

RECOMMENDED GUIDELINES FOR
DISCIPLINARY ORDERS AND CONDITIONS OF
PROBATION

JULY 26, 2008



**EMERGENCY MEDICAL SERVICES AUTHORITY
RECOMMENDED GUIDELINES FOR DISCIPLINARY ORDERS
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Section I: FOREWORD

The following Model Disciplinary Orders have been developed by the Emergency Medical Services Authority (EMSA) in consultation with EMS (Emergency Medical Services) constituent groups from across the state. The purpose of the Model Disciplinary Orders is to provide a consistent and equitable discipline in cases dealing with violations of the Health and Safety Code, Division 2.5, Section 1798.200.

The EMSA shall use this document as a standard in settling disciplinary matters when a respondent wishes to resolve the allegations through a negotiated settlement. However, the settlement may be on any terms the parties determine are appropriate pursuant to Section 11415.60 of the California Administrative Procedure Act.

Should the respondent invoke his/her privilege to contest the allegations through the Administrative Procedure Act, the administrative law judge shall use this document as a guide in making his/her recommendations for discipline (if needed) to the EMSA. The respondent shall be allowed representation of his/her choice through all processes of the investigation, filing of an accusation, negotiation of a settlement, and during an administrative hearing pursuant to the California Administrative Procedure Act (Government Code, Title 2, Division 3, Part 1). Any such representation shall be at the respondent's expense.

Section II: DISCIPLINARY CONSIDERATION FACTORS

The following factors shall be considered when determining the appropriate discipline:

1. Nature and severity of the act(s), offense(s), or crime(s) under consideration;
2. Actual or potential harm to the public;
3. Actual or potential harm to any patient;
4. Prior disciplinary record;
5. Prior warnings on record or prior remediation;
6. Number and/or variety of current violations;
7. Aggravating evidence;
8. Mitigating evidence;
9. Any discipline imposed by the paramedic's employer for the same occurrence of that conduct;
10. Rehabilitation evidence;
11. In case of a criminal conviction, compliance with terms of the sentence and/or court-ordered probation;

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12. Overall criminal record;
13. Time that has elapsed since the act(s) or offense(s) occurred;
14. If applicable, evidence of expungement proceedings pursuant to Penal Code 1203.4.

Section III: VIOLATIONS and RECOMMENDED DISCIPLINARY ACTIONS

Health & Safety Code Section 1798.200 specifies the offenses for which the EMSA may take disciplinary action against a paramedic. When filing an accusation, EMSA may also cite additional related statutes and regulations as a basis for discipline.

These disciplinary guidelines provide progressive discipline, unless the facts and circumstances of a particular case warrant more substantive discipline. A fine is considered the least intrusive discipline that can be imposed followed by probation, suspension, and then revocation.

In determining the appropriate discipline, the EMSA or an administrative law judge shall give credit for discipline imposed by the employer and for any immediate suspension imposed by the local EMS agency for the same conduct, pursuant to Section 1798.211.

The recommended discipline should be imposed in the absence of any aggravating or mitigating evidence. The administrative law judge may propose any discipline between the minimum discipline and maximum discipline for a particular violation. When the administrative law judge recommends discipline that is less than the minimum or which exceeds the maximum, a full explanation shall be included as to the nature of the act that warrants unusual consideration. The director of the EMSA has the final determination as to the discipline to be imposed.

Section 1798.210 allows EMSA to impose an administrative fine of up to two thousand five hundred dollars (\$2,500) per violation on any licensed paramedic found to have committed any of the actions described by subdivision (c) of Section 1798.200 that did not result in actual harm to a patient. Fines may not be imposed if a paramedic has previously been disciplined by the authority for any other act committed within the immediately preceding five-year period.

The administrative fine shall not be imposed in conjunction with a suspension for the same violation, but may be imposed in conjunction with probation for the same violation except when the conditions of the probation require a paramedic's personal time or expense for training, clinical observation, or related corrective instruction.

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Disciplinary options include the following:

1. Administrative Fine of up to \$2,500 per violation- provided the violation did not result in actual harm to the patient and the paramedic had not been disciplined by the authority for any other act committed within the immediately preceding five-year period
2. Denial
3. Probation
4. Suspension
5. Revocation

A. Administrative Fines

For a minor offense that did not result in actual harm to a patient, EMSA may assess a fine only, or may assess a fine in conjunction with probation.

