



Paramedic Disciplinary Review Board

December 7, 2023
1:00pm – 4:00pm

Physical Meeting Location:
11120 International Drive, Suite 200
Rancho Cordova, CA 95670

MEETING MINUTES

BOARD MEMBERS PRESENT:

David Konieczny, Paramedic, *Board Chair*
Jesse Conner, Paramedic
James De La Torre, MD, Physician
Jane Kang, Paramedic
Kelli Moore, Public Member
Richard Ramirez, Paramedic
Ann Viricel, Public Member

EMS AUTHORITY STAFF PRESENT:

Gurdeep Nagi, Project Manager and Advisor
Katherine Rice, Paramedic Disciplinary Review Board Analyst
Diane Sabonis, Paramedic Disciplinary Review Board Attorney
Ashley Williams, Deputy Director of Legislative and External Affairs

1. CALL TO ORDER/ROLL CALL/ESTABLISHMENT OF A QUORUM

David Konieczny called the meeting to order at 1:03pm on December 7, 2023. David Konieczny served as the meeting facilitator and conducted roll call. Quorum was established to conduct business.

2. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

No public comment.

3. REVIEW AND APPROVAL OF SEPTEMBER 14, 2023, MEETING MINUTES

Richard Ramirez moved to approve the September 14, 2023 Paramedic Disciplinary Review Board Meeting Minutes as presented. Kelli Moore seconded the motion. Motion carried unanimously.

Public Comment

No public comment.

4. CLOSED SESSION

The Board convened in closed session as authorized by Government Code section 11126(c)(3) to deliberate on proposed disciplinary decisions. The board reviewed and discussed one administrative law judge proposed decision.

5. DISCUSSION OF, AND POSSIBLE ACTION ON, HEALTH AND SAFETY CODE SECTION 1798.200(c) VIOLATIONS TABLED FROM SEPTEMBER 14, 2023, MEETING

A. Section 1798.200(c): Review

Diane Sabonis, Paramedic Disciplinary Review Board attorney, reviewed the recommendations board members made at the September 7, 2023 Paramedic Disciplinary Review Board Meeting pursuant to Health and Safety Code section 1797.125.07 regarding violations as set forth in the Recommended Guidelines for Disciplinary Orders and Conditions of Probation, dated July 26, 2008 (Health and Safety code section 1798.200(c)) via PowerPoint Slides in Attachment 1, slides 2 - 5.

At the September 14, 2023 meeting, the PDRB made recommendations that are set forth in detail in the approved minutes of that meeting and are summarized below.

The PDRB recommended changes to Optional Conditions of the progressive disciplinary schemes for 1798.200(c)(11), (c)(12)(A), and (c)(12)(B).

Specifically, the board recommended adding optional conditions 1, 2, & 4 to 1798.200(c)(11). To 1798.200(c)(12)(A), the board recommended adding optional conditions 5, 6, 8, 9, and 11. The board recommended adding optional condition 5 to 1798.200(c)(12)(B).

The PDRB recommended changes to the progressive disciplinary schemes for 1798.200(c)(1), (c)(3), and (c)(5).

Specifically, the board recommended changing the minimum discipline for 1798.200(c)(11) to include a 3-year probation and to delete the 60-day suspension. To 1798.200(c)(3), the board recommended changing the disciplinary scheme to equal that of gross negligence. For 1798.200(c)(5), the board recommended changing the recommended discipline to equal the maximum discipline.

At the September 14, 2023 meeting, the PDRB tabled review/discussion of the progressive disciplinary schemes for 1709.200(c)(4), (c)(8), and (c)(10) to the December 7, 2023 meeting.

Public Comment

No public comment.

B. Section 1798.200(c)(4): Incompetence.

Board attorney Diane Sabonis reviewed the current progressive disciplinary scheme listed in the Recommended Guidelines for Disciplinary Orders and Conditions of Probation, dated July 26, 2008, via PowerPoint slides in Attachment 1, slides 31 and 32. She reviewed board recommendations from the September 14, 2023 meeting at which time the board unanimously approved a motion to change the discipline for repeated negligent acts to equal that of gross negligence.

