



EMERGENCY MEDICAL TECHNICIAN (EMT) OPTIONAL SCOPE ACCREDITATION ACTIONS

PURPOSE

To establish a policy and procedure governing the denial, suspension or revocation of EMT Optional Scope accreditation or placing the accreditation holder on probation. Outlining the reportable situations which regard accreditation, and accreditation 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 3, Article, 5 § 1797.194
Health & Safety Code, Division 2.5, Chapter 4, Article, 1 § 1797.214
California Code of Regulations, Title 22, Division 9, Chapter 2, Article 1, § 100061
California Code of Regulations, Title 22, Division 9, Chapter 2, Article 2, § 100063
California Code of Regulations, Title 22, Division 9, Chapter 2, Article 2, § 100064
California Code of Regulations, Title 22, Division 9, Chapter 2, Article 4, § 100079
California Code of Regulations, Title 22, Division 9, Chapter 2, Article 4, § 100080
California Code of Regulations, Title 22, Division 9, Chapter 2, Article 6, § 100083
California Code of Regulations, Title 22, Division 9, Chapter 4, Article 5, § 100166
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

Accreditation: is a process in which certification of competency, authority, or credibility is presented. "Accreditation" means authorization by the Yolo County Emergency Medical Services Agency (YEMSA) to practice as an EMT Optional Scope for a Yolo County Advanced Life Support (ALS) Provider within Yolo County. Such authorization indicates that the EMT Optional Scope has completed the requirements of the California Code of Regulations, Title 22, Division 9, Chapter 2.

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

Accreditation Holder: as used in this policy, shall mean the holder of an accreditation, as those terms are described herein.



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

Agency: as used in this policy means YEMSA.

Applicant: means an individual who is applying/reapplying for EMT Optional Scope accreditation with YEMSA.

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

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

Disciplinary Action: the process taken when information comes to the attention of the YEMSA Medical Director that an EMT Optional Scope accreditation 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 accreditation 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 accreditation for a minor offense to actual accreditation 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 EMT Optional Scope 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).

EMT Local Accreditation or "Local accreditation" or "accreditation" or "accredited to practice": means authorization by the Yolo County EMS Agency to practice the Optional Scope skill(s) specified in the California Code of Regulations, Title 22, Division 9, Chapter 2, Article 2, § 100064. This authorization assures that the EMT has been oriented to YEMSA and trained in the Optional Scope skill(s) necessary to achieve the treatment standard of the jurisdiction.

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.



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Relevant Employer(s): 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 Optional Scope either as a paid employee or a volunteer.

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 accreditation action on an EMT Optional Scope, (denial, suspension, revocation or placement of accreditation holder on probation), it must first be determined that a disciplinary cause has occurred by the applicant or accreditation 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/accreditation 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 EMT Optional Scope from assisting a peace officer, or a peace officer who is acting in the dual



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- capacity of peace officer and EMT Optional Scope, 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 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 accreditation or reaccreditation shall be denied without prejudice and does not require an administrative hearing, when an applicant does not meet the requirements for accreditation or reaccreditation, including but not limited to, failure to pass an accreditation or reaccreditation 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 accreditation or reaccreditation are met. If an accreditation expires before reaccreditation requirements are met, the accreditation shall be deemed a lapsed accreditation and subject to the provisions pertaining to lapsed accreditations.
- 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 an Accreditation.
- A. For the purposes of denial, placement on probation, suspension, or revocation, of an accreditation, 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 an accreditation holder if to a substantial degree it evidences present or potential unfitness of an accreditation holder to perform the functions authorized by the accreditation 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 accreditation of the



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respondent. When the accreditation 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 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 accreditation was issued by a non-LEMSA certifying entity, the disciplinary plan shall be submitted to the LEMSAs 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 accreditation to include denial, suspension, or revocation of accreditation, or placing an accreditation 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 EMT is terminated or suspended for a disciplinary cause; or,
 - b. The EMT resigns or retires following notification of an impending



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- investigation based upon evidence that would indicate the existence of a disciplinary cause; or,
- c. The EMT 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 accreditation, or in the case where the accreditation 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 accreditation 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 accreditation action as necessary against an EMT Optional Scope accreditation.
- B. The Medical Director may, upon determination of disciplinary cause and according to the provisions of this policy, take accreditation action against an EMT, to deny, suspend, or revoke, or place an Optional Scope accreditation 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 accreditation holder constitutes grounds for accreditation action.
 2. The Medical Director determines, following an investigation conducted in accordance with this policy, that the conduct requires accreditation 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 Option Scope accreditation upon a determination of the following:
 1. The accreditation holder has engaged in acts or omissions that constitute grounds for revocation of the EMT Optional Scope accreditation; and,
 2. Permitting the accreditation holder to continue to engage in accredited activity without restriction poses an imminent threat to the public health and safety.
- D. If the Medical Director takes any accreditation action, s/he shall notify the Authority of the findings of the investigation and the accreditation action taken by entering this information directly into the State Central Registry. Any accreditation 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 EMT and once the allegation is validated, shall notify the Medical Director of the LEMSA that has



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- jurisdiction in the county in which the alleged violation occurred within three (3) working days, of the EMTs name, certification number, and the allegation(s).
- B. When YEMSA receives a complaint against an EMT, 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 the action of an applicant for, or holder of, an accreditation 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 EMT relevant employers, Medical Directors of LEMSA's, the Authority and EMT certifying entities shall be deemed to be an investigative communication that is exempt from public disclosure as a public record pursuant to subdivision (f) of § 6254 of the California Government Code.
 - E. A formal disciplinary action against an EMT 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 EMT 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 [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 EMT 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 an accreditation, or a denial of a renewal of an 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



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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.

