

# Cal. Code Regs. Tit. 22, § 100173 - Proceedings

(a) Any proceedings by the Authority to deny, suspend or revoke the license of a paramedic or place any paramedic license holder on probation pursuant to Section 1798.200 of the Health and Safety Code, or impose an administrative fine pursuant to Section 1798.210 of the Health and Safety Code, shall be conducted in accordance with this article and pursuant to the provisions of the Administrative Procedure Act, Government Code, Section 11500 et seq.

(b) Before any disciplinary proceedings are undertaken, the Authority shall evaluate all information submitted to or discovered by the Authority including, but not limited to, a recommendation for suspension or revocation from a medical director of a LEMSA, for evidence of a threat to public health and safety pursuant to Section 1798.200 of the Health and Safety Code.

(c) The Authority shall use the "EMS Authority Recommended Guidelines for Disciplinary Orders and Conditions of Probation", dated July 26, 2008 and incorporated by reference herein, as the standard in settling disciplinary matters when a paramedic applicant or license holder is found to be in violation of Section 1798.200 of Division 2.5 of the Health and Safety Code.

(d) The administrative law judge shall use the "EMS Authority Recommended Guidelines for Disciplinary Orders and Conditions of Probation", dated July 26, 2008, as a guide in making any recommendations to the Authority for discipline of a paramedic applicant or license holder found in violation of Section 1798.200 of Division 2.5 of the Health and Safety Code.

## Notes

Cal. Code Regs. Tit. 22, § 100173

Note: Authority cited: Sections 1797.107, 1797.176, 1798.200, 1798.204 and 1798.210, Health and Safety Code. Reference: Sections 1797.172, 1797.174, 1797.176, 1797.185, 1798.200, 1798.204 and 1798.210, Health and Safety Code; and Section 11500 et seq., Government Code.

1. New article 8 and section filed 11-29-93 as an emergency; operative 12-1-93 (Register 93, No. 49). A Certificate of Compliance must be transmitted to OAL by 3-30-94 or emergency language will be repealed by operation of law on the following day.

2. Certificate of Compliance as to 11-29-93 order transmitted to OAL 3-30-94; disapproved by OAL and order of repeal as to 11-29-93 order filed on 5-11-94 (Register 94, No. 19).

3. 11-29-93 order including amendment of section refiled 5-12-94 as an emergency; operative 5-12-94 (Register 94, No. 19). A Certificate of Compliance must be transmitted to OAL by 9-9-94 or emergency language will be repealed by operation of law on the following day.
4. Editorial correction of History 3 (Register 94, No. 21).
5. Certificate of Compliance as to 5-12-94 order transmitted to OAL 9-9-94 with repealer of subsection (b) and subsection redesignation filed 10-24-94 (Register 94, No. 43).
6. Renumbering of former section 100173 to section 100178 and renumbering of former section 100168 to section 100173, including amendment of section heading and section, filed 3-15-99; operative 4-14-99 (Register 99, No. 12).
7. Renumbering of former section 100173 to section 100167 and renumbering and amendment of former section 100178.1 to section 100173 filed 9-10-2004; operative 10-10-2004 (Register 2004, No. 37).
8. Relocation of article 9 heading from preceding section 100172 to precede section 100173, renumbering of former section 100173 to section 100174 and renumbering and amendment of former section 100172 to section 100173 filed 2-11-2013; operative 4-1-2013 (Register 2013, No. 7).

# Cal. Code Regs. Tit. 22, § 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.

(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.
- (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.

(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.
- (2) Is required to register pursuant to Section 11590 of the Health & Safety Code.

(d) Subsections (a) and (b) shall not apply to convictions that have been pardoned by the governor, and shall only apply to convictions where the applicant/licensee

was prosecuted as an adult. Equivalent convictions from other states shall apply to the type of offenses listed in (a) and (b). As used in this section, "felony" or "offense punishable as a felony" refers to an offense for which the law prescribes imprisonment in the state prison as either an alternative or the sole penalty, regardless of the sentence the particular defendant received.

(e) This section shall not apply to those paramedics who obtained their California Paramedic License prior to the effective date of this Section; unless:

(1) The licensee is convicted of any misdemeanor or felony subsequent to the effective date of this Section.

(2) The licensee committed any sexually related offense specified under Section 290 of the Penal Code.

(3) The licensee failed to disclose to the Authority any prior convictions when completing his/her application for initial paramedic license or license renewal.

(f) Nothing in this section shall prevent the Authority from taking licensure action pursuant to Health & Safety Code Section 1798.200.

(g) The Director of the Authority may grant a license to anyone otherwise precluded under subsections (a) and (b) of this section if the Director of the Authority believes that extraordinary circumstances exist to warrant such an exemption.

(h) Nothing in this section shall negate an individual's right to appeal the denial of a license or petition for reinstatement of a license pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

#### Notes

Cal. Code Regs. Tit. 22, § 100174

Note: Authority cited: Sections 1797.107, 1797.176, 1798.200 and 1798.204, Health and Safety Code.

Reference: Sections 1797.172, 1797.174, 1797.176, 1797.185, 1798.200 and 1798.204, Health and Safety Code.

1. New section filed 11-29-93 as an emergency; operative 12-1-93 (Register 93, No. 49). A Certificate of Compliance must be transmitted to OAL by 3-30-94 or emergency language will be repealed by operation of law on the following day.

2. Certificate of Compliance as to 11-29-93 order transmitted to OAL 3-30-94; disapproved by OAL and order of repeal as to 11-29-93 order filed on 5-11-94 (Register 94, No. 19).

3. 11-29-93 order refiled 5-12-94 as an emergency; operative 5-12-94 (Register 94, No. 19). A Certificate of Compliance must be transmitted to OAL by 9-9-94 or emergency language will be repealed by operation of law on the following day.

4. Certificate of Compliance as to 5-12-94 order transmitted to OAL 9-9-94 and filed 10-24-94 (Register 94, No. 43).
5. Renumbering of former section 100174 to section 100179 and renumbering of former section 100169 to section 100174, including amendment of section heading and section, filed 3-15-99; operative 4-14-99 (Register 99, No. 12).
6. Renumbering of former section 100174 to section 100168 and renumbering of former section 100179 to section 100174 filed 9-10-2004; operative 10-10-2004 (Register 2004, No. 37).
7. Amendment of section heading, subsection (a) and Note filed 6-26-2008; operative 7-26-2008 (Register 2008, No. 26).
8. Renumbering of former section 100174 to section 100175 and renumbering and amendment of former section 100173 to section 100174 filed 2-11-2013; operative 4-1-2013 (Register 2013, No. 7).