PURPOSE
To define the steps and processes used by the Riverside County EMS Agency (REMSA) when initiating, investigating, and adjudicating legal issues involving prehospital personnel.

AUTHORITY
California Health and Safety Code - Division 2.5: Emergency Medical Services [1797. - 1863.]
California Government Code Sections 11370 et seq. (Administrative Procedure Act), CCR Title 1, Sections 1000-1050

GUIDELINES
EMSA Recommended Guidelines for Disciplinary Orders and Conditions of Probation for EMT and AEMT (MDOs)
Health and Safety Code 1798.200
California Code of Regulations Denial or Revocation of a Certificate

DEFINITIONS
Accusation
A written statement of charges against a certificate holder, in ordinary and concise language, that explains the acts or omissions with which the respondent is charged. Also referred to as a “charging document.”

Administrative Law Judge
An administrative law judge (ALJ) is a judge and trier of fact who both presides over trials/ Superior Court matters and adjudicates claims or disputes involving administrative law. ALJs can administer oaths, take testimony, rule on questions of evidence, and make factual and legal determinations.

Administrative Procedures Act
Disciplinary proceedings for EMTs and Paramedics will be conducted in accordance with Title 22, Chapter 6 of the California Code of Regulations, which, in addition to specifying certain parameters, requires that due process be assured by using the standards specified in Government Code, Title 2, Division 3, Part 1 Chapter 5 – Administrative Adjudication, which commences with §11500 and continues through §11529. These sections, along with CCR Title 1, §1000 – 1050 are formally called the Administrative Procedures Act (APA).

Certificate / Certification
An umbrella term (used specifically in this policy) to describe Emergency Medical Technician (EMT) and Advanced EMT (AEMT) certifications, Paramedic licenses and local accreditations and/or MICN local authorizations.

Decision and Order
A written statement identifying the respondent’s rights and obligations, as determined by an ALJ via their proposed decision, or the REMSA Medical Director, based on facts and law. A Decision usually includes a brief summary of the facts, a discussion of relevant laws, and the reasoning for the Orders. Orders accompany the Decision; they are written direction(s) that direct the respondent to perform, or refrain from performing, certain acts. Decision and Order (D&O) documents are legal, binding, and are issued by the REMSA Medical Director.

Investigative Review Panel (IRP)
This is similar to that of attending an Administrative Law Hearing expect IRP is typically used for Paramedic and MICN credentials. IRP panels are conducted in similar fashion to the of the ALJ hearing in that the IRP will hear testimony, view evidence, and render a proposed decision to the medical director.
Mitigating Evidence
Evidence furnished by the respondent to prove the existence of extenuating circumstances surrounding the Accusation(s)/Statement of Issues. Examples include explanations, justifications, and/or proof of innocence that might help persuade the California EMS Authority (Cal EMSA) and/or REMSA to decrease the potential discipline that may be issued.

Model Disciplinary Orders (MDO)
Developed by Cal EMSA, in consultation with EMS constituent groups from across the state, MDOs are the accepted guidelines that provide consistent and equitable delivery of discipline in cases dealing with violations of the Health and Safety Code, Division 2.5, Section 1798.200.

Notice of Defense / Notice of Participation
A document that, when signed by or on behalf of the respondent, is returned to Cal EMSA, acknowledging receipt of the Accusation document. This notice also identifies to Cal EMSA that the respondent wishes to participate in their hearing by having their case heard in front of an Administrative Law Judge. Retaining an attorney is not necessary for an ALJ hearing.

Notice of / Request for Discovery
The formal process of exchanging information between the respondent and Cal EMSA and/or REMSA regarding witnesses and evidence that will be presented at trial, should the respondent choose to have their case heard.

Respondent
Any person against whom an Accusation or Statement of Issues is filed.

Statement of Issues
A written statement specifying the statutes and rules that the accused respondent must show compliance with, should they choose to participate in an administrative hearing. A Statement of Issues only against initial applicants for the denial of a certification. Additionally, any particular matters that may have come to the attention of Cal EMSA or REMSA that would authorize the disciplinary action sought against the accused’s certification will be addressed in this statement. Also referred to as a “charging document.”

Statement to Respondent
A written statement that details all documents that were sent to the respondent regarding their case. Should the respondent wish to have their case heard, the Statement to Respondent also provides instructions that include how to file a Notice of Defense and where to mail response documents. It also provides a basic outline of how the Discovery process operates and what to expect during the hearing.