In assessing the fine, the authority shall give due consideration to the appropriateness of the fine with respect to factors that include the gravity of the violation, the good faith of the paramedic, the history of previous violations, any discipline imposed by the paramedic's employer for the same occurrence of that conduct and the totality of the discipline to be imposed.

The fines shall be assessed in the amount as specified below, for the following violations of the Health and Safety Code:

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Minimum	Maximum	Violation
\$2,000	\$2,500	Health and Safety Code 1798.200 (c)(1), Fraud in the procurement of any certificate or license under this division.
\$500	\$2,500	Health and Safety Code 1798.200(c)(3), Repeated negligent acts.
\$1,000	\$2,500	Health and Safety Code 1798.200 (c)(5), The commission of any fraudulent, dishonest, or corrupt act which is substantially related to the qualifications, functions, and duties of prehospital personnel.
\$1,000	\$2,500	Health and Safety Code 1798.200 (c)(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.
\$1,000	\$2,500	Health and Safety Code 1798.200 (c)(8), Violating or attempting to violate any federal or state statute or regulation which regulates narcotics, dangerous drugs, or controlled substances.
\$250	\$2,500	Health and Safety Code 1798.200 (c)(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.
\$500	\$2,500	Health and Safety Code 1798.200 (c)(12), Unprofessional Conduct - The failure to maintain confidentiality of patient medical information, except as disclosure is otherwise permitted or required by law in Sections 56 and 56.6, inclusive of the Civil Code.

Fines shall be paid within 60 days from the date of the EMSA's notice of administrative fine, unless the respondent has demonstrated a financial hardship and has entered into a formal agreement with EMSA to pay the fine within one year from the date of the EMSA's notice of administrative fine.

B. Denial, Probation, Suspension, Revocation

When used below, the numbers following the "Minimum Conditions of Probation" refer to the Optional Conditions of Probation in Section VI. These conditions may vary according to the nature and circumstances of the offense.

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1. **Fraud in the procurement of any certificate or license under this division.**
 - # Maximum Discipline: Revocation or denial.
 - # Recommended Discipline: Revocation or denial.
 - # Minimum Discipline: Revocation stayed, and 60 day suspension/denial.

2. **Gross negligence** - An extreme departure from the standard of care which, under similar circumstances would have ordinarily been exercised by a reasonable and prudent person trained and acting in a similar capacity while engaged in the performance of his or her duties if confronted with a similar circumstance.
 - # Maximum Discipline: Revocation
 - # Recommended Discipline: Revocation stayed, 60 day suspension, and 3 years probation with terms and conditions.
 - # Minimum Discipline: Revocation stayed, and 3 years probation with terms and conditions.
 - # Minimum Conditions of Probation: All Standard Conditions and Optional Conditions: 5, 8, 9 and 11.

3. **Repeated negligent acts** - A repeated failure to use such care as 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.
 - # Maximum Discipline: Revocation
 - # Recommended Discipline: Revocation stayed, 30 day suspension, and 3 years probation with terms and conditions.
 - # Minimum Discipline: Revocation stayed, and 1 year probation with terms and conditions.
 - # Minimum Conditions of Probation: All Standard Conditions and Optional Conditions: 5, 8, 9 and 11.

4. **Incompetence** - The lack of possession of that degree of knowledge, skill, and ability ordinarily possessed and exercised by a licensed and accredited paramedic.
 - # Maximum Discipline: Revocation
 - # Recommended Discipline: Revocation stayed, 30 day suspension, and 3 years probation with terms and conditions.
 - # Minimum Discipline: Revocation stayed, and 1 year probation with terms and

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conditions.

Minimum Conditions of Probation: All Standard Conditions and Optional Conditions: 5, 8, 9 and 11.

