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## **PARAMEDIC ACCREDITATION ACTIONS**

### **PURPOSE**

To establish a policy and procedure governing the imposing of an administrative fine, denial, suspension or revocation of a Paramedic accreditation/license or placing any Paramedic accreditation/license holder on probation. Outlining the reportable situations which regard licensure, 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 4, Article 1, § 100142  
California Code of Regulations, Title 22, Division 9, Chapter 4, Article 2, § 100146  
California Code of Regulations, Title 22, Division 9, Chapter 4, Article 5, § 100166  
California Code of Regulations, Title 22, Division 9, Chapter 4, Article 8, § 100172  
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 4.

### **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 a Paramedic for a Yolo County Advanced Life Support (ALS) Provider within Yolo County. Such authorization indicates that the Paramedic has completed the requirements of the California Code of Regulations, Title 22, Division 9, Chapter 4.

**Accreditation Action:** those actions that may be taken by YEMSA or the YEMSA Medical Director that includes denial or suspension revocation of accreditation, or placing the accreditation holder on probation against an individual who has accreditation in Yolo County.

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



# Yolo County Emergency Medical Services Agency Certification

Revised Date: September 1, 2018

**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.

**Administrative Fine:** Per the “*Recommended Guidelines for Disciplinary Orders and Conditions of Probation*” (July 26, 2008) adopted by the Authority it is considered the least intrusive discipline that can be imposed upon a Paramedic. The Health & Safety Code allows the Authority to impose a fine of up to two thousand five hundred dollars (\$ 2,500) per violation on any licensed Paramedic found to have committed any actions described in this policy that did not result in actual harm to a patient. Fines may not be imposed if a Paramedic has previously been disciplined by the Authority for any other act committed within the immediately preceding five (5) year period. The fine shall not be imposed in conjunction with a suspension for the same violation, but may be imposed in conjunction with probation for the same violation except when the conditions of the probation require a Paramedic’s personal time or expense for training, clinical observation, or related corrective action.

**Agency:** as used in this policy means YEMSA.

**Applicant:** means an individual who is applying/reapplying for Paramedic accreditation with YEMSA.

**Approved Testing Agency:** means an agency approved by the Authority to administer the licensure examination.

**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 a Paramedic accreditation/license 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/license 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 an administrative fine for a minor offense to actual license 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 a Paramedic 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).



# Yolo County Emergency Medical Services Agency

## Certification

Revised Date: September 1, 2018

**Local Accreditation or “accreditation” or “accredited to practice”:** means authorization by YEMSA to practice as a Paramedic specified in the California Code of Regulations, Division 9, Chapter 4, Article 5, § 100166. This authorization assures that the Paramedic has been oriented to YEMSA and trained in the skill(s) necessary to achieve the treatment standard of the jurisdiction.

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

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

**Model Disciplinary Orders (MDO):** means the “*Recommended Guidelines for Disciplinary Orders and Conditions of Probation*” (EMSA document dated 07/26/2008) 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 accreditation/license holder works for or was working for at the time of the incident under review, as a Paramedic either as a paid employee or a volunteer.

## PROCEDURE

- I. Application of this Policy
  - A. The 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. The Authority may fine, deny, suspend, or revoke any Paramedic accreditation/license or may place any Paramedic accreditation/license issued under the Health & Safety Code, Division 2.5, on probation upon the finding by the Director of the occurrence of any of the actions listed in subdivision (c) below.
  - C. YEMSA may deny, suspend, or revoke any Paramedic accreditation or may place any Paramedic accreditation issued under the Health & Safety Code, Division 2.5, on probation upon the finding by the Medical Director of the occurrence of any of the actions listed in subsection (D) below. Proceedings against any Paramedic accreditation/license or accreditation/license holder shall be held in accordance with the Administrative Procedure Act, of the California Government Code, Title 2, Division 3, Part 1, Chapter 5 commencing with § 11500.
  - D. In order to take disciplinary or accreditation action on a Paramedic it must first be determined that a disciplinary cause has occurred by the accreditation/license holder and there exists a threat to the public health and safety, which may result



# Yolo County Emergency Medical Services Agency

## Certification

Revised Date: September 1, 2018

in an administrative fine, denial, suspension, or revocation of an accreditation/license or in the placement on probation of an accreditation/license holder under the Health & Safety Code, Division 2.5, as evidenced by the occurrence of any of the following actions:

1. Fraud in the procurement of any accreditation/license 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 a Paramedic from assisting a peace officer, or a peace officer who is acting in the dual capacity of peace officer and Paramedic, 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.

