

SAN FRANCISCO EMERGENCY MEDICAL SERVICES AGENCY

Policy Reference No.: 2070
Effective Date: November 1, 2010
Review Date: January 1, 2013
Supersedes: September 1, 2009

CERTIFICATE/LICENSE DISCIPLINE PROCESS FOR PREHOSPITAL PERSONNEL

I. PURPOSE

- A. To establish procedures and ensure due process for EMT certificates and Paramedic license disciplinary actions.
- B. To comply with all applicable state statutes and regulations regarding EMT (or EMT-1) certificates and EMT-P (or Paramedic) license disciplinary actions.

II. AUTHORITY

- A. California Health & Safety Code ("H&S Code"), Division 2.5, Sections 1797.202(c); 1798.200-1798.211.
- B. California Code of Regulations ("CCR"), Title 22, Sections 100166, 100201-100217.
- C. California Government Code, Sections 11370 et seq. (Administrative Procedure Act), CCR, Title 1, Sections 1000-1050; California Business & Professions Code Sections 125.3, 162, 494; Code of Civil Procedure Sections 1985-1987.
- D. California Government Code, Sections 3250 et seq. (Firefighters Procedural Bill of Rights Act)

III. GENERAL POLICY

The EMS Agency, also known as the San Francisco EMS Agency (hereinafter "EMS Agency"), shall follow all of the provisions listed above in Section II. This policy shall apply when the EMS Agency Medical Director or his or her designee¹ takes any of the following prehospital certification actions:

1. Suspension of EMT-I certification
2. Revocation of EMT-I certification
3. Denial of EMT-I certification
4. Placement of an EMT-I certificate holder on probation
5. Suspension of EMT-P accreditation
6. Revocation of EMT-P accreditation
7. Temporary suspension of EMT-P license (H&S Code Sec. 1798.200)

¹ California Health & Safety Code, Section 1797.202(c) provides that the Medical Director of the local EMS Agency "may assign to administrative staff of the local EMS agency for completion under the supervision of the medical director, any administrative functions of his or her duties which do not require his or her professional judgment as medical director." Therefore, the Medical Director of the EMS Agency may assign his or her duties and authorities under this *Certificate/License Discipline Process for Prehospital Personnel* Policy to administrative staff of the EMS Agency.

IV.POLICY REGARDING EMT-P LICENSES

- (A) **Grounds for Discipline.** The State EMS Authority may deny, suspend, or revoke any EMT-P license, or may place any EMT-P license or license holder on probation upon the finding by the Director of the State EMS Authority of any of the following actions, which shall be considered evidence of a threat to the public health and safety:
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 which is substantially related to the qualifications, functions, and duties of prehospital personnel;
 6. Conviction of any crime that 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;
 - a) For the purposes of denial, placement on probation, suspension, or revocation of a certificate, pursuant to California Health and Safety Code §1798.200, a crime or act shall be considered to be substantially related to the qualifications, functions, or duties of a certificate holder if to a substantial degree it evidences present or potential unfitness of a certificate holder to perform the functions authorized by the certificate in a manner consistent with the public health and safety. (22 CCR §100208(a)). For the purposes of a crime, the record of conviction or a certified copy of the record shall be conclusive evidence of such conviction. "Crime" means any act in violation of the penal laws of this state, any other state, or federal laws. This also means violation(s) of any statute that imposes criminal penalties for such violations. "Conviction" means the final judgment on a verdict of finding of guilty, a plea of guilty, or a plea of nolo contendere. (22 CCR §100208(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;
 8. Violating or attempting to violate any federal or state statute or regulation which 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-1 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 or EMT-P, 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. (California Health and Safety Code §1798.200 (b-c)).