Stipulated Settlement Agreement (Agreement)
A legal document that typically contains admissions of guilt by the respondent to one or more causes for discipline, which automatically trigger the issuance of standardized discipline, based on Cal EMSA’s MDOs. Discipline comes in many forms and, depending on the admission(s) of misconduct, may include probation with terms and conditions, suspension of certification, surrender of certification, or even revocation of certification. When settled, minor violations usually result in remediation through re-education only. Stipulations are negotiated between the respondent, or their attorney, and REMSA. Respondents who choose Agreements over formal hearings waive their rights to further due process procedures and appeals and are legally bound by the terms of the Agreement, but in choosing to settle, save time and money and often end up with the same penalty order that would result after a full administrative hearing.

Investigative Authority
REMSA has the delegated authority to conduct investigations for a variety of reasons, which include but are not limited to, fraud in the procurement of any certificate or license, gross and/or repeated negligent patient care, incompetence, the conviction of any crime which is substantially related to the qualifications, functions, and duties of prehospital personnel, etc. Enforcement guidelines can be found here: https://emsa.ca.gov/enforcement/.
Disciplinary Cause
California Health & Safety Code § 1798.200 specifies the offenses for which REMSA may take disciplinary action against EMS credentialed personnel. When filing an Accusation or a Statement of Issues or other charging documents, REMSA may also cite additional related statutes, codes, regulations, ordinances, policies, and/or protocols. Disciplinary cause applies to any and all provider levels throughout REMSAs jurisdiction in which there was a violation of Health & Safety Code § 1798.200

Specific Causes for Investigation
Criminal Activity
The California Department of Justice (CA DOJ) automatically reports all criminal arrests to REMSA. Additionally, REMSA is provided information from the Federal Bureau of Investigation (FBI) when initial applicants to REMSA submit their LiveScan fingerprints as part of their credentialing packet. The information obtained includes, but is not limited to, convictions in other states, military disciplinary proceedings, including Article 15 disciplinary proceedings, other Uniform Code of Justice (UCMJ) violations, etc.

Unless the certificate holder is charged with a “straight” felony crime or officially convicted of a Felony level offense, those who are detained and charged after their LiveScan fingerprints are received by REMSA (i.e. – mid-cycle) may not be investigated or receive discipline until after a conviction. If convicted, the certification holder will be contacted and all information and documents that must be submitted to REMSA will be communicated although REMSA does not need a conviction to take action or start an investigation. “Straight” felony arrests may be investigated immediately and can result in the issuance of a Temporary Suspension Order (TSO). “Felony” arrests are not wobbler offenses and will be handled in a different matter.

Complaints and Unusual Occurrence Reports
Incidents (“unusual occurrences”), concerns or complaints must be reported using the Policy 7102 Reporting Form, found here: https://forms.office.com/g/yAMDeLNq1S; however, REMSA may be notified by phone if the nature or severity of the incident is particularly egregious or heinous. REMSA policy #7102 (Unusual Occurrence / Occurrence Review Process) explains how reported concerns are processed and how reporting works within the EMS system. REMSA takes all reported concerns seriously, whether or not the official reporting form is used.

When a Policy 7102 Reporting Form is received, REMSA will contact the reporting party to validate and clarify the report then evaluate the preliminary information to determine if any immediate action against the accused’s certification is warranted. In most incidents, the EMS Agency that issued the credential(s) to the involved individual(s) will be responsible for investigating and issuing discipline. In some cases, the EMS Agency that holds jurisdictional authority will perform the investigation and issue discipline. Regardless, the jurisdictional EMS Agency will contact the certifying EMS Agency and discuss how they wish to proceed.

For EMTs whose employer is also their certifying entity, investigative and disciplinary authority rests with the Medical Director of the local EMS Agency (LEMSA) of the county where the entity is headquartered.

INVESTIGATIVE REVIEW PANEL (IRP)
Evaluation of Information
1. The REMSA Medical Director will evaluate information received which may include, but not limited to, information obtained via medical audit, public complaint, or employer concerns that allege or indicate a breach or violation that is egregious, flagrant, demonstrates repeated violations of policy, procedure, or law, or rises to the level of a threat to public health and safety.
2. If the REMSA Medical Director determines, following evaluation of the information, that further inquiry into the circumstance is necessary or that disciplinary action against the certification holder’s local credential may be warranted, they will conduct an investigation into the allegations.
3. Upon conclusion of the investigation, the REMSA Medical Director will determine, in their expert opinion, if the facts support a disciplinary action against the certification holder’s local credential.
Notification of Investigation and Disciplinary Action

1. Upon determination that a complaint, concern, audit finding, or allegation requires investigation that may lead up to and/or include discipline against a local credential, the accused certification holder(s) will receive written notification, by Certified® mail, that an investigation is being conducted.