E. The information shared among Paramedic employers, the Medical Director of YEMSA, and the Authority shall be deemed to be an investigative communication that is exempt from public disclosure as a public record pursuant to California



# Yolo County Emergency Medical Services Agency

## Certification

Revised Date: September 1, 2018

Government Code, Title 1, Division 7, Chapter 3.5, Article 1, subdivision (f) of § 6254. A formal disciplinary action against a Paramedic shall be considered a public record available to the public, unless otherwise protected from disclosure pursuant to state or federal law.

- F. An application for accreditation/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 a 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 YEMSA, or failure to pay any required fees. The denial shall be in effect until all requirements for accreditation/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.
  - G. If the Paramedic accreditation applicant does not complete accreditation requirements within thirty (30) calendar days, then the applicant may be required to complete a new application and pay a new fee to begin another thirty (30) day period.
  - H. Nothing in this policy shall be construed to limit the authority of a Base Hospital Medical Director to provide supervision and medical control for pre-hospital emergency medical care personnel, as specified in YEMSA Medical Control Policies and Procedures, developed pursuant to requirements of the Health & Safety Code, Division 2.5 and of the California Code of Regulations, Chapter 4, for Medical Control and Supervision.
- II. Substantial Relationship Criteria for the Denial, Placement on Probation, Suspension, Fine, or Revocation of a License/Accreditation.
- A. For the purposes of denial, placement on probation, suspension, or revocation, of a license, pursuant to the Health & Safety Code, Division 2.5, Chapter 7, § 1798.200 (c), or imposing an administrative fine pursuant to § 1798.210 of the same chapter, a crime or act shall be substantially related to the qualifications, functions, and/or duties of a person holding a Paramedic license/accreditation under the Health & Safety Code, Division 2.5. A crime or act shall be considered to be substantially related to the qualifications, functions, or duties of a Paramedic if to a substantial degree it evidences present or potential unfitness of a Paramedic to perform the functions authorized by his/her license/accreditation in a manner consistent with 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.
- III. Rehabilitation Criteria for Denial, Placement on Probation, Suspension, Revocation and Reinstatement of License/Accreditation.
- A. At the discretion of the Authority, the Authority may issue a license subject to



# Yolo County Emergency Medical Services Agency

## Certification

Revised Date: September 1, 2018

specific provisional terms, conditions, and review. When considering the denial, placement on probation, suspension, or revocation of a license/accreditation pursuant to the Health & Safety Code, Division 2.5, Chapter 7, § 1798.200, or a petition for reinstatement or reduction of penalty under the California Government Code, Title 2, Division 3, Part 1, Chapter 5, § 11522, the Authority in evaluating the rehabilitation of the applicant and present eligibility for a license/accreditation, shall consider the following criteria:

1. The nature and severity of the act(s) or crime(s).
2. Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial, placement on probation, suspension, or revocation which also could be considered grounds for denial, placement on probation, suspension, or revocation under the Health & Safety Code, Division 2.5, Chapter 7, § 1798.200.
3. The time that has elapsed since commission of the act(s) or crime(s) referred to in subsection (1) or (2) of this section.
4. The extent to which the person has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the person.
5. If applicable, evidence of expungement proceedings pursuant to the California Penal Code, Part 2, Title 8, Chapter 1, § 1203.4.
6. Evidence, if any, of rehabilitation submitted by the person.

B. YEMSA, when determining the accreditation 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 respondent. When the accreditation action warranted is denial, probation, 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 accreditation disciplinary action, the YEMSA Medical Director may give credit for prior disciplinary action imposed by the respondent's employer.



