

## **ROLE OF THE DIRECTOR IN ENFORCEMENT PROCEEDINGS**

Due to the possibility that the director of the EMS Authority may be involved in administrative enforcement proceedings as the trier of fact and/or final decision-maker, the director cannot be involved in the investigation or prosecution of a case.

The only exception to the director having knowledge of a case prior to a hearing is when there has been a request for an immediate suspension of a paramedic license. Health and Safety Code Section 1798.202 requires the director's approval for an immediate suspension.

Pursuant to the Government Code Section 11430.10 (Administrative Procedure Act), there shall not be any communication with the director by any party to the proceeding while the matter is pending. This is referred to as "ex-parte communication." A proceeding is pending once an accusation is issued or there has been an application for an agency decision, whichever is earlier.