2. Upon conclusion of the investigation, the REMSA Medical Director will determine what disciplinary action(s), if any, will be taken against the accused certification holder’s local credential.

3. The accused certification holder(s) will be notified in writing, by Certified® mail, of any action to be taken. The notification will include the following information:
   a. The disciplinary action, the basis for the decision, the date it will take effect, and the duration of the action.
   b. A statement that the certification holder is required to report the parameters of the disciplinary action to all employers (paid and volunteer) within REMSA’s geographical jurisdiction within ten (10) days of receipt of the notification.
   c. The certification holder’s right to appeal this decision within fifteen (15) calendar days of receipt by requesting, in writing, the convening of an IRP hearing.
   d. A brief explanation of the IRP process including notification that the certification holder may mutually agree with REMSA on one (1) panel member.

4. If an IRP hearing is requested, notification of the hearing, along with this policy and any other policies or procedures established by REMSA regarding IRPs, will be sent via Certified® mail to the certification holder and their current employer(s) at least fifteen (15) days prior to the IRP hearing. The notice will include the following information:
   a. The purpose of the IRP hearing.
   b. Membership of the IRP and provisions for disqualification of a member.
   c. Date, time, and location of the IRP hearing.
   d. A Request for Discovery form.
   e. The certification holder’s right to be present during any testimony before the IRP.
   f. The certification holder’s right to call witnesses and to cross examine witnesses called by REMSA during the hearing.
   g. The certification holder’s right to be represented by legal counsel at the IRP, or to be accompanied by any other person of their choosing, to provide advice and/or support.
   h. The certification holder’s right to present oral and/or written argument(s) and to present and rebut relevant evidence.
   i. The certification holder’s right to request the hearing be open to the public. If that request is not specifically made, the hearing will be closed to the public.

The Investigative Review Panel

1. Within thirty (30) days of REMSA’s receipt of a request to hold an IRP hearing, an IRP will be convened to review the facts of the case and make its recommendation.

2. The IRP will consist of at least three (3), but no more than five (5), members.

3. One (1) member of the IRP will be mutually agreed upon by the certification holder and REMSA, if the certification holder so requests.

4. The IRP will not include the REMSA Medical Director, any REMSA staff or recent past (within 6 months) employee of REMSA or anyone who submitted allegations against the certification holder or who is directly involved in any incident included in the investigation. Additionally, current or recent past (within 6 months) employers, employees, supervisors, or any first- or second-degree relatives of the certification holder cannot serve as a member of the IRP.

5. IRP members must be knowledgeable in the provision of prehospital emergency medical care, REMSA policies and procedures, the role of accreditation / authorization, and have an understanding of the disciplinary process.

6. An IRP member will voluntarily recuse themselves from any case in which they cannot remain a fair and impartial reviewer.

7. The certification holder may request, in writing, the disqualification of a panel member if they believe the member cannot provide a fair and impartial decision. The request must state the reason(s) upon which the claim is being made and it must be received by REMSA at least seven (7) days prior to the IRP. The REMSA Medical Director will determine within three (3) days of receipt of the request whether the evidence warrants the disqualification of the panel member. Notification of the REMSA Medical Director’s decision will be sent by Certified® mail to the certification holder prior to the date of the IRP hearing.
8. Should the disqualification or recusal of a panel member result in a panel of less than three (3) members, an alternate panel member will be designated. If one cannot be designated prior to the scheduled hearing date, the hearing will be rescheduled with an alternate member no later than fifteen (15) days after the original date.

9. Notification of a rescheduled hearing will be sent by Certified® mail and must be received by the certification holder no less than seven (7) days prior to the rescheduled date.

10. The IRP will consider all relevant evidence on the matter in order to establish the facts of the case and will make a written report of its findings and recommendations to the REMSA Medical Director within fifteen (15) days of the conclusion of the hearing.

Non-Communication with IRP Members

1. Prior to the IRP hearing, the certification holder who is under investigation, or any representative, witness, or agent of the certification holder, is prohibited from contacting any person chosen to serve as a panel member on the IRP regarding any part or portion of the matter under investigation.

2. IRP members are prohibited from contacting the certification holder, or any representative, witness, or agent of the certification holder, regarding any part or portion of the matter under investigation.

3. REMSA employees, its agents and/or witnesses are prohibited from contacting IRP members regarding the substance of the IRP hearing. REMSA communication with IRP members and/or potential IRP members is only permitted for the purposes of explaining procedural aspects of the process, and only enough of the content as to permit panel members to determine if they should recuse themselves from the case. Discussion of arguments, evidence, and/or strategies is not permitted.

