DEPARTMENT OF HEALTH SERVICES
COUNTY OF LOS ANGELES

SUBJECT: **BASE HOSPITAL AND PROVIDER AGENCY REPORTING RESPONSIBILITIES** — EMT, PARAMEDIC, MICN REFERENCE NO. 214

PURPOSE: To provide guidelines for reporting possible violations of the California Health and Safety Code Section 1798.200, Sub-sections (a) through (c) and comply with relevant employer reporting responsibilities.

AUTHORITY: California Health and Safety Code, Division 2.5, Sections 1797.200, 1798.200. California Code of Regulations, Title 22, Chapter 4, Sections 100168, 100172 100173; Chapter 6, Section 100208.1; Base Hospital Agreement.

PRINCIPLE: Prior to initiating disciplinary proceedings, all information available to the EMS Agency or received from a credible source shall be evaluated for evidence of a threat to public health and safety pursuant to Section 1798.200 of the Health and Safety Code.

DEFINITIONS:

Certifying Entity: A public safety agency, if the agency has a training program for EMT personnel, that is approved pursuant to the standards developed pursuant to Section 1797.109 of the Health and Safety Code or the medical director of the local EMS Agency (LEMSA).

Disciplinary Cause: An act that is substantially related to the qualification, functions, and duties of prehospital personnel and is evidence of a threat to public health and safety, per Health and Safety Code Section 1798.200.

Discipline: A disciplinary action taken by a relevant employer pursuant to California Code of Regulations, Title 22, Division 9, Chapter 6, Section 100206.2 or certification action taken by a medical director, or both a disciplinary plan and certification action.

Disciplinary Plan: A written plan of action that can be taken by a relevant employer as a consequence of any action listed in the California Health and Safety Code Section 1798.200. The disciplinary plan may include recommendation for certification actions pursuant to the Model Disciplinary Orders

LEMSA: Local emergency medical services agency

Medical Director: The medical director of the local emergency medical services agency.

Model Disciplinary Orders: The Recommended Guidelines for Disciplinary Orders and Conditions of Probation for EMT's. and Paramedics developed by the State EMS Authority to provide consistent and equitable discipline in cases dealing with disciplinary cause.

APPROVED: _____ Director _____ Medical Director

Relevant Employer: Ambulance providers 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 a paid employee or a volunteer.

Valid, Validate or Validation: Verification, within reasonable certainty, that a violation of Health and Safety Code Section 1798.200 may have occurred and that said violation may be reason for disciplinary cause.

POLICY:

I. Base hospitals and provider agencies shall prepare and forward a written report within three working days to the local EMS Agency regarding any action of certificated or licensed EMS personnel which may potentially constitute a violation under Section 1798.200 (c) of the Health and Safety Code as listed in Section II Any other items of concern resulting from an apparent deficiency of patient care should also be reported.

A. The report shall be signed by an authorized representative of the provider agency or base hospital and must contain, at a minimum, the following:

1. Names and certification/license numbers of all EMS personnel involved in the incident.
2. Date, time, and location of the incident.
3. A written summary of the allegations related to the incident.
4. The Health and Safety Code violation listed under 1798.200.
5. A copy of the EMS Report Form, if applicable.
6. A copy of the Base Hospital Report Form and audio recording, if applicable.

B. Any report made to the local EMS Agency shall be copied to the employer of the affected individual as approved by or per policies of the hospital or provider agency's Risk Management Department.

II. Any of the following actions by EMS personnel shall be considered evidence of a threat to the public health and safety and, if found to be true, **may** result in probation, denial, suspension, or revocation of a certificate or license issued by the EMS Agency and or under the Health and Safety Code, Division 2.5, Section 1798.200 (c).

A. Fraud in the procurement of a certificate or license

B. Gross negligence

C. Repeated negligent acts

D. Incompetence

E. The commission of any fraudulent, dishonest, or corrupt act which is substantially related to the qualifications, functions, and duties of prehospital personnel.

F. Conviction of any crime which is substantially related to the qualifications, functions, and duties of prehospital personnel. The record of conviction or

certified copy of the record shall be conclusive evidence of the conviction.

