



EMERGENCY MEDICAL RESPONDER (EMR) CERTIFICATION ACTIONS

PURPOSE

To establish a policy and procedure governing the denial, suspension or revocation of an EMR certificate or placing the certificate holder on probation. Outlining the reportable situations which regard certification, and certificate holder(s), and the evaluation of determination regarding whether or not disciplinary cause exists.

AUTHORITY

Health & Safety Code, Division 2.5, Chapter 1, § 1797.7
Health & Safety Code, Division 2.5, Chapter 3, Article 5 § 1797.185
Health & Safety Code, Division 2.5, Chapter 4, Article 1 § 1797.214
California Code of Regulations, Title 22, Division 9, Chapter 2, Article 2, § 100063
California Code of Regulations, Title 22, Division 9, Chapter 2, Article 4, § 100079
California Code of Regulations, Title 22, Division 9, Chapter 2, Article 6, § 100083
California Government Code, Title 2, Division 3, Part 1, Chapter 5, § 11522

POLICY

Any information received from any source, including discovery through medical audit or routine follow-up on complaints, which purports a violation of, or deviation from, state or local Emergency Medical Service (EMS) laws, regulations, policies, procedures or protocols will be evaluated pursuant to this policy and consistent with the California Code of Regulations, Title 22, Division 9, Chapter 6.

DEFINITIONS

Agency: as used in this policy means Yolo County Emergency Medical Services Agency (YEMSA).

Applicant: means an individual who is applying/reapplying for EMR certification with YEMSA.

Authority: as used in this policy means the California Emergency Medical Services Authority (EMSA).

Certificate: means a specific document issued to an individual denoting competence in the named area of prehospital service.

Certificate Holder: as used in this policy, shall mean the holder of a certificate, as those terms are described herein.

Certificate Status: means the active, expired, denied, suspended, revoked, or placed on probation designation applied to a certificate issued pursuant to the Health & Safety Code, Division 2.5.



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Certification: is a process in which certification of competency, authority, or credibility is presented. "Certification" means authorization by YEMSA to practice as an EMR for a Service Provider within Yolo County. . Such authorization indicates that the EMR has completed the requirements of the California Code of Regulations, Title 22, Division 9, Chapter 2.

Certification Action: those actions that may be taken by YEMSA or the YEMSA Medical Director that includes denial, suspension, revocation of a certificate, or placing a certificate holder on probation.

Certifying Entity: a public safety agency or the Office of the State Fire Marshal if the agency has a training program for EMR personnel that is approved pursuant to the standards developed pursuant to the Health & Safety Code, Division 2.5, Chapter 3, Article 1, § 179.109, or the YEMSA Medical Director.

Discipline: either a disciplinary plan taken by a relevant employer as described under the definition of "Disciplinary Plan" in this section, or certification action taken by YEMSA, or both a disciplinary plan and certification action.

Disciplinary Action: the process taken when information comes to the attention of the YEMSA Medical Director that an EMR certification holder has committed any act or omission that appears to constitute grounds for disciplinary action under the Health & Safety Code, Division 2.5. It is not a punishment on the individual – it is an administrative action against the certificate to ensure that the public's health and safety is protected. Depending on the facts and circumstances of the individual case, the actions may range from denial of a certificate for a minor offense to actual certification revocation for serious matters that put the public's health and safety at risk.

Disciplinary Cause: means an act that is substantially related to the qualifications, functions, and duties of an EMR and is evidence of a threat to the public health and safety, per the Health & Safety Code, Division 2.5, Chapter 7, § 1798.200 (c).

Disciplinary Plan: a written plan of action that can be taken by a relevant employer as a consequence of any action listed in the Health & Safety Code, Division 2.5, Chapter 7, § 1798.200 (c).

Model Disciplinary Orders (MDO): means the "*Recommended Guidelines for Disciplinary Orders and Conditions of Probation for EMT and Advanced EMT*" (EMSA document # 134 dated 04/01/2010) which were developed to provide consistent and equitable discipline in cases dealing with disciplinary cause.

Punitive Action: means any action that may lead to dismissal, demotion, suspension, reduction in salary, written reprimand, or transfer for purposes of punishment, per the California Government Code, Title 1, Division 4, Chapter 9.6, § 3251 (c) for firefighters and the California Government Code, Title 1, Division 4, Chapter 9.7, § 3304 for peace officers.