IRP Hearing Recording and Open vs. Closed Hearings

1. A recording of the hearing will take place; the means and mechanism to do so is at the discretion of REMSA. Should REMSA decide on an electronic recording, but the certification holder determines that a stenographer is in their best interest, finding a stenographer from a reputable agency, retaining them, and reimbursing them will be the responsibility of the certification holder.

2. The certification holder will notify REMSA that the services of a stenographer have been retained a minimum of three business (3) days prior to the hearing.

3. A member of the IRP, or REMSA, may order closure of all, or any part of the hearing proceedings, for any of the following reasons:
   a. To satisfy the federal or state Constitution, statute, or other law, including but not limited to, laws protecting privileged, confidential, or other protected information.
   b. To conduct the proceedings, including the manner of examining witnesses, in a way that is appropriate to protect a minor witness or a witness with a developmental disability, as defined in Section 45132 of the Welfare and Institutions Code, from intimidation or other harm, taking into account the rights of all persons.

4. If the hearing is open, witnesses will be prohibited from observing until after they have been excused from providing further testimony.

Final Determination and Notification of Disciplinary Action

1. Upon final determination of the disciplinary action to be taken against the certification holder’s local credential, the REMSA Medical Director will complete and place in the certification holder’s record a Final Decision / D&O, certifying the decision that was made, the date the decision was made, the date it will take effect, and the duration of the action. In addition, the statement will contain findings of fact and the determination of issues which led to the decision.
   a. Most disciplinary actions will become effective thirty (30) calendar days from the date the REMSA Medical Director signs the D&O; however, pursuant to Article 13, Chapter 4.5 (commencing with Section 11460.10) of the APA, REMSA may take immediate action to protect the public interest by revoking a certification holder’s credential(s).

2. A notification letter will be sent to the certification holder and will include the above Final Decision/ D&O.

3. The notification letter will indicate that the certification holder is required to report the parameters of the disciplinary action to all employers (paid and volunteer) within REMSA’s geographical jurisdiction within ten (10) days of receipt of the notification letter.

4. The statement and notification letter will be sent to the certification holder via Certified® mail.
5. REMSA will report the disciplinary action to all known employers (paid and volunteer) within its geographical jurisdiction.

6. The certification holder may appeal this final decision by filing a Writ of Mandate and Application for Stay with the Superior Court of California no later than thirty (30) days after receipt of the decision.

7. If the decision is made that no disciplinary action will be taken, a notification letter stating such will be sent to the certification holder.

**Types of Formal Discipline**

Any formal discipline delivered must be reported to the Cal EMSA/ Central Registry, and in some instances to other national and/or federal entities such as the National Practitioner Data Base.

**Denial Due to Discipline**

An initial applicant to REMSA (either a new certification holder or a certification holder currently credentialed through another LEMSA but new in Riverside County) may have their application denied for discipline that was received previously. Certification denial by any EMS certifying entity will be respected by all other certifying entities for at least one (1) year.

**Denial Due to Qualifications**

Any applicant, whether applying initially or renewing their certification, may be “denied without prejudice” for the failure of meeting the required minimum requirements to become certified. “Denial without prejudice” is not based on previous disciplinary action and is not recorded or reported to any other entity. It does not have a one (1) year waiting period to reapply. Reapplication to any EMS credentialing agency may occur as soon as the applicant meets all of the minimum qualifications to become certified as required by the certifying entity.

**Probation**

Certificate holders whose credentials are placed on probation are still permitted to work at their designated certification level, usually with no restrictions on their scope of practice; however, certain conditions must be satisfied during the probationary time period, or they will be considered in violation of their agreement. Probation conditions may include, but not be limited to, mandatory compliance with all laws and policies, notification to REMSA of changes in employment status, quarterly check-ins (every three (3) months) with REMSA Discipline and Enforcement personnel, which will include the reporting of any negative contact(s) with law enforcement, if applicable, etc. Depending on the reason(s) for probation, maintaining compliance may also require the certification holder to participate in certain classes or therapies and restrict their use of alcohol or drugs. It may also require scheduled medical evaluations, skills competency verifications, or similar requirements. Probation for initial applicants is typically two (2) years and three (3) years for renewing certificate holders. The maximum probationary period allowed by law is five (5) years.

**Probation Quarterly Reports**

All certificate holders placed on probation are required by Cal EMSA’s MDOs to submit a quarterly (every three (3) months) report to REMSA. This is accomplished electronically, using the ImageTrend License Management System (LMS) portal. The report is a one (1) page form, which is an attestation of compliance (or non-compliance) with the stipulations of probation, with fields to update contact and employer information as needed. While a simple task in itself, it is crucial that probationers complete and return these forms when required. Failure to submit them on time, or at all, is a failure of compliance with probation requirements and may result in the revocation of credentials.

