm.	Permanent revocation of accreditation, authorization and/or certification. Refer to Law Enforcement.		
Theft	Actual or attempt to take property of another without consent.	Seven-day suspension to permanent revocation of accreditation, authorization and/or certification and probation. Refer to Law Enforcement.	Permanent revocation of accreditation, authorization and/or certification.	
Violation of safety practices and/or regulations. Failure to provide and use required safety equipment. (Minor)	Failure to observe safety practices and/or regulations thereby endangering property.	Corrective action plan and/or written reprimand, probation	Seven-day suspension of accreditation, authorization and/or certification and probation.	Thirty-day suspension of accreditation, authorization and/or certification and probation.
Violation of safety practices and/or regulations. Failure to provide and use required safety equipment. (Major)	Failure to observe safety practices and/or regulations thereby endangering or causing injury to persons.	Seven-day suspension to permanent revocation of accreditation, authorization and/or certification and probation	Permanent revocation of accreditation, authorization and/or certification.	
Failure to file reports	Failure to complete and submit required report(s) within the time limit(s) defined by policy. Late submission may be excused, for extreme circumstances, by the EMS Medical Director.	Corrective action plan and/or written reprimand, probation	Seven-day suspension of accreditation, authorization, and/or certification and probation.	Thirty-day suspension of accreditation, authorization and/or certification and probation.

MOUNTAIN COUNTIES EMERGENCY MEDICAL SERVICES AGENCY

Offense	Explanation	1st Offense	2nd offense	3rd Offense
Delay in response to an emergency request for an EMS service	Unnecessary delay from the time dispatched to the time enroute (vehicle in motion to the scene), without due cause.	Corrective action plan and/or written reprimand, probation	Seven-day suspension of accreditation, authorization and/or certification and probation.	Thirty-day suspension of accreditation, authorization and/or certification and probation.
Refusal to respond to an emergency request for an EMS service.	Not responding to the scene of an emergency request for an EMS response, without due cause	Seven-day suspension to permanent revocation of accreditation, authorization and/or certification and probation.	Permanent revocation of accreditation, authorization and/or certification and probation.	
Fraud in the procurement of any certificate or license	Deliberate misrepresentation, deceit and/or concealment of pertinent information, regarding accreditation, authorization and/or certification.	Permanent revocation or denial of accreditation, authorization and/or certification and probation.		
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.	Performing procedures and/or administering medications that are not within the Local Scope of Practice.	Corrective action plan, written reprimand, probation and/or, seven-day suspension and Probation to permanent revocation of accreditation, authorization and/or certification		
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.	Seven-day suspension and probation to permanent revocation of accreditation, authorization and/or certification.		
Repeated Negligent acts	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.	Corrective action plan, written reprimand, probation and/or, seven-to-thirty-day suspension of accreditation, authorization and/or certification and probation.	Seven-day suspension and probation to permanent revocation of accreditation, authorization and/or certification	Permanent revocation or denial of accreditation, authorization and/or certification.

MOUNTAIN COUNTIES EMERGENCY MEDICAL SERVICES AGENCY

Offense	Explanation	1st Offense	2nd Offense	3rd Offense
Incompetence	Lack of possession of that degree of knowledge, skill, and ability ordinarily possessed and exercised by a person similarly certified, accredited, or authorized.	Corrective action plan, written reprimand, probation and/or, seven-day suspension and probation to permanent revocation of accreditation, authorization, and/or certification	Seven-day suspension to permanent revocation of accreditation, authorization, and/or certification	Permanent revocation or denial of accreditation, authorization and/or certification.
Commission of any fraudulent, dishonest, or corrupt act which is substantially related to the qualifications, functions, and duties of prehospital personnel.		Corrective action plan, written reprimand, probation and/or, seven-day suspension and probation to permanent revocation of accreditation, authorization and/or certification.		
Unprofessional Conduct	The mistreatment or physical abuse of any patient resulting from force more than what a reasonable and prudent person trained and acting in a similar capacity while engaged in the performance of their duties would use if confronted with a similar circumstance. Nothing in this section shall be deemed to prohibit EMS personnel from assisting a peace officer.	Permanent revocation or denial of accreditation, authorization and/or certification		
Failure to maintain confidentiality of patient medical information	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.	Seven-day suspension and probation to permanent revocation of accreditation, authorization and/or certification.	Permanent revocation or denial of accreditation, authorization and/or certification	
Commission of any sexually related offense	Commission of any sexually related offense specified under Section 290 of the Penal Code.	Permanent revocation or denial of accreditation, authorization and/or certification.		

MOUNTAIN COUNTIES EMERGENCY MEDICAL SERVICES AGENCY

Offense	Explanation	1st Offense	2nd Offense	3rd Offense
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 duties normally expected may be impaired.	Corrective action plan, written reprimand, probation up to one year, and/or, seven-day suspension and probation to permanent revocation of accreditation, authorization and/or certification	Suspension until resolution of the physical or mental disability to permanent revocation of accreditation, authorization, and/or certification	Permanent revocation or denial of accreditation, authorization and/or certification