G. 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.

H. Violating or attempting to violate any federal or state statute or regulation which regulates narcotics, dangerous drugs, or controlled substances.

I. Addiction to, the excessive use of, or the misuse of, alcoholic beverages, narcotics, dangerous drugs, or controlled substances.

J. 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.

K. 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.

L. Unprofessional conduct exhibited by any of the following:

1. 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, Advanced EMT or paramedic from assisting a peace officer, or a peace officer who is acting in the dual capacity of peace officer and EMT, Advanced EMT or paramedic, from using force that is reasonably necessary to effect a lawful arrest or detention.

2. The failure to maintain confidentiality of patient medical information, except as disclosure is otherwise permitted or required by law in Sections 56 to 56.6, inclusive, of the Civil Code.

3. The commission of any sexually related offense specified under Section 290 of the Penal Code.

PROCEDURE:

I. BASE HOSPITAL RESPONSIBILITIES

A. MICN Personnel

1. May conduct investigations to determine disciplinary cause.

2. May request that the Agency conduct the investigation to determine disciplinary cause.

3. Shall notify the EMS Agency Medical Director that the alleged action occurred **within three (3) working days after an allegation has been validated as potential for disciplinary cause.**

4. Upon determination of disciplinary cause, the Prehospital Care Coordinator may develop and implement a disciplinary plan.

   a. The disciplinary plan, along with the relevant findings of the investigation related to disciplinary cause, shall be submitted to the EMS Agency Medical Director **within three (3) working days** of adoption of the disciplinary plan.

   b. The disciplinary plan may include a recommendation that the EMS Agency Medical Director consider taking action against the holder's MICN certificate to include denial, suspension, revocation, or placement of a MICN certificate on probation.

5. Shall notify the EMS Agency Medical Director of the alleged action within three (3) working days or the occurrence of any of the following:

   a. The MICN is terminated or suspended for a disciplinary cause.

   b. The MICN resigns or retires following notification of an impending investigation based upon evidence that would indicate the existence of a disciplinary cause, or

   c. The MICN is removed from their related duties for a disciplinary cause after the completion of the employer's investigation.

II. PROVIDER AGENCY RESPONSIBILITIES

A. EMT Personnel

1. May conduct investigations, to determine disciplinary cause.

2. May request that the local EMS agency (LEMSA) conduct the investigation to determine disciplinary cause.

3. Upon determination of disciplinary cause, the relevant employer may develop and implement a disciplinary plan in accordance with the Model Disciplinary Orders (MDOs).

   a. The relevant employer shall submit that disciplinary plan along with the relevant findings of the investigation related to disciplinary cause to the 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 LEMSA medical director consider taking action against the holder's certificate to include denial, suspension, revocation, or placement of a certificate on probation.

4. Shall notify the LEMSA 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.**

5. Shall notify the LEMSA medical director that has jurisdiction in the county in which the alleged action occurred within three (3) working days or the occurrence of any of the following:

   a. The EMT is terminated or suspended for a disciplinary cause

   b. The EMT resigns or retires following notification of an impending investigation based upon evidence that would indicate the existence of a disciplinary cause, or

   c. The EMT is removed from their related duties for a disciplinary cause after the completion of the employer's investigation.

6. Disciplinary plans shall be signed and dated by an authorized representative of the prehospital provider agency or base hospital.

B. Paramedic Personnel

1. Paramedic employers shall report in writing to the LEMSA medical director and the EMS Authority and provide all supporting documentation within 30 days of whenever the following actions are taken:

   a. A paramedic is terminated or suspended for disciplinary cause or reason.

   b. A paramedic resigns following notice of an impending investigation based upon evidence indicating disciplinary cause or reason.

   c. A paramedic is removed from paramedic duties for disciplinary cause or reason.

CROSS REFERENCES:

Prehospital Care Policy Manual:
Reference No. 201, **Medical Management of Prehospital Care**
Reference No. 216, **EMT Certification Review Process**
Reference No. 304, **Role of the Base Hospital**
Reference No. 308, **Base Hospital Medical Director**
Reference No. 310, **Prehospital Care Coordinator**
Los Angeles County EMS Agency Situation Report