Reports are to be submitted using the following procedure:


2. Under the “Applications” banner that appears, find “Probation Quarterly Report.” Click “Apply Now”

3. On the next screen, review the “Introduction” page and confirm that the submission is being reported for the appropriate quarter. Once reviewed, click “Save and Continue” at the bottom of the screen

4. On the next screen, titled “Probation Quarterly Report”:
a. Review and confirm that all of the information is correct.
b. Attest to compliance, or non-compliance, with the stipulations of probation.
c. Upload documents as appropriate.
d. Digitally sign and submit.

If successfully submitted, the LMS will send a confirmation email to the email address on file. REMSA recommends saving this email as proof of successful reporting.

**Troubleshooting Probation Quarterly Report Submissions**

If the LMS proves dysfunctional for any reason, the REMSA Help Desk should be contacted as soon as possible at (951) 840-0675.

If submission through the LMS proves to be a nonviable option, a scanned copy of the Quarterly Report should be emailed to EMD-Discipline@rivco.org. In the body of the email, a narrative explaining what issues occurred within the LMS, and the assistance that the Help Desk provided, must be included.

If submission through the LMS proves to be a nonviable option AND no response has been received after submitting scanned copies to EMD-Discipline@rivco.org, the EMS Specialist assigned to your case should be contacted in order to schedule an in-person appointment to submit a hard copy of your Quarterly Report.

If all other methods fail, a hard copy of all required documentation should be mailed to the EMS Agency using USPS mail, sent Certified®. REMSA also recommends using the Return Receipt service to prove delivery occurred.

Should the certification holder fail to submit their quarterly report in a timely manner, or at all, the following progressive disciplinary action(s) will take place:

1) **First missed quarterly report** – One (1) final warning of probationary non-compliance will be issued, sent via Certified® Mail and the email on record.
2) **Second missed quarterly report** – Suspension of credentials for fourteen (14) calendar days.
3) **Third missed quarterly report** – Revocation of credentials.

As a courtesy, REMSA may remind probationers of the need to submit their Quarterly Reports; however, it is the ultimate responsibility of the probationer to initiate and submit their reports at the appropriate time and to ensure successful submissions.

**Suspensions**

Suspensions do not affect credential renewal dates, but they may require certain conditions to be met in order to return the credential to an ACTIVE, unrestricted status. Suspension periods may be effective for as little as (14) calendar days to (60) calendar days. When a certification holder’s credential is suspended, they are not permitted to work or volunteer in any capacity in which they would need an active, unrestricted credential to practice medicine. Certification holders who are able to satisfy the conditions of their suspension period should expect a period of probation to follow.

**Suspension Timeframes for Invalid Certifications**

After a thorough investigation, paramedics and MICNs who have worked without a valid credential in Riverside County will be suspended. The suspension period is dependent on the number of days worked while their credential was invalid:

<table>
<thead>
<tr>
<th>Days worked without accreditation / authorization</th>
<th>0-30 days</th>
<th>30-60 days</th>
<th>60-90 days</th>
<th>120 days or greater</th>
</tr>
</thead>
<tbody>
<tr>
<td>Suspension time</td>
<td>7 days</td>
<td>14 days</td>
<td>21 days</td>
<td>30 days or revocation</td>
</tr>
</tbody>
</table>
**Temporary Suspension Order (TSO)**

A TSO is an immediate suspension of the certification holder’s credential because of the following:

1. The certificate holder has engaged in acts or omissions that constitute grounds for denial or revocation according to Title 22 § Section 100214.3 (c) and (d) **AND**
2. The opinion of the REMSA Medical Director is that continuing to permit the certificate holder to engage in certified activities would pose an imminent threat to the health and safety of the public.

If challenged, a TSO must be reviewed within thirty (30) days by an ALJ. REMSA may issue a TSO against a state paramedic license; however, the reason(s) for the TSO must be sent immediately to Cal EMSA. Cal EMSA will then review and accept, or reject, the TSO within three business (3) days. If accepted, the thirty (30) day window for a hearing applies.

**Revocation**

Revocation is the canceling of a certification. Once revoked, providers are no longer a paramedic, EMT or MICN and must meet the standard for a new applicant in order to re-obtain their certification in the future. Certification revocation by any EMS certifying entity will be respected by all other certifying entities for at least one (1) year. If the certification holder is issued a new certification after the revocation period expires, it will be an entirely new number.

**Investigation Process**

**Respondent’s Rights**

The respondent is entitled to representation of their choice throughout the investigation and any subsequent prosecution; however, they will be responsible for all associated attorney costs and fees.