Relevant Employer(s): means those ambulance services permitted by the Department of the California Highway Patrol (CHP) 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 EMR either as a paid employee or a volunteer.



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PROCEDURE

- I. Application of this Policy
 - A. The certifying entity, relevant employer or YEMSA shall adhere to the provisions of this policy, in applicable situations, when investigating or implementing any actions for disciplinary cause.
 - B. In order to take disciplinary or certification action on an EMR, (denial, suspension, revocation or placement of certificate holder on probation), it must first be determined that a disciplinary cause has occurred by the applicant or certificate holder and there exists a threat to the public health and safety, as evidenced by the occurrence of any of the following actions:
 1. Fraud in the procurement of any certificate under the Health & Safety Code, Division 2.5.
 2. Gross negligence.
 3. Repeated negligent acts.
 4. Incompetence.
 5. The commission of any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications, functions, and duties of prehospital personnel.
 6. Conviction of any crime which is substantially related to the qualifications, functions, and duties of prehospital personnel. The record of conviction or a certified copy of the record shall be conclusive evidence of the conviction.
 7. Violating or attempting to violate directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this division or the regulations adopted by the authority pertaining to prehospital personnel.
 8. Violating or attempting to violate any federal or state statute or regulation that regulates narcotics, dangerous drugs, or controlled substances.
 9. Addiction to, the excessive use of, or the misuse of, alcoholic beverages, narcotics, dangerous drugs, or controlled substances.
 10. Functioning outside the supervision of medical control in the field care system operating at the local level, except as authorized by any other license or certification.
 11. Demonstration of irrational behavior or occurrence of a physical disability to the extent that a reasonable and prudent person would have reasonable cause to believe that the ability to perform the duties normally expected may be impaired.
 12. Unprofessional conduct exhibited by any of the following:
 - a. The mistreatment or physical abuse of any patient resulting from force in excess of what a reasonable and prudent person trained and acting in a similar capacity while engaged in the performance of his or her duties would use if confronted with a similar circumstance. Nothing in this section shall be deemed to prohibit an EMR from assisting a peace officer, or a peace officer who is acting in the dual capacity of peace officer and EMR from using that force that is reasonably necessary to affect 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 the California Civil Code, Division 1, Part 2.6, Chapter 1, commencing



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- with § 56.
- c. The commission of any sexually related offense specified under the California Penal Code, Part 1, Title 9, Chapter 5.5, § 290.
- C. 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 (CE) or documentation of a completed refresher course, failure to furnish additional information or documents requested by the certifying entity, or failure to pay any required fees. The denial shall be in effect until all requirements for certification or recertification are met. If a certificate expires before recertification requirements are met, the certificate shall be deemed a lapsed certificate and subject to the provisions pertaining to lapsed certificates.
 - D. Nothing in this policy shall be construed to limit the authority of a Base Hospital Medical Director to provide supervision and medical control for prehospital emergency medical care personnel, as specified in YEMSA's Medical Control Policies and Procedures, developed pursuant to requirements of the Health & Safety Code, Division 2.5 and the California Code of Regulations, Chapter 2, for Medical Control and Supervision.
- II. Substantial Relationship Criteria for the Denial, Placement on Probation, Suspension, or Revocation of a Certificate.
- A. For the purposes of denial, placement on probation, suspension, or revocation, of a certificate, pursuant to the Health & Safety Code, Division 2.5, Chapter 7, § 1798.200 (c), a crime or act shall be substantially related to the qualifications, functions, and/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 that it poses a threat to the public health and safety.
 - B. For the purposes of a crime, the record of conviction or a certified copy of the record shall be conclusive evidence of such conviction.
 1. "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 which impose criminal penalties for such violations.
 2. "Conviction" means the final judgment on a verdict of finding of guilty, a plea of guilty, or a plea of nolo contendere.
 - C. YEMSA, when determining the certification action to be imposed or reviewing a petition for reinstatement or reduction of penalty under the California Government Code, Title 2, Division 3, Part 1, Chapter 5, § 11522, 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;



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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 the California Penal Code, Part 2, Title 8, Chapter 1, § 1203.4.
14. In determining appropriate certification disciplinary action, the YEMSA Medical Director may give credit for prior disciplinary action imposed by the respondent's employer.