5. **The commission of any fraudulent, dishonest, or corrupt act which is substantially related to the qualifications, functions, and duties of prehospital personnel.**
 - # Maximum Discipline: Revocation.
 - # Recommended Discipline: Revocation stayed, 60 day suspension, and 3 years probation with terms and conditions.
 - # Minimum Discipline: Revocation stayed, and 3 years probation with terms and conditions.
 - # Minimum Conditions of Probation: All Standard Conditions and Optional Condition: 6

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 such conviction.**
 - # Maximum Discipline: Revocation.
 - # Recommended Discipline: Variable depending on the nature of the crime with terms and conditions.
 - # Minimum Discipline: Revocation stayed, and 1 year probation with terms and conditions.
 - # Minimum Conditions of Probation: All Standard Conditions.

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.**
 - # Maximum Discipline: Revocation
 - # Recommended Discipline: Revocation stayed, 60 day suspension, and 3 years probation with terms and conditions.
 - # Minimum Discipline: Revocation stayed, and 3 years probation with terms and conditions.
 - # Minimum Conditions of Probation: All Standard Conditions and Optional Condition: 6.

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8. **Violating or attempting to violate any federal or state statute or regulation which regulates narcotics, dangerous drugs, or controlled substances.**
 - # Maximum Discipline: Revocation
 - # Recommended Discipline: Revocation stayed, 60 day suspension, and 3 years probation with terms and conditions.
 - # Minimum Discipline: Revocation stayed, and 3 years probation with terms and conditions.
 - # Minimum Conditions of Probation: All Standard Conditions and Optional Conditions: 1, 2, 3, 4, and 10.

9. **Addiction to the excessive use of, or the misuse of, alcoholic beverages, narcotics, dangerous drugs, or controlled substances.**
 - # Maximum Discipline: Revocation
 - # Recommended Discipline: Revocation stayed, suspension until assessment and successful completion of drug/alcohol detoxification diversion program, and 5 years probation with terms and conditions.
 - # Minimum Discipline: Revocation stayed, and 3 years probation with terms and conditions.
 - # Minimum Conditions of Probation: All Standard Conditions and Optional Conditions: 1, 2, 3, 4, and 10.

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.**
 - # Maximum Discipline: Revocation
 - # Recommended Discipline: Revocation stayed, 15 day suspension, and 1 year probation with terms and conditions.
 - # Minimum Discipline: Revocation stayed, and 1 year probation with terms and conditions.
 - # Minimum Conditions of Probation: All Standard Conditions and Optional Conditions: 5 and 8.

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.**
 - # Maximum Discipline: Revocation
 - # Recommended Discipline: Revocation stayed, and suspension until resolution of the physical or mental disability.

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- # Minimum Discipline: Revocation stayed, and 1 year probation with terms and conditions.
- # Minimum Conditions of Probation: All Standard Conditions and Optional Conditions: 8, 9, and 10.

12. **Unprofessional Conduct-**

(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, EMT-II, or EMT-P from assisting a peace officer, or a peace officer who is acting in the dual capacity of peace officer and EMT-I, EMT-II, or EMT-P, from using that force that is reasonably necessary to effect a lawful arrest or detention.

- Maximum Discipline: Revocation/Denial
- # Recommended Discipline: Revocation stayed, 60 day suspension, and 3 years probation with terms and conditions.
- Minimum Discipline: Revocation stayed, and 3 years probation with terms and conditions.
- # Minimum Conditions of Probation: All Standard Conditions and Optional Conditions: 7 and 10.

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

- Maximum Discipline: Revocation/Denial
- # Recommended Discipline: Revocation stayed, 30 day suspension, and 1 year probation with terms and conditions.
- Minimum Discipline: Revocation stayed and 1 year probation with terms and conditions.
- # Minimum Conditions of Probation: All Standard Conditions and Optional Conditions: 6 and 9.

(C) The commission of any sexually related offense specified under Section 290 of the Penal Code.

- Maximum Discipline: Revocation/ Denial
- Recommended Discipline: Revocation/Denial
- Minimum Discipline: Revocation/Denial

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Section IV: DETOXIFICATION/DIVERSION PROGRAM CRITERIA

The criteria to be considered in determining rehabilitation for alcohol/drug abuse offenses include, but are not limited to:

- Successful completion of a drug/alcohol treatment program (a minimum of 6 months duration). The treatment program may be a combined in-patient/out-patient and aftercare program. The program shall include at least the following elements:
 1. Chemical-free treatment philosophy;
 2. Individual and/or group counseling;
 3. Random, documented biological fluid testing;
 4. Participation in support groups;
 5. Education about addictive disease;
 6. Adherence to a 12-step recovery program philosophy or equivalent;
 7. Written documentation of participation in a 12-step recovery group or equivalent.