The respondent may request “Discovery” up to thirty (30) days after receiving the Accusation. They are encouraged to familiarize themselves with administrative law processes and ask questions to REMSA personnel that pertain to their procedural rights.

**DISCLAIMER:** The information provided by REMSA personnel to respondents does not, and is not intended to, constitute legal advice; instead, all information provided is for general informational purposes only. Respondents are not required to, but REMSA highly encourages, contacting an attorney to obtain advice with respect to legal matters. Only the respondent’s individual attorney can provide assurances and interpretations of the law based on their particular situation.

**Discovery and Preliminary Review**

If warranted, REMSA will begin to review circumstances related to the discovered issues and complaints. The review will be conducted under the supervision of the REMSA Medical Director and/or the EMS Agency Administrator. During this phase, REMSA will collect additional information (e.g., ePCRs, CAD data, incident reports, audiotapes, etc.) from the employer, who may or may not be involved in the investigation. Upon review of the circumstances, REMSA will find the complaint to be one (1) of the following:

1. **Unsubstantiated** – the actions of the certification holder in question do not rise to the level where remediation is a recognized need. The case will be closed.

2. **Substantiated** – the actions of the certification holder in question rise to the level where remediation is a recognized need, but disciplinary action is not. REMSA will collaborate with the certification holder’s employer to create a remediation / Performance Improvement Plan (PIP).

3. **Substantiated and Actionable** – the actions of the certification holder in question rise to the level where discipline is a recognized need. Formal disciplinary actions are taken against credentials (suspension, probation, revocation, and/or denial).

**Remediation**

If education (alone) is offered as a form of remediation, a PIP will be developed to track progress and completion. REMSA may work in cooperation with the certification holder’s employer or other appropriate system resources in the
development and execution of the PIP. Remediation (in the absence of concurrent or subsequent discipline) is considered a quality assurance action; however, failure to complete all required steps outlined in a PIP may result in administrative or disciplinary action.

**Interviews**

If complaints are found to be substantiated, interviews may be requested to obtain more information. REMSA reserves the right to record interviews using any type of audio and/or visual technology at their disposal.

- REMSA will notify the accused that an investigatory interview is being requested, either by phone, email, or letter.
- If necessary, the accused individual may be requested to participate in interviews on more than one (1) occasion. Compliance is expected.
- REMSA has the legal authority to interview witnesses to the incident / complaint.
- If the accused is a firefighter and the incident / complaint occurred during the course of their active-duty assignment(s), REMSA will provide them with a copy of a Firefighters Bill of Rights Advisement Notification to read and sign prior to the start of the interview.
- If the interview is conducted by telephone and recording of the conversation will occur, REMSA will communicate this to the accused at the beginning of the call, but **AFTER the recording begins**, in order to capture their verbal acknowledgment that recording is taking place.
- Should they choose to, the accused is permitted to utilize their own recording device.
- While the accused may have a legal representative present during an interview, the accused must truthfully answer all questions directed to them.

**Formal Disciplinary Review(s) / Action(s)**

When the need for a formal investigation is recognized, the respondent and their employer (if applicable) will be notified in writing. A formal disciplinary investigation may consist of, but is not limited to, further collection and review of documents, evidence collection, interviews, etc.

A record of conviction from the court will be considered conclusive evidence of guilt. While REMSA does not relitigate cases, there may be instances when additional information will be requested in the form of specific court and police documents, a written statement from the respondent regarding the incident, and possibly a face-to-face interview, in order to gain a complete understanding of the events that transpired. Any additional materials the respondent wishes to submit will be accepted as a source of mitigating evidence. Disciplinary action will be determined based on the prescribed discipline for the criminal activity per Cal EMSA’s MDOs and a review of the mitigating evidence presented.

Should it be determined by further investigation that disciplinary action will be necessary, or if the court conviction qualifies under regulations as disciplinarily actionable, a legal document (“Accusation”) will be written and sent to the respondent. First time applicants to REMSA will be sent a similar document, titled “Statement of Issues.” This document is the formal legal notification to the respondent that REMSA intends to issue disciplinary action. It outlines REMSA’s findings surrounding the events that led up to the decision and what sections of the California Health and safety Code REMSA believes were violated.

The respondent will also be provided with “Statement to Respondent” and “Notice of Defense” documents, which they must complete and return to REMSA should they wish to contest REMSA’s disciplinary decision. The respondent will also receive a “Notice of Discovery” document and a “Stipulated Settlement Agreement” document, which explains in detail the discipline REMSA plans on issuing. Copies of all applicable regulations, statutes, etc. that were violated will be sent to the respondent as well. These documents may be sent concurrently, or shortly after, the Accusation or Statement of Issues is provided.