- (B) **Evaluation by Medical Director.** When information comes to the attention of the Medical Director of the EMS Agency that an EMT-P license holder has committed any act or omission that appears to constitute grounds for disciplinary action under Division 2.5 of the California Health and Safety Code, the Medical Director of the EMS Agency may evaluate the information to determine if there is reason to believe that disciplinary action may be necessary. (California Health and Safety Code §1798.201(a)).
- (C) **Recommendation by Medical Director.** If the Medical Director of the EMS Agency sends a recommendation to the State EMS Authority for further investigation or discipline of the license holder, the recommendation shall include all documentary evidence collected by the Medical Director in evaluating whether or not to make that recommendation. The recommendation and accompanying evidence shall be deemed in the nature of an investigative communication and be protected by Section 6254 of the California Government Code. In deciding what level of disciplinary action is appropriate in the case, the Authority shall consult with the Medical Director of the EMS Agency. (California Health and Safety Code §1798.201(b)).
- (D) **Temporary suspension**
1. **Authority.** The director of the State EMS Authority or the Medical Director of the EMS Agency, after consultation with the relevant employer, may temporarily suspend, prior to hearing, any EMT-P license upon a determination that: (1) the licensee has engaged in acts or omissions that constitute grounds for revocation of the EMT-P license; and (2) permitting the licensee to continue to engage in the licensed activity, or permitting the licensee to continue in the licensed activity without restriction, would present an imminent threat to the public health or safety. (California Health and Safety Code §1798.202(a)).
 2. **Notice.** When the suspension is initiated by the EMS Agency, the EMS Agency shall notify the licensee that his or her EMT-P license is suspended and shall identify the reasons therefore. Within three (3) working days of the initiation of the suspension by the EMS Agency, the EMS Agency shall transmit to the State EMS Authority, via facsimile transmission or overnight mail, all documentary evidence collected by the EMS Agency relative to the decision to temporarily suspend. Within two (2) working days of receipt of the EMS Agency's documentary evidence, the director of the State EMS Authority shall determine the need for the licensure action. Part of that determination shall include an evaluation of

the need for continuance of the suspension during the licensure action review process. If the director of the State EMS Authority determines that the temporary suspension order should not continue, the State EMS Authority shall immediately notify the licensee that the temporary suspension is lifted. If the director of the State EMS Authority determines that the temporary suspension order should continue, the State EMS Authority shall immediately notify the licensee of the decision to continue the temporary suspension and shall, within fifteen (15) calendar days of receipt of the EMS Agency's documentary evidence, serve the licensee with a temporary suspension order and accusation pursuant to California Government Code §§ 11503, 11505, 11507. Within fifteen (15) days after service of the accusation the respondent may file with the State EMS Authority a Notice of Defense pursuant to California Government Code § 11506. (California Health and Safety Code §1798.202 (b)). If the respondent files a notice of defense, the respondent shall be entitled to a hearing on the merits within thirty (30) days of the State EMS Authority's receipt of the notice of defense (California Government Code §11506; California Health and Safety Code §1798.202 (d)).

(E) **Suspension or Revocation of Accreditation.** The Medical Director of the EMS Agency may suspend or revoke the accreditation of an EMT-P license holder if the paramedic does not maintain current licensure or meet local accreditation requirements. The paramedic shall be granted the same due process rights afforded EMT-1 certificate holders facing suspension or revocation as set out below in Sections V., H of this Policy. (22 CCR §100165(i)).

(F) **Employer Reporting of Disciplinary Actions and Investigations.**

(a) EMT-P employers shall report in writing to the local EMS agency Medical Director and the Authority and provide all supporting documentation within 30 days of whenever any of the following actions are taken:

(1) An EMT-P is terminated or suspended for disciplinary cause or reason.

(2) An EMT-P resigns following notice of an impending investigation based upon evidence indicating disciplinary cause or reason.

(3) An EMT-P is removed from paramedic duties for disciplinary cause or reason following the completion of an internal investigation. (b) The reporting requirements of subdivision (a) do not require or authorize the release of information or records of an EMT-P who is also a peace officer protected by Section 832.7 of the Penal Code.

(c) For purposes of this section, "disciplinary cause or reason" means only an action that is substantially related to the qualifications, functions, and duties of a paramedic and is considered evidence of a threat to the public health and safety as identified in subdivision (c) of Section 1798.200.

(d) Pursuant to subdivision (i) of Section 1798.24 of the Civil Code, upon notification to the paramedic, the Authority may share the results of its investigation into a paramedic's misconduct with the paramedic's employer, prospective employer when requested in writing as part of a pre-employment background check, and the local EMS agency.

(e) The information reported or disclosed in this section shall be deemed in the nature of an investigative communication and is exempt from disclosure as a public record by subdivision (f) of Section 6254 of the Government Code.

(f) A paramedic applicant or licensee to whom the information pertains may view the contents, as set forth in subdivision (a) of Section 1798.24 of the Civil Code, of a closed investigation file upon request during the regular business hours of the Authority. (H&S Code §1799.112)

V. POLICY REGARDING EMT-1 CERTIFICATES

A. **General Provisions.** The Medical Director of the EMS Agency and all relevant employers shall adhere to the provisions of California Code of Regulations, Title 22, Chapter 6, when investigating or implementing any actions for disciplinary cause. (22 CCR §100207(a)).

