



RECOMMENDED GUIDELINES FOR DISCIPLINARY ORDERS AND CONDITIONS OF PROBATION

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DISCIPLINARY ORDERS AND CONDITIONS OF
PROBATION**

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The Guideline is
available online
on the EMSA
Website



<https://emsa.ca.gov/wp-content/uploads/sites/71/2021/12/Recommended-Guidelines-for-Disciplinary-Orders-and-Conditions-of-Probation.pdf>

Add Factors/Criteria from AB 450 to Page 1 of Section II

The Board shall consider the investment made by both the employer and the licenseholder in terms of:

- Education to secure the license, and
- Training and continuing education to maintain the license, and
- Equipment and appropriate adjuncts to perform the duties of the license.

Progressive Discipline Criteria with AB 450 Changes

The Board shall develop and implement progressive discipline to aid in considering appeals of licensure which shall include all of the following:

1. The nature and duties of a paramedic.
2. The time that has elapsed since the licenseholder's offense.
3. The nature and gravity of the offense.
4. The employer-imposed discipline for the offense.
5. The licenseholder's prior disciplinary record.
6. Mitigating evidence.

HSC 1797.125.07(b), see also [Recommended Guidelines for Disciplinary Orders and Conditions of Probation](#)

Progressive Discipline Criteria with AB 450 Changes

7. Prior warnings to the licenseholder on record or prior remediation.
8. The actual harm to the patient and the actual harm to the public.
9. Evidence of the licenseholder's rehabilitation.
10. Evidence of an expungement proceeding, if applicable.
11. The licenseholder's compliance with the terms of their sentence or a court order, if criminally convicted.
12. Aggravating evidence.
13. The licenseholder's overall criminal record.

Components of Progressive Discipline

Maximum Discipline,
Recommended Discipline,
Minimum Discipline, and
Minimum Conditions: Standard Conditions and Optional Conditions of
Discipline

Here is an example:

- 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: All Standard Conditions and any applicable Optional Conditions

Standard Conditions

1. Probation Compliance
2. Personal Appearances
3. Quarterly Report Requirements
4. Employment notification
5. Notification of Termination
6. Functioning as a Paramedic
7. Obey all related laws
8. Completion of Probation
9. Violation of Probation

See pages 12-14 of Recommended Disciplinary Guidelines

Optional Conditions

1. Abstinence from Drug Possession and Use
2. Abstinence from Use of Alcoholic Beverages
3. Biological Fluid Testing
4. Drug/Detoxification/Diversi
on Program
5. Educational Course Work
6. Ethical Practice of EMS
7. Stress/Anger Management

See pages 14-18 of Recommended Disciplinary Guidelines

Optional Conditions

- | | |
|---------------------------------|------------------------------------|
| 8. Practical Skills Examination | 10. Psychiatric/Medical Evaluation |
| 9. Oral Skills Examination | 11. Performance Improvement Plan |

See pages 14-18 of Recommended Disciplinary Guidelines

Current Disciplinary Guidelines and Options for Revision

Section III B of the Guide

HSC 1798.200(c)(12)(c)

Unprofessional conduct exhibited by:

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

Current Discipline Guidelines:

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

Options:

Per CCR § 100174:

Legislature requires a license be denied/revoked for sex-related offense and for violations specified under Penal code section 290. Currently no conflict with Guidelines.

22 CCR § 100174 Denial/Revocation Standards

- (a) The Authority shall deny/revoke a paramedic license if any of the following apply to the applicant:
 - (1) Has committed any sexually related offense specified under Section 290 of the Penal Code.
 - (2) Has been convicted of murder, attempted murder, or murder for hire.
 - (3) Has been convicted of two (2) or more felonies.
 - (4) Is on parole or probation for any felony.

22 CCR § 100174 Denial/Revocation Standards

(b) The Authority shall deny/revoke a paramedic license, if any of the following apply to the applicant:

- (1) Has been convicted and released from incarceration for said offense during the preceding fifteen (15) years for the crime of manslaughter or involuntary manslaughter.
- (2) Has been convicted and released from incarceration for said offense during the preceding ten (10) years for any offense punishable as a felony.