- Employment with a pre-hospital care provider, for a minimum of six (6) months, with documentation from the employer that the employer was aware of the previous drug or alcohol abuse problems. The documentation must substantiate that while employed, there was no evidence of continued alcohol or drug use and that the respondent performed paramedic functions in a safe and competent manner.

- If the respondent is seeking reinstatement of his/her license, employment for a minimum of six (6) months with documentation from the employer that while employed, there was no evidence of alcohol or drug use.

- A minimum of one (1) year must have elapsed between the time of the second offense and the effective date of the prior order.

Section V: MITIGATING EVIDENCE

The respondent is permitted to present mitigating circumstances at a hearing. The same opportunity is provided in the settlement process.

The following documents are examples of appropriate evidence the respondent may submit to demonstrate his/her rehabilitative efforts and competency:

- A. Dated written statements from persons in positions of authority who have on-the-job knowledge of the respondent's current paramedic competence. Each

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statement should include the period of time and capacity in which the person worked with the respondent and should contain the following sentence at the end: **"I declare, under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge."** The statement should be signed and dated by the person making the statement;

- B. Dated letters from counselors regarding the respondent's participation in a rehabilitation or recovery program, where appropriate. The letters should include a description of the program, the number of sessions that the respondent has attended, the counselor's diagnosis of the respondent's condition, the respondent's prognosis for recovery, the respondent's current state of rehabilitation (or improvement), the counselor's basis for determining improvement, and the credentials of the counselor;
- C. Dated letters describing the respondent's participation in support groups;
- D. Dated laboratory analyses or drug screen reports, where appropriate;
- E. Dated performance evaluation(s) from the respondent's employer;
- F. Dated physical examination or assessment report by a licensed physician;
- G. Certificates or transcripts of courses related to paramedic duties that the respondent might have completed since the date of the violation. **A paramedic whose license has been revoked does not possess a paramedic license. Therefore, the individual cannot use his/her former license number to obtain continuing education credit/hours or for any other purpose. However, he or she may take continuing education courses so long as a paramedic license is not used.**
- H. Evidence of community service or other educational experiences.

Section VI: LANGUAGE FOR MODEL DISCIPLINARY ORDERS

Standard Revocation Orders

Revocation - Single Cause:

License Number _____ issued to the respondent, _____, is

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revoked.

Revocation - Multiple Causes:

License Number _____ issued to the respondent, _____, is revoked pursuant to legal conclusions: _____, jointly and separately.

Standard Stay Order

Standard Stay Order:

However, such revocation is stayed and the respondent is placed on probation for _____ year(s) upon the following terms and conditions:

(List of terms and conditions.)

Standard Fine Order

An administrative fine of \$ _____ is imposed on the respondent, _____, License Number _____ for _____.

Standard Suspension Orders

Suspension - Single Cause:

License Number _____ issued to the respondent, _____, is suspended for _____.

Suspension - Multiple Causes: (Concurrent)

License Number _____ issued to the respondent, _____, is suspended for _____ pursuant to legal conclusions: _____, jointly and separately. All suspensions shall run concurrently.

Suspension - Multiple Causes: (Consecutive)

License Number _____ issued to the respondent, _____, is suspended for _____ pursuant to legal conclusions: _____, jointly and separately. All suspensions shall run consecutively.

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Standard Conditions of Probation

It is the responsibility of the EMSA to monitor paramedics placed on probation consistent with the terms and conditions of the probationary order.

1. Probation Compliance:

The respondent shall fully comply with all terms and conditions of the probationary order. The respondent shall fully cooperate with the EMSA in its monitoring, investigation, and evaluation of the respondent's compliance with the terms and conditions of his/her probationary order.

The respondent shall immediately execute and submit to the EMSA all Release of Information forms that the EMSA may require of the respondent.

2. Personal Appearances:

As directed by the EMSA, the respondent shall appear in person for interviews, meetings, and/or evaluations of the respondent's compliance with the terms and conditions of the probationary order. The respondent shall be responsible for all of his/her costs associated with this requirement.