# Yolo County Emergency Medical Services Agency Certification

Revised Date: September 1, 2018

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- IV. 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 the Recommended Guidelines for Disciplinary Orders and Conditions of Probation 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 accreditation, 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, revocation, or placing an accreditation holder on probation.
  3. Shall notify the Medical Director within three (3) working days after an allegation has been validated as potential for disciplinary cause.
  4. Shall notify the Medical Director within three (3) working days of the occurrence of any of following:
    - a. The Paramedic is terminated or suspended for a disciplinary cause; or,
    - b. The Paramedic resigns or retires following notification of an impending investigation based upon evidence that would indicate the existence of a disciplinary cause; or,
    - c. The Paramedic is removed from employment related duties for a disciplinary cause after the completion of the employer's investigation.
- V. Jurisdiction of the Medical Director
- A. The Medical Director who issued the accreditation, or in the case where the accreditation was issued by a YEMSA certifying entity, the LEMSAs 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 a Paramedic accreditation.
- B. The Medical Director may, upon determination of disciplinary cause and according to the provisions of this policy, take accreditation action against an applicant, to deny, suspend, or revoke, or place an 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 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



# Yolo County Emergency Medical Services Agency

## Certification

Revised Date: September 1, 2018

a determination that discipline imposed by the relevant employer was not in accordance with the most current version of the Recommended Guidelines for Disciplinary Orders and Conditions of Probation 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. 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.

### VI. 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 against a Paramedic and once the allegation is validated, shall notify the Medical Director, within three (3) working days, of the accreditation holder's name, accreditation number, and the allegation(s).

B. When YEMSA receives a complaint against an accreditation holder, 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 to determine if there is reason to believe that disciplinary action may be necessary.

C. If the Medical Director sends a recommendation to the Authority for further investigation or discipline of the license/accreditation 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 the California Government Code, Title 1, Division 7, Chapter 3.5, Article 1, subdivision (f) of § 6254. In deciding what level of disciplinary action is appropriate in the case, the Authority shall consult with the Medical Director of YEMSA.

D. The relevant employer or Medical Director shall conduct an investigation of the allegations in accordance with the provisions of this policy, if warranted.

### VII. Investigation 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 Paramedic personnel who are employed by a public safety agency as a firefighter shall be conducted in accordance with the





# Yolo County Emergency Medical Services Agency Certification

Revised Date: September 1, 2018

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California Government Code, Title 1, Division 4, Chapter 9.6, § 3250 et. seq.

## VIII. 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 Paramedic 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.

## IX. Additional 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.

### 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 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.



# Yolo County Emergency Medical Services Agency Certification

Revised Date: September 1, 2018

- 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 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(s) shall be taken as a result of the findings of the investigation.
- B. The Authority and/or YEMSA shall revoke/deny a Paramedic accreditation/license if any of the following apply to the applicant:
  1. Has committed any sexually related offense specified under the California Penal Code, Part 1, Title 9, Chapter 5.5, § 290.
  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.



## Yolo County Emergency Medical Services Agency Certification

Revised Date: September 1, 2018

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) 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) misdemeanors within the preceding five (5) years for any offense relating to force, violence, threat, or intimidation.
  9. Has been convicted within the preceding five (5) years of any theft related misdemeanor.
- C. The Authority and/or YEMSA may revoke/deny a Paramedic accreditation/license 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 the Health & Safety Code, Division 10, Chapter 10, Article 4, § 11590.
- D. Subsections (a) and (b) shall not apply to convictions that have been pardoned by the governor, and shall only apply to convictions where the applicant/licensee was prosecuted as an adult. Equivalent convictions from other states shall apply to the type of offenses listed in (a) and (b).
1. 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 Paramedics who obtained their California Paramedic accreditation/license prior to the effective date of this Section; unless:
1. The accreditation/license holder is convicted of any misdemeanor or felony subsequent to the effective date of this Section.
  2. The accreditation/license holder committed any sexually related offense specified under the California Penal Code, Part 1, Title 9, Chapter 5.5, § 290.
  3. The accreditation/license holder failed to disclose to the Authority any prior convictions when completing his/her application for initial paramedic accreditation/license or accreditation/license renewal.
- F. Nothing in this section shall prevent the Authority and/or YEMSA from taking accreditation/license action pursuant to the Health & Safety Code, Division 2.5, Chapter 7, § 1798.200.
- G. Upon determining the disciplinary 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



# Yolo County Emergency Medical Services Agency

## Certification

Revised Date: September 1, 2018

effect.