When a formal accusation is made, the respondent will be informed of their rights in accordance with the applicable regulations. If more than one (1) person is being investigated or is subject to discipline for the same incident or occurrence, each individual will be processed as a separate party.
Investigations & Administrative Hearing Process – EMTs

Decision by Hearing
If the respondent has filed a “Notice of Defense / Notice of Participation,” an administrative hearing is conducted pursuant to the APA. The REMSA Medical Director may choose to participate in the hearing; they also have the authority to delegate the responsibility of hearing testimony, examining evidence, and making a conclusionary decision to an ALJ. The initial appeal is always heard by an ALJ regarding EMT credentials.

If the REMSA Medical Director chooses to delegate the hearing to an ALJ, the ALJ will issue a proposed decision to REMSA within thirty (30) days of the conclusion of the hearing. Thirty (30) days after REMSA receives the proposed decision, a copy will be filed internally by REMSA and will remain public record. A copy will be served by REMSA on each party and their attorney. The REMSA Medical Director has one hundred (100) days from receipt of the proposed decision to make a final decision.

The REMSA Medical Director can:
1. Adopt the decision in its entirety
2. Reduce or otherwise mitigate the proposed discipline and adopt the balance of the proposed decision
3. Make technical or other minor changes and adopt the decision
4. Reject the proposed decision and refer the matter back to the ALJ to take additional evidence OR
5. Reject the proposed decision and decide the case upon the record.

If the REMSA Medical Director fails to make a decision within the one hundred (100) day time period, the proposed decision will be adopted by REMSA as written. The adopted final decision is filed as a public record immediately and is served on the respondent and their attorney. Generally, the final decision becomes effective thirty (30) days after the final decision is delivered or mailed to the respondent.

If a decision issued by REMSA is found to be unfavorable by the respondent, they may file a Writ of Mandate with the California Superior Court, requesting judicial review of the Decision pursuant to Government Code section 11460.80.

Decision by Default
In instances when the respondent fails to return a Notice of Defense / Notice of Participation to REMSA in the appropriate time frame, the REMSA Medical Director has the authority to issue a default D&O that is binding and final. It will align with the maximum penalty allowed by Cal EMSA’s MDOs.

Investigations & Administrative Hearing Process - Paramedics

Certification Denial
When REMSA denies an initial application for local paramedic accreditation, the applicant may appeal based on the rights afforded to them by the APA. They must submit a written request to REMSA which will be met with a charging document for their denial. These charging documents are similar procedurally to a Statement of Issues or Accusation; however, the respondent has the burden of proof to demonstrate that they have satisfied the identified deficiencies communicated in the Statement of Issues.

Investigation and Disciplinary Procedures Specific to Paramedics
REMSA will follow the same investigation and disciplinary procedures as listed for EMTs (above), with the following procedural additions:
• REMSA will notify the paramedic, via Certified Mail if the investigation, and possible disciplinary action, allowing them the opportunity to provide a written statement within ten (10) calendar days.
• During the investigation period, the paramedic’s employer will notify REMSA within three (3) business days of any of the following occurrences:
  o The paramedic was terminated or suspended for a disciplinary cause
  o The paramedic resigned or retired following notification of an impending investigation based upon evidence that would indicate the existence of a disciplinary cause OR
The paramedic was prohibited from performing paramedic-related duties for a disciplinary cause after the completion of the employer’s investigation.

- REMSA will notify the paramedic in writing of the REMSA Medical Director’s final decision.
- Within fifteen (15) calendar days of receipt of the negative disposition letter from REMSA, the paramedic has the right to file in writing, by Certified mail, a response regarding the decision; they may also request an Investigative Review Panel (IRP) hearing.

**Actions Against Paramedic Local Accreditation**

Local accreditation may be denied or suspended by the REMSA Medical Director if a paramedic does not maintain current licensure or meet continuous local accreditation requirements. If local accreditation will be denied or suspended:

- The paramedic should be given ample notification of any deadlines and requirements.
- The paramedic must be granted due process in accordance with local policies and procedures.
- Local policies and procedures must provide a process for appeal or reconsideration.

Local accreditation will not be denied based on a paramedic’s accreditation history with another county or their employer affiliation.

Accreditation can be suspended until such time that all identified deficiencies are completed, reviewed, and accepted as complete by REMSA.

- Suspension of local paramedic accreditation privileges means that the certificate holder is not permitted to work in either the basic or optional scope of practice for paramedics in Riverside County. A paramedic may, however, work as an EMT during the accreditation suspension period with prior approval from their employer.