III. Responsibilities of Relevant Employer

A. Under the provisions of this policy, relevant employers:

1. May conduct investigations to determine disciplinary cause.
2. Upon determination of disciplinary cause, the relevant employer may develop and implement, a disciplinary plan, in accordance with the most current version of MDOs adopted by the Authority.
 - a. The relevant employer shall submit that disciplinary plan, along with the relevant findings of the investigation related to disciplinary cause to the Local Emergency Medical Service Agency (LEMSA) 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 LEMSA that has jurisdiction in the county in which the headquarters of the certifying entity is located.
 - b. The employer's disciplinary plan may include a recommendation that the Medical Director consider taking action against the holder's certificate to include denial, suspension, or revocation of certification, or placing a certificate holder on probation.
3. 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.
4. Shall notify the EMS Administrator or 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:
 - a. The EMR is terminated or suspended for a disciplinary cause; or,
 - b. The EMR resigns or retires following notification of an impending investigation based upon evidence that would indicate the existence of a disciplinary cause; or,
 - c. The EMR is removed from employment related duties for a disciplinary cause after the completion of the employer's investigation.

IV. Jurisdiction of the Medical Director

- #### A. The Medical Director who issued the certification, or in the case where the



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certificate was issued by a non-YEMSA 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 EMR certificate.

- B. The Medical Director may, upon determination of disciplinary cause and according to the provisions of this policy, take certification action against an EMR, 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 the Health & Safety Code, Division 2.5, Chapter 7, § 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 most current version of MDOs adopted by the Authority 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 EMR certificate upon a determination of the following:
 - 1. The certificate holder has engaged in acts or omissions that constitute grounds for revocation of the EMR 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, s/he shall notify the Authority of the findings of the investigation and the certification action taken by entering this information directly into the State Central Registry. Any certification action will be documented and maintained by YEMSA.
- V. Evaluation of Information
- A. A relevant employer who receives an allegation of conduct listed in the Health & Safety Code, Division 2.5, Chapter 7, § 1798.200 (c), against an EMR and once the allegation is validated, shall notify the Medical Director of the LEMSA that has jurisdiction in the county in which the alleged violation occurred within three (3) working days, of the EMR's name, certification number, and the allegation(s).
 - B. When YEMSA receives a complaint against an EMR, YEMSA shall forward the original complaint and any supporting documentation to the relevant employer for investigation, if there is a relevant employer, within three (3) working days of receipt of the information. 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



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- the action of an applicant for, or holder of, a certificate issued by YEMSA or pursuant to the Health & Safety Code, Division 2.5.
- 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. The information shared among the EMR relevant employers, Medical Directors of LEMSA's, the Authority and EMR certifying entities shall be deemed to be an investigative communication that is exempt from public disclosure as a public record pursuant to the California Government Code, Title 1, Division 7, Chapter 3.5, Article 1, subdivision (f) of § 6254.
 - E. A formal disciplinary action against an EMR shall be considered a public record available to the public, unless otherwise protected from disclosure pursuant to state or federal law.
- VI. Investigations Involving Firefighters
- A. The rights and protections described in the California Government Code, Title 1, Division 4, Chapter 9.6, (known as the Firefighters Procedural Bill of Rights [FBOR]) shall only apply to a firefighter during events and circumstances involving the performance of his or her official duties.
 - B. All investigations involving EMR personnel who are employed by a public safety agency as a firefighter shall be conducted in accordance with the California Government Code, Title 1, Division 4, Chapter 9.6, § 3250 et. seq.
- VII. Investigations Involving Peace Officers
- A. The rights and protections described in the California Government Code, Title 1, Division 4, Chapter 9.7, (known as the Public Safety Officers Procedural Bill of Rights Act [POBRA]) shall only apply to a peace officer during events and circumstances involving the performance of his or her official duties.
 - B. All investigations involving EMR personnel who are employed by a public safety agency as a peace officer shall be conducted in accordance with the California Government Code, Title 1, Division 4, Chapter 9.7, § 3300 et. seq.
- VIII. Proceedings According to EMS Authority Guidelines
- A. Proceedings for probation, suspension, revocation, or denial of a certificate/accreditation, or a denial of a renewal of a certificate/accreditation, under this division shall be conducted in accordance with guidelines established by the Authority.
- IX. Additional Possible Violations
- A. Violation of Local EMS Agency Transfer Protocols
 - 1. Any alleged violations of local EMS agency transfer protocols, guidelines, or agreements shall be evaluated by the local EMS agency. If the local EMS agency has concluded that a violation has occurred, it shall take whatever corrective action it deems appropriate within its jurisdiction, including referrals to the District Attorney (DA) under the Health & Safety Code, Division 2.5, Chapter 7, §§ 1798.206 and 1798.208 and shall notify the State Department of Health Services if it concludes that any violation of the Health & Safety Code, General Provisions, Division 2, Chapter 2, Article 7, §§ 1317 to 1317.9 (a), inclusive, has occurred.