- H. In the case of a temporary suspension order pursuant to § V of this policy, it shall take effect upon the date the notice required by § XI (B) of this policy is mailed to the accreditation holder.
  - I. 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.
  - J. The Director of the Authority may grant a license to anyone otherwise precluded under subsections (a) and (b) of this section if the Director of the Authority believes that extraordinary circumstances exist to warrant such an exemption.
  - K. Nothing in this section shall negate an individual's right to appeal the denial of a accreditation/license or petition for reinstatement of a accreditation/license pursuant to the Administrative Procedure Act, of the California Government Code, Title 2, Division 3, Part 1, Chapter 5, commencing with § 11500.
- XI. Temporary Suspension Order
- A. The Director of the Authority or the Medical Director of YEMSA, after consultation with the relevant employer or without consultation when no relevant employer exists, may temporarily suspend, prior to a hearing, a Paramedic accreditation/license upon a determination of the following:
    - 1. The accreditation/license holder has engaged in acts or omissions that constitute grounds for revocation of the Paramedic accreditation/license; and,
    - 2. Permitting the accreditation/license holder to continue to engage in accredited/licensed activity or permitting the accreditation/license holder to continue in the accredited/licensed activity without restriction, would present an imminent threat to the public health or safety.
  - B. The notice of temporary suspension pending hearing shall be served by 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.
  - C. 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.
  - D. 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.
  - E. 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.
  - F. When the suspension is initiated by the local EMS agency, § (H) of this policy shall apply.
  - G. When the suspension is initiated by the Director of the Authority, § (I) of this policy shall apply.



# Yolo County Emergency Medical Services Agency Certification

Revised Date: September 1, 2018

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- H. The local EMS agency shall notify the accreditation/license holder that his or her Paramedic accreditation/license is suspended and shall identify the reasons therefor. Within three (3) working days of the initiation of the suspension by the local EMS agency, the agency shall transmit to the Authority, via facsimile transmission or overnight mail, all documentary evidence collected by the local EMS agency relative to the decision to temporarily suspend. Within two (2) working days of receipt of the local EMS agency's documentary evidence, the Director of the Authority shall determine the need for the accreditation/license action. Part of that determination shall include an evaluation of the need for continuance of the suspension during the accreditation/license action review process. If the Director of the Authority determines that the temporary suspension order should not continue, the Authority shall immediately notify the accreditation/license holder that the temporary suspension is lifted. If the Director of the Authority determines that the temporary suspension order should continue, the Authority shall immediately notify the accreditation/license holder 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 accreditation/license holder with a temporary suspension order and accusation pursuant to the Administrative Procedure Act, of the California Government Code, Title 2, Division 3, Part 1, Chapter 5, commencing with § 11500.
- I. The Director of the Authority shall initiate a temporary suspension with the filing of a temporary suspension order and accusation pursuant to the Administrative Procedure Act, of the California Government Code, Title 2, Division 3, Part 1, Chapter 5, commencing with § 11500 and shall notify the Director of the local EMS agency, and the relevant employer.
- XII. 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.
- B. Any proceedings by the Authority to deny, suspend or revoke the accreditation/license of a Paramedic or place any Paramedic accreditation/license holder on probation pursuant to the Health & Safety Code, Division 2.5, Chapter 7, § 1798.200, or impose an administrative fine pursuant to the Health & Safety Code, Division 2.5, Chapter 7, § 1798.200, shall be conducted in accordance with this article and pursuant to the provisions of the Administrative Procedure Act, of the California Government Code, Title 2, Division 3, Part 1, Chapter 5, § Section 11500 et seq.
- C. Before any disciplinary proceedings are undertaken, the Authority shall evaluate all information submitted to or discovered by the Authority including, but not limited to, a recommendation for suspension or revocation from the Medical Director of YEMSA, for evidence of a threat to public health and safety pursuant to the Health & Safety Code, Division 2.5, Chapter 7, § 1798.200.
- D. The Authority and/or YEMSA shall use the "EMS Authority Recommended Guidelines for Disciplinary Orders and Conditions of Probation", dated July 26, 2008 or the most current version adopted by the Authority and incorporated by reference herein, as the standard in settling disciplinary matters when a