3. Quarterly Report Requirements:

During the probationary period, the respondent shall submit quarterly reports covering each calendar quarter which shall certify, under penalty of perjury, and document compliance by the respondent with all the terms and conditions of his/her probation. If the respondent submits his/her quarterly reports by mail, it shall be sent as Certified Mail.

4. Employment Notification:

During the probationary period, the respondent shall notify the EMSA in writing of any EMS employment. The respondent shall inform the EMSA in writing of the name and address of any prospective EMS employer prior to accepting employment.

Additionally, the respondent shall submit proof in writing to the EMSA of disclosure, by the respondent, to the current and any prospective EMS employer of the reasons for and terms and conditions of the respondent's probation.

The respondent authorizes any EMS employer to submit performance evaluations and other reports which the EMSA may request that relate to the qualifications, functions, and duties of prehospital personnel.

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Any and all notifications to the EMSA shall be by certified mail.

5. Notification of Termination:

The respondent shall notify the EMSA within seventy-two (72) hours after termination, for any reason, with his/her prehospital medical care employer. The respondent must provide a full, detailed written explanation of the reasons for and circumstances of his/her termination.

Any and all notifications to the EMSA shall be by certified mail.

6. Functioning as a Paramedic:

The period of probation shall not run anytime that the respondent is not practicing as a paramedic within the jurisdiction of California.

If the respondent, during his/her probationary period, leaves the jurisdiction of California to practice as a paramedic, the respondent must immediately notify the EMSA, in writing, of the date of such departure and the date of return to California, if the respondent returns.

Any and all notifications to the EMSA shall be by certified mail.

7. Obey All Related Laws:

The respondent shall obey all federal, state and local laws, statutes, regulations, written policies, protocols and rules governing the practice of medical care as a paramedic. The respondent shall not engage in any conduct that is grounds for disciplinary action pursuant to Section 1798.200. To permit monitoring of compliance with this term, if the respondent has not submitted fingerprints to the EMSA in the past as a condition of licensure, then the respondent shall submit his/her fingerprints by Live Scan or by fingerprint cards and pay the appropriate fees within 45 days of the effective date of this decision.

Within 72 hours of being arrested, cited or criminally charged for any offense, the respondent shall submit to the EMSA a full and detailed account of the circumstances thereof. The EMSA shall determine the applicability of the offense(s) as to whether the respondent violated any federal, state and local laws, statutes, regulations, written policies, protocols and rules governing the practice of medical care as a paramedic.

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8. Completion of Probation:

The respondent's license shall be fully restored upon successful completion of probation.

9. Violation of Probation:

If during the period of probation the respondent fails to comply with any term of probation, the EMSA may initiate action to terminate probation and implement actual license suspension/revocation. Upon the initiation of such an action, or the giving of a notice to the respondent of the intent to initiate such an action, the period of probation shall remain in effect until such time as a decision on the matter has been adopted by the EMSA. An action to terminate probation and implement actual license suspension/revocation shall be initiated and conducted pursuant to the hearing provisions of the California Administrative Procedure Act.

The issues to be resolved at the hearing shall be limited to whether the respondent has violated any term of his/her probation sufficient to warrant termination of probation and implementation of actual suspension/revocation. At the hearing, the respondent and the EMSA shall be bound by the admissions contained in the terms of probation and neither party shall have a right to litigate the validity or invalidity of such admissions.

Optional Conditions of Probation

1. Abstinence from Drug Possession and Use:

The respondent shall abstain from the possession, injection or consumption by any route of all controlled substances, dangerous drugs, or any drugs requiring a prescription unless prescribed under federal or state law as part of a documented medical treatment. Within fourteen days of obtaining such a prescription, respondent shall ensure that the prescribing professional provides the EMSA a written report identifying the medication, dosage, the date the medication was prescribed, the respondent's diagnosis, and the date the medication will no longer be required. This report must be provided to the EMSA directly by the prescribing professional.

If the respondent has a lawful prescription when initially placed on probation, this same report must be provided within fourteen days of the commencement of probation.

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Any and all notifications to the EMSA shall be by certified mail.

2. Abstinence from the Use of Alcoholic Beverages:

The respondent shall abstain from the use of alcoholic beverages.

