



CAL FIRE

EMERGENCY MEDICAL SERVICES CERTIFICATION ACTION INVESTIGATIONS GUIDE

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Emergency Medical Services Program
4501 Highway 104
Lone, CA 95640



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Introduction

The California Department of Forestry and Fire Protection (CAL FIRE) Emergency Medical Services (EMS) Program developed the Emergency Medical Services Certification Action Investigations Guide to assist Unit/Programs and Emergency Medical Technician (EMT) personnel regarding certification action investigations.

Investigative Process

The CAL FIRE EMS Program, as a relevant employer (RE), and in accordance with the California Code of Regulations (CCR), Title 22, Division 9, has the first rights of refusal for all EMT certification action investigations. This applies whether the EMT is certified through CAL FIRE or a Local Emergency Services Agency (LEMSA).

The CAL FIRE EMS Program does not determine certification action. Only a LEMSA Medical Director can enforce certification actions and take action on an EMT certificate.

To prepare for EMS investigations employees, supervisors, investigators, Unit/Region/Program Chiefs should fully review all CAL FIRE policy and procedures regarding investigations.

Complaint and Conduct Validation

CAL FIRE validates all allegations received regarding EMT certificate holders. Issues that require validation include, but are not limited to:

- Complaints against EMS personnel
- Background Checks, or Criminal Offender Record Information (CORI)
- Subsequent Arrest Notifications (SANs)

Complaints or conduct related to any offense listed in the Health and Safety Code (H&SC), Section 1798.200(c) requires immediate review and validation. Units/Programs need to notify the EMS Program of any complaints, arrests, and/or conduct allegations so that a determination can be made to initiate a certification action investigation.

When validating an EMT complaint, EMS Program and Unit/Program investigatory staff will consider jurisdiction; whether event occurred on or off duty; validity of complaint; and whether any violation of the H&SC, Section 1798.200(c) occurred. CAL FIRE investigatory personnel ensure that the scope of the verification is limited to the complaint/CORI/SAN.



Complaint/CORI/SAN without Merit

If a complaint/CORI/SAN is evaluated and is determined not to be factual, or is unmerited, the EMS Program and Unit/Program investigatory staff:

- Concludes the validation process
- Notifies, in writing, the complainant, if applicable, and the EMS certificate holder of the results of the complaint validation
- Retains the documentation at the Unit/Program level for four years
- Notifies the CAL FIRE EMS Program of the type of complaint and that it was without merit and/or unfounded. No notifications are required to the Emergency Medical Services Agency (EMSA). The EMS Program will notify the affected LEMSA of disposition.

Complaint/CORI/SAN with Merit

If a complaint/CORI/SAN is validated and found to be factual and relative to the duties of an EMT, the EMS Program and Unit/Program investigatory staff makes notification of the incident within 24 hours to the Unit/Program Chief. The EMS Program must be notified if the original notification did not originate from the EMS Program within 48 hours. When notifying the EMS Program, include the following information:

- Name of EMT
- EMT certificate number
- Date and location of complaint/CORI/SAN
- Date complaint/CORI/SAN was validated
- Brief narrative of validation process

Units/Programs coordinate with the CAL FIRE EMS Program once a complaint/CORI/SAN is validated and prior to any certification action investigation. Units/Programs cannot take any action against an EMT certificate.

A copy of the CORI/SAN must be provided to the person to whom the information relates if the information is a basis for an adverse employment, licensing, or certification decision.

If a complaint/CORI/SAN is received for an EMT no longer employed by CAL FIRE, the EMS Program notifies the Sacramento County LEMSA of the receipt of the complaint/CORI/SAN and defers the investigation.



Emergency Medical Technician Certification Action Investigations

The CAL FIRE EMS Program is involved with the Unit/Program in the decision to open an EMS certification action investigation. This ensures consistency in administering EMS investigations and in meeting EMT investigation requirements in accordance with state laws, codes, statutes, regulations and CAL FIRE policy and procedures.

In order to complete the investigation in a timely manner, a cooperative effort is made between the Unit/Program EMS Investigatory staff, the EMS Program, and the LEMSA.

Certification Action Investigation Causes

Any alleged conduct, arrest, complaint that may substantially relate to the duties, function and/or responsibilities of an EMT may be cause for certification action. The California H&SC, Section 1798.200(c) specifies the offenses that may cause certification action discipline against an EMT. A link to the H&SC section is provided in the 7200 CAL FIRE Emergency Medical Services Handbook, Appendix 1.

