

# Monterey County EMS System Policy



Policy Number: 2130  
Effective Date: July 1, 2016  
Review Date: June 30, 2019

## **EMT DISCIPLINARY ACTION-- RELEVANT EMPLOYER RESPONSIBILITIES**

### **I. PURPOSE**

- A. To specify the responsibilities of relevant employers for reporting, investigating, and recommending disciplinary action for EMT employees that have or may have committed actions considered as evidence of a threat to public health and safety as specified in California Health and Safety Code, Section 1798.200 (c).

### **II. AUTHORITY**

- A. California Health and Safety Code, Division 2.5, Sections 1797.220 and 1798.200

### **III. DEFINITIONS**

- A. "Certificate holder" means an individual that has been issued a valid EMT certificate pursuant to California Health and Safety Code Division 2.5.
- B. "Certificate" means a valid Emergency Medical Technician (EMT) certificate issued pursuant to California Health and Safety Code, Division 2.5.
- C. "Certifying entity" means the medical director of the Monterey County EMS Agency or a public safety provider, if that provider has a training program approved pursuant to California Health and Safety Code, Section 1797.109.
- D. "EMS Agency" means the Monterey County EMS Agency.
- E. "Emergency Medical Technician (EMT)" means a person who has successfully completed a basic EMT course which meets the requirements of the California Code of Regulations, Title 22, Division 9, Chapter 2, and has passed all required tests and who has been certified by an EMT certifying entity.
- F. "Medical Director" means the medical director of the Monterey County EMS Agency.
- G. "Relevant employer(s)" means those ambulance service providers permitted by the Department of the California Highway Patrol or a public safety agency (i.e. fire department or law enforcement agency) that the certificate holder works for or was working for at the time of the incident under review as an EMT whether as a paid employee or a volunteer.
- I. "Validated" means for the purpose of this policy to determine by preliminary evaluation that an act specified in California Health and Safety Code, Section 1798.200 may have occurred.

### **IV. POLICY**

- A. All information received from any source, which purports a violation of or deviation from state or local EMS statutes, regulations, policies, procedures, protocols or standards shall be evaluated pursuant to the requirements set forth in this policy.
- B. Responsibilities of Relevant Employers:
1. California Code of Regulation (CCR), Title 22, Division 9, Chapter 6, Process for EMT Disciplinary Action requires that relevant employers develop policies to address EMT disciplinary actions for incidents that occur while the EMT is on duty and directly related to their job as an EMT (e.g. functioning outside their scope of practice).
  2. Relevant employers may choose to enter into an agreement with the EMS Agency to allow the EMS Agency to conduct disciplinary investigations on behalf of the relevant employer. Relevant employers which choose not to enter into an agreement with the EMS Agency may request the EMS Agency conduct an investigation on a case by case basis.
  3. Relevant employers shall:
    - a) Notify the EMS Agency within twenty four hours after an allegation has been validated as potential for disciplinary cause.
    - b) Notify the EMS Agency and the medical director that has jurisdiction in the county in which the alleged action occurred within twenty-four hours if the EMT:
      - i. Certificate is terminated or suspended.
      - ii. Resigns or retires following notification of impending investigation based upon the evidence that would indicate the existence of disciplinary cause.
      - iii. Is removed from EMT related duties for disciplinary cause after completion of the employer's investigation.
    - c) Upon completion of an investigation and upon determining the disciplinary or certification action to be taken:
      - i. Complete a statement certifying the disciplinary decision made and the date the decision was made. This statement shall contain:
        - a. Findings of fact.
        - b. A determination of issues.
        - c. A disciplinary plan in accordance with the Recommended Guidelines for Disciplinary Orders and Conditions of Probation for EMT (Basic) and Advanced EMT, EMSA #134, effective 4-1-2010.
        - d. The date the disciplinary plan shall take effect.
    - d) Place a written statement in the EMT's personnel file.
    - e) Submit the disciplinary plan within twenty-four hours of adoption to:

- i. The EMS Agency.
  - ii. If applicable, the local EMS agency that issued the EMT certificate.
  - iii. If applicable, in instances where the EMT certificate was issued by a non-LEMSA certifying entity, submit the plan to the local EMS agency that has jurisdiction in the county in which the headquarters of the certifying entity is located.
- f) When submitting the disciplinary plan as required above include all relevant findings of the investigation.

C. Off Duty Allegations or Occurrences:

1. Relevant employers shall notify the EMS Agency within 72 hours of becoming aware of any occurrence or allegation of conduct listed in Health and Safety Code, Section 1798.200(c) by an EMT occurring while that person was off duty. This reporting requirement specifically includes any and all arrests.

D. Relevant Employer Policy Requirements:

1. As stated above, California Code of Regulations, Title 22, Division 9, Chapter 6, Section 100216 requires each relevant employer to develop and adopt policies and procedures for the implementation of the provisions of Chapter 6 for the Process for EMT and Advanced EMT Disciplinary Action. These policies and procedures must be in accordance with the provisions of California Code of Regulations, Title 22, Chapter 6 and address all of the applicable requirements of California Code of Regulations, Title 22, Chapter 6.
2. The policies and procedures adopted by relevant employers of firefighters certified as an EMT shall be in accordance with California Government Code, Part 1 of Division 3 of Title 2, Chapter 5 (commencing with Section 11500).
3. Relevant employers choosing to enter into an agreement with the EMS Agency referring all disciplinary investigations to the EMS Agency in order to satisfy the requirements of Chapter 6 must notify the EMS Agency of their decision by no later than November 30, 2016.

**END OF POLICY**