3. Biological Fluid Testing:

The respondent shall submit to routine and random biological fluid testing or drug/alcohol screening as directed by the EMSA or its designee. Respondent may use a lab pre-approved by the EMSA or may provide to the EMSA the name and location of an independent laboratory or licensed drug/alcohol testing facility for approval by the EMSA. The EMSA shall have sole discretion for lab approval based on criteria regulating professional laboratories and drug/alcohol testing facilities. When the EMSA requests a random test, the respondent shall provide the required blood/urine sample by the time specified, or within 12 hours of the request if no time is specified. When the EMSA requests a random test, the respondent shall ensure that any positive test results are conveyed telephonically by the lab to the EMSA within 48 hours, and all written positive or negative results are provided directly by the lab to the EMSA within 10 days. The respondent shall be responsible for all costs associated with the drug/alcohol screening.

At the EMSA's sole discretion, the EMSA may allow the random drug testing to be conducted by the respondent's employer to meet the requirement of random drug testing as set forth above. The results of the employer's random drug testing shall be made available to the EMSA in the time frames described above.

4. Drug/Detoxification/Diversion Program:

Within ___ days of the effective date of this decision, the respondent shall enroll and participate in a drug/detoxification/diversion program approved by the EMSA. The respondent shall participate in the program until appropriate medical supervision determines that further treatment and rehabilitation is no longer necessary.

If the respondent voluntarily withdraws from the drug/detoxification/diversion program or the respondent is expelled from the program, such withdrawal or expulsion shall constitute a violation of probation by the respondent. The respondent shall be responsible for all costs associated with such drug/detoxification/diversion program.

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5. Educational Course Work:

Within ____ days of the effective date of this decision, the respondent shall submit to the EMSA proof of completion of _____ hours of education in areas substantially related to the offense as stated in the accusation and to the satisfaction of the EMSA.

Any educational program may include community service to reinforce the learning objectives of the educational program.

All courses must be approved by the EMSA. Within thirty-five days after completing the course work, the respondent shall submit evidence of competency in the required education. Submittal of a certificate or letter from the instructor attesting to the respondent's competency shall suffice.

Any and all notifications to the EMSA shall be by certified mail.

6. Ethical Practice of EMS:

Within ____ days of the effective date of this decision, the respondent shall submit to the EMSA, for its prior approval, a course in Ethics. The respondent must complete this course during his/her probation period.

Upon completion by the respondent of the Ethics course, the respondent shall submit proof to the EMSA that he/she fulfilled all course requirements.

Any and all notifications to the EMSA shall be by certified mail.

7. Stress/Anger Management:

Within ____ days of the effective date of this decision, the respondent shall enroll and participate in a local, court approved, stress/anger management program, which the respondent shall complete during his/her probation. Upon completion of the approved program, the respondent shall submit proof to the EMSA that he/she has fulfilled all course requirements.

Any and all notifications to the EMSA shall be by certified mail.

8. Practical Skills Examination:

Within ____ days of the effective date of this decision, the respondent shall submit to and pass a skills examination in subjects substantially related to the

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accusation based upon the U. S. Department of Transportation (DOT) and/or the National Registry of Emergency Medical Technicians (NREMT) skills examination, when applicable. If not addressed in the DOT or NREMT, an approved local standard shall be identified and utilized. The skills examination shall be administered by a board selected by the EMSA using the pre-established criteria (See Section VII: Review Board for criteria).

If the respondent fails the examination, the respondent may function as a paramedic only while under the direct supervision of a preceptor. The respondent shall not be allowed to function as a sole paramedic until the respondent passes the examination. The respondent has the option and right to repeat the examination. There shall be at least a two-week period between examinations. No more than three attempts to pass the examination shall be allowed. If the respondent fails to pass the exam after three attempts, or chooses not to retake the examination, the respondent's license shall be revoked.

9. Oral Skills Examination:

Within ___ days of the effective date of this decision, the respondent shall submit to and pass an oral exam in subjects substantially related to the accusation. The oral exam shall be administered by an examination board selected by the EMSA using pre-established criteria (See Section VII: Review Board for criteria).