B. **Grounds for Discipline.** In order to place a certificate holder on probation or deny, suspend, or revoke a certificate, the Medical Director of the EMS Agency must first determine there exists a threat to the public health and safety, as evidenced by the occurrence of any of the following actions by the applicant or certificate holder:

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 which is substantially related to the qualifications, functions, and duties of prehospital personnel;
6. Conviction of any crime that 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;
 - a) For the purposes of denial, placement on probation, suspension, or revocation of a certificate, pursuant to California Health and Safety Code §1798.200, a crime or act shall be considered to be substantially related to the qualifications, functions, or duties of a certificate holder if to a substantial degree it evidences present or potential unfitness of a certificate holder to perform the functions authorized by the certificate in a manner consistent with the public health and safety. (22 CCR §100208(a)). For the purposes of a crime, the record of conviction or a certified copy of the record shall be conclusive evidence of such conviction. "Crime" means any act in violation of the penal laws of this state, any other state, or federal laws. This also means violation(s) of any statute that imposes criminal penalties for such violations. "Conviction" means the final judgment on a verdict of finding of guilty, a plea of guilty, or a plea of nolo contendere. (22 CCR §100208(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;
8. Violating or attempting to violate any federal or state statute or regulation which 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-I 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 or EMT-P, 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. (22 CCR §100207(b); California Health and Safety Code §1798.200(c)).

C. Denial of Application without Administrative Hearing. An application for certification or recertification shall be denied without prejudice and does not require an administrative hearing, when an applicant does not meet the requirements for certification or recertification, including but not limited to, failure to pass a certification or recertification examination, lack of sufficient continuing education or documentation of a completed refresher course, failure to furnish additional information or documents requested by the certifying authority, or failure to pay any required fees. The denial shall be in effect until all requirements for certification or recertification are met. An application shall be deemed abandoned if the applicant does not complete the requirements of licensure within one year from the date on which the application was filed. If a certificate expires before recertification requirements are met, the certificate shall be deemed a lapsed certificate and subject to the provisions of a lapsed certificate. (22 CCR §100207(c)).

D. Applicant Rehabilitation. The EMS Agency, when determining the certification action to be imposed or reviewing a petition for reinstatement or reduction of penalty under Section 11522 of the Government Code, shall evaluate the rehabilitation of the applicant and present eligibility for certification of the respondent. When the certification action warranted is probation, denial, suspension, or revocation the following factors may be considered:

- (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 the 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 EMS Agency medical director may give credit for prior disciplinary action imposed by the respondent's employer. (22 CCR § 100208)(c)

E. **Relevant Employer Responsibilities.** For purposes of this policy, "Relevant employer" means 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 as a paid employee or as a volunteer. For purposes of this policy, "disciplinary plan" means a written plan of action that can be taken by a relevant employer as a consequence of any action listed in H&S Code Sec. 1798.200(c).

Under the provisions of Cal. Code of Regulations, Chapter 6, relevant employers:

- (a) May conduct investigations, according to the requirements of Chapter 6, to determine disciplinary cause.
- (b) Upon determination of disciplinary cause, the relevant employer may develop and implement, a disciplinary plan, in accordance with the Model Disciplinary Orders (MDOs). "Model Disciplinary Orders" means the "RECOMMENDED GUIDELINES FOR DISCIPLINARY ORDERS AND CONDITIONS OF PROBATION FOR EMT (BASIC) AND ADVANCED EMT" (EMSA document #134, 4/1/2010) which were developed to provide consistent and equitable discipline in cases dealing with disciplinary cause.
 - (1) The relevant employer shall submit that disciplinary plan, along with the relevant findings of the investigation related to disciplinary cause to the EMS Agency that issued the certificate, within three (3) working days of adoption of the disciplinary plan. In the case where the certificate was issued by a non-LEMSA certifying entity, the disciplinary plan shall be submitted to the San Francisco EMS Agency.
 - (2) 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.
- (c) Shall notify the medical director that has jurisdiction in the county in which the alleged action occurred within three (3) working days after an allegation has been validated as potential for disciplinary cause.
- (d) Shall notify the medical director that has jurisdiction in the county in which the alleged action occurred within three (3) working days of the occurrence of any of following:
 - (1) The EMT is terminated or suspended for a disciplinary cause,
 - (2) The EMT resigns or retires following notification of an impending investigation based upon evidence that would indicate the existence of a disciplinary cause, or

- (3) The EMT is removed from EMT-related duties for a disciplinary cause after the completion of the employer's investigation.
22 CCR 100208.1.