The REMSA Medical Director may suspend or revoke accreditation of a paramedic as part of the quality improvement process when the following conditions have been met:

1. It is determined by the paramedic’s employer, or the REMSA Medical Director, that the paramedic needs additional training, observation, or testing **AND**
2. The employer and the REMSA Medical Director create a specific and targeted program of remediation based upon the needs of the paramedic **AND**
3. The paramedic fails to complete this targeted program or remediation.

If, at any time during the review or investigation, the REMSA Medical Director determines that the facts support suspension or revocation of a paramedic’s local accreditation, they may convene an IRP. With respect to requests for Discovery and/or Motions to Compel, REMSA will follow all lawful procedures with the exception of portions that refer to an ALJ. The responsibilities that are delegated to an ALJ will be performed by the IRP.

If the REMSA Medical Director does not convene an IRP prior to making a final decision to revoke or suspend a paramedic’s local accreditation, the paramedic may submit a written request for an IRP within fifteen (15) calendar days of written notification from receiving the REMSA Medical Director’s decision.

**Actions Against Paramedic State Licenses**

When the REMSA Medical Director is advised that a paramedic has committed any act of omission that appears to constitute grounds for disciplinary action against their state license, the information may be evaluated to determine if there is reason to believe that disciplinary action may be necessary. REMSA will notify Cal EMSA of all allegations. Cal EMSA’s Enforcement Division may:

- Determine that they should take over the investigation **OR**
- Suggest that REMSA continue with the preliminary investigation **OR**
- Determine that the allegation does not meet the threshold for investigation and dismiss it.
Investigations & Administrative Hearing Process – Mobil Intensive Care Nurses (MICN)

Negative actions against any MICN authorization may be issued by the REMSA Medical Director based upon findings of an imminent threat to the public’s health and safety.

REMSA will follow the same investigation and disciplinary procedures as listed for EMTs (above), with the following procedural additions:

- REMSA will notify the MICN via Certified Mail, of the investigation, and possible disciplinary action, allowing them the opportunity to provide a written statement within ten (10) calendar days.
- During the investigation period, the MICN’s employer will notify REMSA within three (3) business days of any of the following occurrences:
  - The MICN was terminated or suspended for a disciplinary cause
  - The MICN resigned or retired following notification of an impending investigation based upon evidence that would indicate the existence of a disciplinary cause OR
  - The MICN was prohibited from performing MICN-related duties for a disciplinary cause after the completion of the employer’s investigation
- REMSA will notify the MICN in writing of the REMSA Medical Director’s final decision.
- Within fifteen (15) calendar days of receipt of the negative disposition letter from REMSA, the MICN has the right to file in writing, by Certified® mail, a response regarding the decision; they may also request an Investigative Review Panel (IRP) hearing.

Actions Against MICN Local Authorization

Local authorization may be denied or suspended by the REMSA Medical Director if an MICN does not maintain current licensure or meet continuous local authorization requirements. If local authorization will be denied or suspended:

- The MICN should be given ample notification of any deadlines and requirements.
- The MICN must be granted due process in accordance with local policies and procedures.
- Local policies and procedures must provide a process for appeal or reconsideration.

Local authorization will not be denied based on an MICN’s accreditation history with another county or their employer affiliation.

The REMSA Medical Director may suspend or revoke authorization of an MICN as part of the quality improvement process when the following conditions have been met:

1. It is determined by the MICN’s employer, or the REMSA Medical Director, that the MICN needs additional training, observation, or testing AND
2. The employer and the REMSA Medical Director create a specific and targeted program of remediation based upon the needs of the MICN AND
3. The MICN fails to complete this targeted program or remediation.

If, at any time during the review or investigation, the REMSA Medical Director determines that the facts support suspension or revocation of an MICNs authorization, they may convene an IRP. With respect to requests for Discovery and/or Motions to Compel, REMSA will follow all lawful procedures with the exception of portions that refer to an ALJ. The responsibilities that are delegated to an ALJ will be performed by the IRP regarding rendering proposed decisions, viewing evidence and hearing testimony.

If the REMSA Medical Director does not convene an IRP prior to making a final decision to revoke or suspend an MICN’s authorization, the MICN may submit a written request for an IRP within fifteen (15) calendar days of written notification from receiving the REMSA Medical Director’s decision.

Authorization can be suspended until such time that all identified deficiencies are completed, reviewed, and accepted as complete by REMSA.
• Suspension of local MICN authorization privileges means that RN is not permitted to work in the capacity of an MICN. They may, however, continue working as an RN during the suspension period with prior approval from their employer.