	<b>COUNTY OF SACRAMENTO</b> <b>OFFICE OF EMERGENCY MEDICAL SERVICES</b>	Document #	4006.02
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		Revised:	02/15/08
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EMS Medical Director

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Chief, Emergency Medical Services

**I. INTENT:**

To provide guidelines to agencies providing prehospital emergency medical services (EMS) within the County of Sacramento, and Sacramento County certified EMT-Is who are not affiliated with a prehospital EMS provider, for reporting possible violations of California Health and Safety Code Section 1798.200, sub-sections (a) through (c) and whenever any of the actions listed in California Health and Safety Code Section 1799.112, sub-section (a) occur.

**II. AUTHORITY:**


- A. Health and Safety Code, Division 2.5, Sections 1797.200, 1798.200 and 1799.112.
- B. California Code of Regulations, Title 22, §100169, §100170, and §100173.

**III. POLICY:**


- A. All prehospital EMS providers shall forward a written report to Sacramento County Emergency Medical Services (SCEMS) regarding any action of certified or licensed prehospital personnel which may constitute a violation under Section 1798.200 of the Health and Safety Code as listed in Section B. This report shall be forwarded to the agency when the provider agency has reviewed the facts of the case and has either disciplined, recommended discipline, or limited patient care activities of the certified or licensed individual.

The report shall be signed by an authorized representative of the prehospital provider agency and must contain, at minimum, the following information:

1. Names of all personnel involved in the incident.
  2. Date, time, and location of the incident.
  3. Alleged facts of the incident.
- B. Any of the following actions by prehospital care 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 under the Health and Safety Code, Division 2.5.

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1. Fraud in the procurement of any certification or license under this division.
2. Gross negligence.
3. Repeated negligent acts.
4. Incompetence.
5. The commission of any fraudulent, dishonest, or corrupt act which 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 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 which 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-I or Paramedic from assisting a peace officer, or a peace officer who is acting in the dual capacity of peace officer and EMT-I or Paramedic, from using 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 Sections 56 to 56.6, inclusive, of the California Civil Code.

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

C. Prehospital provider agencies and unaffiliated Sacramento County certified EMT-Is shall forward a written report to SCEMS and provide all supporting documentation within 30 days of whenever any of the following actions are taken:

1. An EMT-P or EMT-I is terminated or suspended for disciplinary cause or reason.
2. An EMT-P or EMT-I resigns following notice of an impending investigation based upon evidence indicating disciplinary cause or reason.
3. An EMT-P or EMT-I is removed from medical service duties for disciplinary cause or reason following completion of an internal investigation.
4. An unaffiliated EMT-1 is convicted or pleads *nolo contendere* to any crime.

D. For purposes of this policy, “disciplinary cause or reason” means only an action that is substantially related to the qualification, functions, and duties of a paramedic or EMT-I and is considered evidence of a threat to the public health and safety as identified in subdivision (c) of Section 1798.200.

E. The information reported or disclosed in this section shall be deemed in the nature of an investigative communication and is exempt from disclosure as a public record by subdivision (f) of Section 6254 of the Government Code.

F. Prior to initiating certification action, all information available to SCEMS 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.

**CROSS REFERENCE:** Certification/Accreditation Review Process, PD #4050  
Continuous Quality Improvement, PD #4002  
Medical Oversight Committee, PD #2010  
Medical Oversight, PD #2200  
Operational Oversight Committee, PD #2020