F. Jurisdiction of the Medical Director.

- (a) The medical director who issued the certificate, or in the case where the certificate was issued by a non-LEMSA certifying entity, the LEMSA medical director that has jurisdiction in the county in which the headquarters of the certifying entity is located, shall conduct investigations to validate allegations for disciplinary cause when the certificate holder 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 may take certification action as necessary against an EMT certificate.
- (b) The medical director may, upon determination of disciplinary cause 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 the findings by the medical director of 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:
- (1) The relevant employer, after conducting an investigation, failed to impose discipline for the conduct under investigation, or the medical director 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 determines, following an investigation conducted in accordance with this policy, that the conduct requires certification action.
- (c) The medical director, after consultation with the relevant employer or without consultation when no relevant employer exists, may temporarily suspend, prior to a hearing, an EMT certificate upon a determination of the following:
- (1) The certificate holder has engaged in acts or omissions that constitute grounds for revocation of the EMT certificate; and
 - (2) Permitting the certificate holder to continue to engage in certified activity without restriction poses an imminent threat to the public health and safety.
- (d) If the medical director takes any certification action the medical director shall notify the Authority of the findings of the investigation and the certification action taken by entering it directly into the Central Registry by the EMS Agency within three (3) days (Health & Safety Code § 1797.211) (22 CCR § 100209).

G. Evaluation and Investigation.

- (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 and once the allegation is validated, shall notify the medical director of the EMS Agency that has jurisdiction in the county in which the alleged violation occurred within three (3) working days, of the EMT's name, certification number, and the allegation(s).
- (b) The EMS Agency that receives any complaint against an EMT shall forward the original complaint and any supporting documentation to the relevant employer for investigation pursuant to subsection (a) of this section, 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 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 the public health and safety by the action of an applicant for, or holder of, a certificate issued pursuant to this policy.

(c) The relevant employer or medical director shall conduct an investigation of the allegations in accordance with the provisions of this policy, if warranted.

(d) Statewide public safety agencies shall provide the State EMS Authority with current relevant employer contact information for their individual agencies. (22 CCR §100210).

H. Due Process. The certification action process shall be in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, known as the Administrative Procedure Act. (22 CCR § 100211.1)

Within 15 days of receipt of the negative disposition letter signed by the EMSA Medical Director, the applicant or EMT has the right to file with the EMS Agency, in writing and by certified mail, a response to this decision, known as a “notice of defense”, in which he or she may:

1. Request a hearing, which would be conducted by an Administrative Law Judge (ALJ) from the State Office of Administrative Hearings ;Object to all or parts of the Summary of Findings contained in the disposition letter;
2. Admit to the Summary of Findings in whole or in part; or,
3. Present new matter by way of defense.

Section 11506 of the Administrative Procedure Act (APA) provides the complete details regarding these options.

A formal hearing is a review process before an ALJ selected by the State Office of Administrative Hearings. The ALJ hearing reviews all of the available information. The applicant or EMT has the right to be represented by legal counsel or to be accompanied to the ALJ hearing by any person to provide advice and support. The ALJ then prepares a written report containing findings, makes recommendations, and submits the matter to the Medical Director. The ALJ may recommend a more lenient, more harsh or similar sanctions to the ones contained in the disposition letter. The Medical Director retains the final decision-making authority.

I. Determination of Certification Action

(a) A certification action relative to the individual's certificate(s) shall be taken as a result of the findings of the investigation.

(b) Upon determining the disciplinary or certification action to be taken as authorized by this policy, the relevant employer or medical director shall complete and place in the personnel file or any other file used for any personnel purposes by the relevant employer or EMS Agency, 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.

(c) In the case of a temporary suspension order pursuant to 22 CCR Section 100209 (c), it shall take effect upon the date the notice required by 22 CCR Section 100213 is mailed to the certificate holder.

(d) 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.

J. Temporary Suspension Order

(a) A 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 Chapter 6 of the Cal. Code of Regulations and if 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 LEMSA, the LEMSA and relevant employer shall jointly investigate the allegation in order for the LEMSA to make a determination of the continuation of the temporary suspension.