Notification Guidelines

In order to complete the investigation in a timely manner, a cooperative effort must occur between the EMS Program staff, Unit/Program staff, and the LEMSA.

All notifications regarding alleged improper conduct should originate with the EMS Program. If a complaint/allegation is sent to the EMS Program, the EMS Program will notify the jurisdictional LEMSA within 72 hours of receipt. The EMS Program shall also notify the affected Unit/Program within 72 hours of receipt of complaint/allegation.

Should a Unit/Program receive notification of a complaint, misdemeanor or felony arrest, or adjudication of such, the Unit/Program notify the EMS Program within two business days.

If a LEMSA receives the initial notification, they must notify the Department within 72 hours of receiving any allegation(s). CAL FIRE has three days to accept or defer an investigation after receipt of notification of alleged EMT improper conduct by a LEMSA.



Any documentation related to the allegation will be forwarded to the EMS Program after notification. The EMS Program will then inform any relevant agencies and coordinate with the Unit/Program as to whether the certification action investigation will be accepted or deferred pursuant to the CCR, Title 22, Chapter 6.

The CAL FIRE EMS Program will notice the EMT employee that a complaint/allegation has been made and when the investigation begins.

The EMS Program will coordinate with the Unit/Program with all certification action investigations. When all certification action investigations are completed, the Unit/Program forwards all relevant investigatory documentation to the EMS Program. The EMS Program will develop and submit the Recommended Certification Action Disciplinary Plan to the jurisdictional LEMSA Medical Director.

When the certification action is determined and the certification action disciplinary plan is approved, the LEMSA must notify the EMT and the EMS Program within 10 working days, in accordance with the CCR, Title 22.

Refer to the 7200 CAL FIRE Emergency Medical Services Handbook, Appendix 9 for the notification flow regarding certification actions.

General Provisions

The Firefighters Procedural Bill of Rights Act (FFBOR) and, if applicable, the Peace Officer Procedural Bill of Rights Act (POBOR) is considered by all CAL FIRE investigatory personnel during the course of any certification action investigation.

Certification Action Investigation File

When beginning the certification action investigation, ensure all pertinent documentation is included in the Certification Action Investigation file.

Reports

When developing the Certification Action Investigation report, use established CAL FIRE policies and forms. Units/Programs will coordinate and communicate regularly with EMS Program staff regarding investigation status and to resolve any investigatory issues.

In the Certification Action Report, Units/Programs must include all supporting documentation when submitting to the EMS Program.



Emergency Medical Technician Rights

CORI Results

All applicants have the right to receive a copy of their CORI results if the information may negatively affect employment, licensure or certification.

Representation

All EMT personnel are allowed representation of choice through all processes of the investigation.

Appeals

All certificate/license holders have the right to appeal any certification action. All certificate or license holders are afforded due process pursuant to the California Government Code (GC), Title 2, Division 3, Chapter 5, and GC, Title 1, Division 4, Chapter 9.6.

Certification Action Implementation

The effective date of any certification action is 30 days from the date the notice is mailed to the EMT, unless another time is specified, or in the event of an appeal.

Temporary Suspension Orders

Temporary Suspension Orders (TSOs) take effect upon the date the notice is mailed to the EMT certificate holder. TSOs are issued by a LEMSA Medical Director only if the certificate holder poses an imminent threat to the public's health and safety. TSOs temporarily and immediately suspend a certificate prior to and until an administrative law hearing can be held and final decision rendered.



Responsibilities

Refer to the 7200 CAL FIRE Emergency Medical Services Handbook, Policy sections 7221, 7222, and 7223 for CAL FIRE personnel responsibilities.

Local Emergency Medical Services Agency Medical Director

LEMSA Medical Directors are under the authority of EMSA, but do coordinate and have responsibilities to REs. Their responsibilities include, but are not limited to:

- Notifying, within 72 hours, CAL FIRE of any allegations of misconduct by a CAL FIRE EMT
- Notifying, within 10 working days, the EMT and the RE, upon determining the certification action to be taken
- Notifying the RE, the certification action taken and the date the certification action disciplinary plan was signed
- Entering certification action taken into the California Central Registry