22 CCR § 100174 Denial/Revocation Standards

- (3) Has been convicted of two (2) misdemeanors within the preceding five (5) years for any offense relating to the use, sale, possession, or transportation of narcotics or addictive or dangerous drugs.
- (4) Has been convicted of two (2) misdemeanors within the preceding five (5) years for any offense relating to force, violence, threat, or intimidation.
- (5) Has been convicted within the preceding five (5) years of any theft related misdemeanor.

HSC 1798.200(c)(12)(c)

Unprofessional conduct exhibited by:

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

Current Discipline Guidelines:

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

Options:

Per CCR § 100174:

Legislature requires a license be denied/revoked for sex-related offense and for violations specified under Penal code section 290. Currently no conflict with the Guidelines

HSC 1798.200(c)(12)(a):

Unprofessional conduct exhibited by:

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 their duties would use if confronted with a similar circumstance.

Current Discipline Guidelines:

- 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: All Standard Conditions and Optional Conditions 7 and 10

Options:

Increase or decrease recommended and/or minimum discipline and/or conditions

HSC 1798.200(c)(12)(b)

Unprofessional conduct exhibited by:

The failure to maintain confidentiality of patient medical information, except as disclosure is otherwise permitted or required by law in Part 2.6 (commencing with Section 56) of Division 1 of the Civil Code.

Current Discipline Guidelines:

- 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.

Options:

Increase or decrease recommended and/or minimum discipline and/or conditions

HSC 1798.200(c)(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.

Current Discipline Guidelines:

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

Options:

Increase or decrease recommended and/or minimum discipline and/or conditions

HSC 1798.200(c)(1):

Fraud in the procurement of any certificate or license under this division

Current Discipline Guidelines:

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

Options:

Per CCR § 100174(c): The Authority *may* deny/revoke a paramedic license if any of the following apply to the applicant:

(1) Has committed any act involving fraud or intentional dishonesty for personal gain within the preceding seven (7) years.

HSC 1798.200(c)(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.

Current Discipline Guidelines:

- 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: All Standard Conditions and Optional Conditions: 5, 8, 9, and 11

Options:

Increase or decrease recommended and/or minimum discipline and/or conditions

HSC 1798.200(c)(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.

Current Discipline Guidelines:

- 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: All Standard Conditions and Optional Conditions: 5, 8, 9, and 11

Options:

Increase or decrease recommended and/or minimum discipline and/or conditions

HSC 1798.200(c)(4):

Incompetence- the lack of possession of that degree of knowledge, skill, and ability ordinarily possessed and exercised by a licensed and accredited paramedic.

Current Discipline Guidelines:

- Maximum Discipline: Revocation/Denial
- 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.

Options:

Increase or decrease recommended and/or minimum discipline and/or conditions

HSC 1798.200(c)(5):

The commission of any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications, functions, and duties of prehospital personnel

Current Discipline Guidelines:

- 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: All Standard Conditions and Optional Condition: 6

Options:

Increase or decrease recommended and/or minimum discipline and/or conditions

HSC 1798.200(c)(6):

Conviction of any crime which is substantially related to the qualifications, functions, and duties of prehospital personnel.

Current Discipline Guidelines:

- 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: All Standard Conditions

Options:

Increase or decrease recommended and/or minimum discipline and/or conditions

HSC 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.

Current Discipline Guidelines:

- 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: All Standard Conditions and Optional Condition: 6

Options:

Increase or decrease recommended and/or minimum discipline and/or conditions

HSC 1798.200(c)(8):

Violating or attempting to violate any federal or state statute or regulation that regulates narcotics, dangerous drugs, or controlled substances.

Current Discipline Guidelines:

- 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: All Standard Conditions and Optional Conditions: 1, 2, 3, 4, and 10

Options:

Increase or decrease recommended and/or minimum discipline and/or conditions

HSC 1798.200(c)(9):

Addiction to, the excessive use of, or the misuse of, alcoholic beverages, narcotics, dangerous drugs, or controlled substances.

Current Discipline Guidelines:

- Maximum Discipline: Revocation
- Recommended Discipline: Revocation, 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: All Standard Conditions and Optional Conditions: 1, 2, 3, 4, and 10

Options:

Increase or decrease recommended and/or minimum discipline and/or conditions

HSC 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.

Current Discipline Guidelines:

- 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: All Standard Conditions and Optional Conditions: 5 and 8

Options:

Increase or decrease recommended and/or minimum discipline and/or conditions