(1) All investigatory information, not otherwise protected by the law, held by the LEMSA and the relevant employer shall be shared between the parties via facsimile transmission or overnight mail relative to the decision to temporarily suspend.

(2) The LEMSA 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).

(3) If the certificate holder files a Notice of Defense, the administrative hearing shall be held within thirty (30) calendar days of the LEMSA's receipt of the Notice of Defense.

(4) The temporary suspension order shall be deemed vacated if the LEMSA 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 (ALJ) renders a proposed decision.(22 CCR §100213).

K. Final Determination of Certification Action

Upon determination of certification action following an investigation, and appeal of certification action pursuant to 22 CCR 100214 and Section V. (H) of this policy, if the respondent so chooses, the medical director may take the following final actions on an EMT certificate:

- (a) Place the certificate holder on probation;
- (b) Suspension;
- (c) Denial; or,
- (d) Revocation (22 CCR § 100214).

L. Placement of a Certificate Holder on Probation. Pursuant to 22 CCR §100207, the Medical Director of the EMS Agency may place a certificate holder on probation any time an infraction or performance deficiency occurs that indicates a need to monitor the individual'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 MDOs established by the EMS Authority. The medical director that placed the certificate holder on probation may revoke the EMT certificate if the certificate holder fails to successfully complete the terms of probation. (22 CCR §100214.1).

M. 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 the public health and safety.
- (b) The term of the suspension and any conditions for reinstatement, shall be in accordance with MDOs established by the EMS Authority.
- (c) 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.
- (d) If the suspension period will run past the expiration date of the certificate, the EMT shall meet the recertification requirements for certificate renewal prior to the expiration date of the certificate. (22 CCR §100214.2).

N. 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 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 offense 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 H&S Code.
- (d) Subsection (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 (b) and (c). 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.
- (e) This Section shall not apply to those EMT’s who obtain their California certificate prior to the effective date of this Section; unless:
- (1) The certificate holder is convicted of any misdemeanor or felony after the effective date of this Section.
 - (2) The certificate holder committed any sexually related offense specified under Section 290 of the Penal Code.
 - (3) The certificate holder failed to disclose to the certifying entity any prior convictions when completing his/her application for initial EMT or Advanced EMT certification or certification renewal.
- (f) Nothing in this Section shall negate an individual’s right to appeal a denial of an EMT certificate pursuant to this policy.
- (g) Certification action by a 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 a 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 LEMSA that imposed the probation. (22 CCR §100214.3).

O. Notification of Action.

- (a) For the final decision of certification action, the 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 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 LEMSA and relevant employer in whose jurisdiction s/he uses the certificate (22 CCR § 100215).

VI. FIREFIGHTERS PROCEDURAL BILL OF RIGHTS

- A. Government Code Sections 3250-3262, known as the “Firefighters Procedural Bill of Rights Act (FPBRA),” shall be adhered to for the following:

1. All Civil Service firefighter job classifications in the San Francisco Fire Department, except those employees on probationary status.
2. Non-firefighter job classifications in the SFFD are not covered by this act. However, the EMS Agency will follow FPBRA for paramedics and EMT's who are not firefighters and who have passed their probationary period.
3. Firefighter positions in the Presidio Fire Department, National Park Service and U.S. Department of the Interior are covered.
4. The rights and protections in the FPBRA shall only apply to a firefighter during events and circumstances involving the performance of his or her official duties.

B. For those firefighter/EMT's subject to the FPBRA, a "Notice" document and an "Admonishment of Rights" document shall be given to him or her prior to the commencement of an investigation. It shall adhere to the provisions of the FPBRA at Government Code § 3250-3262.

C. Punitive action on grounds other than merit shall not be undertaken for any act, omission, or other allegation of misconduct if the investigation of the allegation is not completed within one year of discovery by EMSA. If EMSA determines that a punitive action may be taken, EMSA shall complete its investigation and notify the applicant/certificate holder of its proposed punitive action within that year.

D. If a certificate holder covered under the FPBRA is being investigated for a matter that may lead to criminal prosecution, the EMSA may request from local and/or federal prosecutors a formal grant of immunity from criminal prosecution regarding any information and evidence that may result from the EMSA investigation. Subject to that grant of immunity from criminal prosecution, a certificate holder refusing to respond to questions or submit to interrogations shall be informed that the failure to answer questions directly related to the investigation or interrogation may result in punitive action. (22 CCR § 100211; Government Code § 3250-3262, 3253(e) (1))