If the respondent fails the examination, the respondent may function as a paramedic only while under the direct supervision of a preceptor. The respondent shall not be allowed to function as a sole paramedic until the respondent passes the examination. The respondent has the option and right to repeat the examination. There shall be at least a two-week period between examinations. No more than three attempts to pass the examination shall be allowed. If the respondent fails to pass the exam after three attempts, or chooses not to retake the examination, the respondent's license shall be revoked.

10. Psychiatric/Medical Evaluation:

Within ___ days of the effective date of this decision, and on a periodic basis as specified by a psychiatrist certified by the American Board of Psychiatry and Neurology, or other specialist as determined by the director of the EMSA, the respondent shall submit to a psychiatric evaluation. The psychiatrist must be

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approved by the EMSA prior to the evaluation. The respondent shall be responsible for all costs associated with the evaluation.

Within ____ days of the effective date of this decision, and on a periodic basis as specified by a licensed physician, or other specialist as determined by the director of the EMSA, the respondent shall submit to a medical evaluation. The physician must be approved by the EMSA prior to the evaluation. The respondent shall be responsible for all costs associated with the evaluation.

The EMSA shall have the sole discretion to determine if the respondent may continue to practice as a paramedic until such time that the psychiatrist or physician evaluates and determines that the respondent is mentally and/or physically fit to practice safely as a paramedic.

11. Performance Improvement Plan:

The respondent shall function as a practicing paramedic while on probation, except during the time when the respondent's license is suspended by a term or condition of the disciplinary order.

The respondent shall submit to the EMSA periodic Performance Improvement Plan reports compiled by his/her employer, local EMS agency, or approved education provider. These reports shall document improvement as desired in the plan in order to satisfy this condition. The Performance Improvement Plan shall be developed by the EMSA in conjunction with the respondent's employer(s), and with input from the local EMS agency(ies). Performance Improvement Plan reports shall be submitted to the EMSA every ____ days for a period of ____.

A Performance Improvement Plan may include, but not be limited to, education and/or evaluation of the respondent in areas substantially related to the accusation as follows:

1. Remedial training by a preceptor in a field or clinical setting.
2. Remedial training with performance demonstration by the respondent.
3. Policy review by the respondent.
4. Participation by the respondent in Quality Assurance/Quality Improvement review audits.

Any and all notifications to the EMSA shall be by certified mail.

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Section VII: REVIEW BOARD

The EMSA shall convene a Review Board to meet the requirements of Optional Conditions 9 and 10 of the Conditions of Probation. The board would be responsible for testing the respondent per the terms and conditions of probation. The board shall submit to the EMSA its recommendation as to whether the respondent has successfully completed the exam.

Each board shall consist of an EMS physician, a paramedic, and an EMS educator. All board members must be currently active in California in an EMS clinical or administrative capacity.

Any individual that meets the minimum criteria to serve on the board may apply to the EMSA for a position on the board. The EMSA shall review the applications for eligibility and establish a list of qualified individuals.

When it is necessary to convene a board, the EMSA shall select individuals from the list to serve on the board. The EMSA shall make reasonable attempts to convene a regional board based upon the location of the respondent. Each board member shall be required to sign a document advising that he/she does not have a conflict with the respondent (i.e. personal friend, employer, EMS oversight, etc.).

The term for any board member shall be two years. At the conclusion of the term, a board member may reapply.

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Board Member Qualifications

Physician

- Must be certified by the California Medical Board.
- Must have five or more years of experience in EMS.
- Must not have had any discipline brought against him/her by the Medical Board of California.
- Must not have any criminal convictions.

Paramedic

- Must be currently licensed by the EMSA without any restrictions.
- Must not have been disciplined by the EMSA for violations of the Health and Safety Code, Division 2.5, Section 1798.200.
- Must qualify as a field preceptor as that term is defined by EMSA regulation (Section 100149(e)(1)-(4), Chapter 4, Division 9, Title 22, California Code of Regulations).
- Must not have any criminal convictions.

Educator

- Must qualify as a course director or principal instructor for a Paramedic Training Program as that term is defined in California Code of Regulations, Title 22, Division 9, Chapter 4, Section 100149.
- Must have five or more years of experience in EMS with at least two years as an EMS educator in a primary paramedic training program.
- Must not have been disciplined by their Professional Licensing/Certification Board.
- Must not have any criminal convictions.