# Yolo County Emergency Medical Services Agency

## Certification

Revised Date: September 1, 2018

Paramedic applicant or accreditation/license holder is found to be in violation of the Health & Safety Code, Division 2.5, Chapter 7, § 1798.200.

- E. The Administrative Law Judge (ALJ) shall use the "EMS Authority Recommended Guidelines for Disciplinary Orders and Conditions of Probation", dated July 26, 2008 or the most current version as adopted by the Authority, as a guide in making any recommendations to the Authority for discipline of a Paramedic applicant or accreditation/license holder found in violation of the Health & Safety Code, Division 2.5, Chapter 7, § 1798.200.

### XIII. Due Process: Appeal of Accreditation Action

- A. The appeal of 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, the Authority and/or 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.
- D. If the accreditation/license holder files a Notice of Defense, the administrative hearing shall be held within thirty (30) calendar days of the Authority's and/or YEMSA's receipt of the Notice of Defense.
- E. The temporary suspension order shall be deemed vacated if the Authority and/or YEMSA fails to serve an accusation within fifteen (15) calendar days or fails to make a final determination on the merits within fifteen (15) days after the ALJ renders the proposed decision.
- F. When making a decision regarding a disciplinary action pursuant to the Health & Safety Code, Division 2.5, Chapter 7, §§ 1798.200 or 1798.210, the Authority, and when applicable the ALJ, shall give credit for discipline imposed by the employer and for any immediate suspension imposed by YEMSA for the same conduct.

### XIV. 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 a Paramedic accreditation:
  1. Place the Accreditation Holder on Probation.
    - a. Pursuant to the California Code of Regulations, Title 22, Chapter 6, Article 2, § 100207, 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 conditions shall be in accordance with the most current version of the Recommended Guidelines for Disciplinary Orders and Conditions of Probation adopted by the Authority (dated July 26, 2008 or the most recent



# Yolo County Emergency Medical Services Agency

## Certification

Revised Date: September 1, 2018

version). The Medical Director may revoke the Paramedic 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 Paramedic 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 the Recommended Guidelines for Disciplinary Orders and Conditions of Probation adopted by the Authority (dated July 26, 2008 or the most recent version).
- 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 Paramedic shall meet the reaccreditation requirements for accreditation renewal prior to the expiration date of the accreditation.

### 3. Denial or Revocation of an Accreditation.

- a. The Medical Director may deny or revoke any Paramedic accreditation for disciplinary cause that has been investigated and verified by application of this policy.
- b. This Section shall not apply to those EMT's or EMT IIs who obtain their California certificate/YEMSA Paramedic accreditation prior to July 1, 2010; unless:
- c. Accreditation action by the 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. A Paramedic whose application was denied or a Paramedic whose accreditation was revoked by any LEMSAs Medical Director in California shall not be eligible for Paramedic application by any other certifying entity for a period of at least twelve (12) months from the effective date of the accreditation action.
- d. A Paramedic whose accreditation is placed on probation must complete their probationary requirements with the LEMSAs that imposed the probation.

## XV. Notification of Final Decision of Accreditation Action

- A. For the final decision of accreditation action, the Medical Director shall notify the applicant or 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



# Yolo County Emergency Medical Services Agency Certification

Revised Date: September 1, 2018

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- 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 accreditation the accreditation action applies to in cases of holders of multiple accreditations;
  4. A statement that the accreditation holder must report the accreditation action within ten (10) working days to any other relevant employer in the YEMSA EMS region who is approved as a Paramedic Provider.