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- B. Violation of Statutes, Rules or Regulations
1. Any person, who violates this part, the rules and regulations adopted pursuant thereto, or county ordinances adopted pursuant to this part governing patient transfers, is guilty of a misdemeanor. The Attorney General (AG) or DA may prosecute any of these misdemeanors which fall within his or her jurisdiction.
- C. Security of Examinations
1. It is a misdemeanor for any person to knowingly and willfully engage in conduct that subverts or attempts to subvert any licensing or certification examination, or the administration of any licensing or certification examination, conducted pursuant to this division, including, but not limited to, any of the following:
 - a. Conduct that violates the security of the examination material.
 - b. Removing from the examination room any examination materials without authorization.
 - c. The unauthorized reproduction by any means of any portion of the actual licensing or certification examination.
 - d. Aiding by any means the unauthorized reproduction of any portion of the actual licensing or certification examination.
 - e. Paying or using professional or paid examination-takers, for the purpose of reconstructing any portion of the licensing or certification examination.
 - f. Obtaining or attempting to obtain examination questions or other examination material from examinees or by any other method, except by specific authorization either before, during, or after an examination.
 - g. Using or purporting to use any examination questions or materials that were improperly removed or taken from any examination for the purpose of instructing or preparing any applicant for examination.
 - h. Selling, distributing, buying, receiving, or having unauthorized possession of any portion of a future, current, or previously administered licensing or certification examination.
 - i. Communicating with any other examinee during the administration of a licensing or certification examination.
 - j. Copying answers from another examinee or permitting one's answers to be copied by another examinee.
 - k. Having in one's possession during the administration of the licensing or certification examination any books, equipment, notes written or printed materials, or data of any kind, other than the examination materials distributed, or otherwise authorized to be in one's possession during the examination.
 - l. Impersonating any examinee or having an impersonator take the licensing or certification examination on one's behalf.
 2. The penalties provided in this section are not exclusive remedies and shall not preclude remedies provided pursuant to any other provision of law.
 3. In addition to any other penalties, a person found guilty of violating this section shall be liable for the actual damages sustained by the agency



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administering the examination not to exceed ten thousand dollars (\$10,000) and the costs of litigation.

- D. AG or DA Injunction, Restraining Order
 - 1. Whenever any person who has engaged, or is about to engage, in any act or practice which constitutes, or will constitute, a violation of any provision of this division, the rules and regulations promulgated pursuant thereto, or local EMS agency mandated protocols, guidelines, or transfer agreements, the Superior Court in and for the county wherein the acts or practices take place or are about to take place may issue an injunction or other appropriate order restraining the conduct on application of the authority, the AG, or the DA of the county. The proceedings under this section shall be governed by the California Code of Civil Procedure, Part 2, Title 7, Chapter 3, commencing with § 525, except that no undertaking shall be required.

- X. Determination of Certification Action
 - A. Certification action relative to the individual's certification(s) shall be taken as a result of the findings of the investigation.
 - B. Upon determining the disciplinary or certification action to be taken, 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 YEMSA, 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 § IV, C, of this policy, it shall take effect upon the date the notice required by § XI of this policy is mailed to the certificate holder.
 - D. For all other certification actions, the effective date shall be thirty (30) 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.

- XI. 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, 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 certification 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 YEMSA, YEMSA and the relevant employer shall jointly investigate the allegation



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in order for YEMSA to make a determination of the continuation of the temporary suspension.

1. All investigatory information, not otherwise protected by the law, held by YEMSA and the relevant employer shall be shared between the parties via facsimile transmission or overnight mail relative to the decision to temporarily suspend.
2. YEMSA shall serve within fifteen (15) calendar days an accusation pursuant to the Administrative Procedure Act, of the California Government Code, Title 2, Division 3, Part 1, Chapter 5, commencing with § 11500.
3. If the certificate holder files a Notice of Defense, the administrative hearing shall be held within thirty (30) calendar days of YEMSA's receipt of the Notice of Defense.
4. The temporary suspension order shall be deemed vacated if YEMSA 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.