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 the 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 accreditation examination, or the administration of any accreditation 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 accreditation examination.
 - d. Aiding by any means the unauthorized reproduction of any portion of the actual accreditation examination.
 - e. Paying or using professional or paid examination-takers, for the purpose of reconstructing any portion of the accreditation 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 accreditation examination.
 - i. Communicating with any other examinee during the administration of an accreditation 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 accreditation 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.



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- I. Impersonating any examinee or having an impersonator take the accreditation 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 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 Accreditation Action
 - A. Accreditation action relative to the individual's accreditation shall be taken as a result of the findings of the investigation.
 - B. Upon determining the disciplinary or accreditation 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 accreditation holder.
 - D. For all other accreditation actions, the effective date shall be thirty (30) days from the date the notice is mailed to the applicant for, or holder of, an accreditation unless another time is specified or an appeal is made.
 - XI. Temporary Suspension Order
 - A. A Medical Director may temporarily suspend an accreditation prior to hearing if, the accreditation 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 accreditation holder to continue to engage in accredited 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 accreditation holder.
 - C. The notice of temporary suspension pending hearing shall be served by



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registered mail or by personal service to the accreditation 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 accreditation holder to continue to engage in accredited 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 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 accreditation 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 Accreditation Action
- A. The accreditation 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 accreditation holder may appeal an accreditation action by providing a formal letter of appeal to YEMSA. This letter shall clearly state that the applicant or accreditation holder wishes to appeal the accreditation action that has been determined by YEMSA.
 - C. Upon receipt of an accreditation action letter of appeal, YEMSA will be responsible for initiating the ALJ hearing process and will provide the applicant or accreditation holder with all appropriate information regarding the ALJ hearing process.
- XIII. Final Determination of Accreditation Action by the Medical Director
- A. Upon determination of accreditation action following an investigation, and appeal of accreditation 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 Optional Scope accreditation:
 1. Place the Accreditation Holder on Probation.
 - a. Pursuant to § IV of this policy, the Medical Director may place an accreditation holder on probation any time an infraction or performance deficiency occurs which indicates a need to monitor the accreditation holder's conduct in the EMS system, in order to protect the public health and safety. The term of the probation and any



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conditions shall be in accordance with the most current version of MDOs adopted by the Authority. The Medical Director may revoke the EMT Optional Scope accreditation if the accreditation holder fails to successfully complete the terms of probation.

2. Suspension of an Accreditation.

- a. The Medical Director may suspend an individual's EMT Optional Scope accreditation 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 the most current version of MDOs adopted by the Authority.
- c. Upon the expiration of the term of suspension, the individual's accreditation 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 accreditation, the EMT shall meet the reaccreditation requirements for accreditation renewal prior to the expiration date of the accreditation.

3. Denial or Revocation of an Accreditation.

- a. A certifying entity, that is not a LEMSA, shall advise an accreditation or reaccreditation 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 accreditation or reaccreditation.
- b. The Medical Director may deny or revoke any EMT Optional Scope accreditation for disciplinary cause that has been investigated and verified by application of this policy.
- c. The Medical Director shall deny or revoke an EMT Optional Scope accreditation 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,



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- 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 EMT Optional Skill(s) accreditation if any of the following apply to the applicant:
- 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/accreditation 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 EMTs who obtain their California accreditation prior to July 1, 2010; unless:
- i. The accreditation holder is convicted of any misdemeanor or felony after the effective date of this Section.
 - ii. The accreditation holder committed any sexually related offense specified under the California Penal Code, Part 1, Title 9, Chapter 5.5, § 290.
 - iii. The accreditation holder failed to disclose to the certifying entity any prior convictions when completing his/her application for initial EMT Optional Skill(s) accreditation or reaccreditation renewal.
- g. Nothing in this section shall negate an individual's right to appeal a denial of an EMT accreditation pursuant to this Chapter.
- h. Accreditation 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 accreditation action. An EMT whose application was denied or an EMT whose accreditation 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 accreditation action.
- i. EMT's whose accreditation is placed on probation must complete their probationary requirements with the LEMSA that imposed the probation.
- XIV. Notification of Final Decision of Accreditation Action
- A. For the final decision of accreditation action, the Medical Director shall notify the



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applicant/accreditation holder and his/her relevant employer(s) of the accreditation 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 accreditation action;
 2. The accreditation action(s) to be taken, and the effective date(s) of the accreditation action(s), including the duration of the action(s);
 3. Which certificate(s) the accreditation action applies to in cases of holders of multiple certificates;
 4. A statement that the accreditation holder must report the accreditation action within ten (10) working days to any other LEMSA and relevant employer in whose jurisdiction s/he uses the accreditation.