XII. Due Process: Appeal of Certification Action

- A. The certification action process shall be in accordance with the Administrative Procedure Act, of the California Government Code, Title 2, Division 3, Part 1, Chapter 5, commencing with § 11500.
- B. The applicant or certificate holder may appeal a certification action by providing a formal letter of appeal to YEMSA. This letter shall clearly state that the applicant or certificate holder wishes to appeal the certification action that has been determined by YEMSA.
- C. Upon receipt of a certification action letter of appeal, YEMSA will be responsible for initiating the ALJ hearing process and will provide the applicant or certificate holder with all appropriate information regarding the ALJ hearing process.

XIII. Final Determination of Certification Action by the Medical Director

- A. Upon determination of certification action following an investigation, and appeal of certification action pursuant to the California Code of Regulations, Title 22, Chapter 6, Article 3, § 100211.1, if the respondent so chooses, the Medical Director may take the following final actions on an EMT certificate:
 1. Place the certificate holder on probation.
 - a. Pursuant to § IV of this policy, the Medical Director may place a certificate holder on probation any time an infraction or performance deficiency occurs which indicates a need to monitor the certificate holder's conduct in the EMS system, in order to protect the public health and safety. The term of the probation and any conditions shall be in accordance with the most current version of MDOs adopted by the Authority. The Medical Director may revoke the EMR certificate if the certificate holder fails to successfully complete the terms of probation.
 2. Suspension of a Certification.
 - a. The Medical Director may suspend an individual's EMR certificate for a specified period of time for disciplinary cause in order to protect the public health and safety.



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- b. The term of the suspension and any conditions for reinstatement shall be in accordance with the most current version of MDOs adopted by the 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 EMR shall meet the recertification requirements for certificate renewal prior to the expiration date of the certificate.
3. Denial or Revocation of a Certificate.
- a. A certifying entity, that is not a LEMSA, shall advise a certification or recertification applicant whose conduct indicates a potential for disciplinary cause, based on an investigation by the certifying entity prompted by a Department of Justice (DOJ) and/or Federal Bureau of Investigation (FBI) Criminal Offender Record Information (CORI), pursuant to the California Code of Regulations, Title 22, Division 9, Chapter 6, Article 3, § 100210(a), to apply to a LEMSA for certification or recertification.
 - b. The Medical Director may deny or revoke any EMR certificate for disciplinary cause that has been investigated and verified by application of this policy.
 - c. The Medical Director shall deny or revoke an EMR certificate if any of the following apply to the applicant:
 - i. Has committed any sexually related offense specified under the California Penal Code, Part 1, Title 9, Chapter 5.5, § 290.
 - ii. Has been convicted of murder, attempted murder, or murder for hire.
 - iii. Has been convicted of two (2) or more felonies.
 - iv. Is on parole or probation for any felony.
 - v. Has been convicted and released from incarceration for said offense during the preceding fifteen (15) years for the crime of manslaughter or involuntary manslaughter.
 - vi. Has been convicted and released from incarceration for said offense during the preceding ten (10) years for any offense punishable as a felony.
 - vii. 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.
 - viii. 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.
 - ix. Has been convicted within the preceding five (5) years of any theft related misdemeanor.
 - d. The Medical Director may deny or revoke an EMR certificate if any of the following apply to the applicant:



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- i. Has committed any act involving fraud or intentional dishonesty for personal gain within the preceding seven (7) years.
 - ii. Is required to register pursuant to the Health & Safety Code, Division 10, Chapter 10, Article 4, § 11590.
 - e. 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 (c) and (d). 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.
 - f. This section shall not apply to those EMR's who obtain their California certificate prior to July 1, 2010; unless:
 - i. The certificate holder is convicted of any misdemeanor or felony after the effective date of this Section.
 - ii. The certificate holder committed any sexually related offense specified under the California Penal Code, Part 1, Title 9, Chapter 5.5, § 290.
 - iii. The certificate holder failed to disclose to the certifying entity any prior convictions when completing his/her application for initial EMR certification or certification renewal.
 - g. Nothing in this section shall negate an individual's right to appeal a denial of an EMR certificate pursuant to this Chapter.
 - h. 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 EMR whose application was denied or an EMR whose certification was revoked by a Medical Director shall not be eligible for EMR application by any other certifying entity for a period of at least twelve (12) months from the effective date of the certification action.
 - i. EMR's whose certification is placed on probation must complete their probationary requirements with the LEMSA that imposed the probation.
- XIV. Notification of Final Decision of Certification 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



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- 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.