Ms. Sabonis provided comparisons to the progressive disciplinary schemes used by the California Medical Board and the Board of Registered Nursing noting the Medical Board combines gross negligence, repeated negligent acts, and incompetence together and assigns the same disciplinary scheme under Business and Professions (B&P) Code section 2234. The Board of Registered Nursing takes a similar approach combining incompetence and gross negligence and assigns the same disciplinary scheme under B&P code section 2761.

Board Discussion

Jesse Conner questioned who makes the determination of incompetence in the other fields. Diane Sabonis discussed that the definition of incompetence is based in case law, which would be the same standard for a doctor or nurse. David Konieczny discussed that this violation was tabled at the last meeting due to discussions among board members and considering comments from the public that the suspension of the paramedic for this violation seemed punitive and not rehabilitative and that the board should consider a suspension or revocation with a possible stay of revocation as the minimum discipline.

Jesse Conner discussed mandating training to bring the paramedic up to competency. David Konieczny discussed the suspension was not meant to be punitive but to be a stop gap to ensure the paramedic had time to receive the required reeducation or training.

Public Comment

There was public comment that discussed that a suspension was temporary, that stipulations can be placed on a suspension, and the purpose of the suspension is not necessarily punitive but is designed to protect the public.

Board Action

David Konieczny moved to remove the 30-day suspension from the recommended discipline and keep a stayed revocation and 3-year probation with terms and conditions and keep the maximum and minimum discipline the same. Anne Viricel seconded. Motion carried unanimously.

C. Section 1798.200(c)(8): Violating or attempting to violate any federal or state statute or regulation that regulates narcotics, dangerous drugs, or controlled substances.

Ms. Sabonis discussed the current progressive disciplinary scheme listed in the Recommended Guidelines for Disciplinary Orders and Conditions of Probation, dated July 26, 2008, via PowerPoint slides in Attachment 1, slides 33 and 34.

Ms. Sabonis provided comparisons to the progressive disciplinary schemes used by the California Medical Board and the Board of Registered Nursing. The Medical Board defines such violations as conviction of drug violations, violation of drug statutes, excessive use of controlled substances, practice under the influence of narcotics, illegal sales of controlled substances, and prescribing to addicts under B & P code sections 2237, 2238, 2239, 2280, 2238, and 2241. The Board of Registered Nursing defines the violation under B&P Code section 2762 as the conviction of a criminal offense involving the prescription, consumption, or self-administration of narcotics, dangerous drugs, or alcohol, or the possession of, or falsification of a record pertaining to narcotics or dangerous drugs. Discipline is based on whether the violation occurred while on the job or while not on the job.

Board Discussion

Jesse Conner questioned the impacts of this violation as California legalized marijuana, but that it is still not considered legal federally, and how Assembly Bill 2188 will affect California employers' drug testing policies.

Public Comment

No public comment.

Board Action

Jesse Conner motioned to table until the next meeting to obtain more information on AB 2188. Dr. James De La Torre seconded the motion. Motion carried unanimously.

D. Section 1798.200(c)(9): Addiction to, the excessive use of, or the misuse of, alcoholic beverages, narcotics, dangerous drugs, or controlled substances.

Ms. Sabonis discussed the current progressive disciplinary scheme listed in the Recommended Guidelines for Disciplinary Orders and Conditions of Probation, dated July 26, 2008, via PowerPoint slides in Attachment 1, slides 35 – 38.

Ms. Sabonis provided comparisons to the progressive disciplinary schemes used by the California Medical Board for violations of B&P code sections 2236, 2237, 2238, 2239, and 2280 and the disciplinary scheme used by the Board of Registered Nursing for violations of B&P code sections 2761(f) and 2762(a).

Board Discussion

David Konieczny questioned how often these regulations can be updated. Diane Sabonis explained that changes would have to go through the California rulemaking process. Jesse Conner suggested cleaning up the language for this section.

Public Comment

No public comment.

Board Action

Jesse Conner motioned to leave the language of this violation unchanged pending any substantive reason to recommend a change. Kelli Moore seconded. Motion carried unanimously.

E. Section 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.

Ms. Sabonis discussed the current progressive disciplinary scheme listed in the Recommended Guidelines for Disciplinary Orders and Conditions of Probation, dated July 26, 2008, via PowerPoint slides in Attachment 1, slides 39 and 40.

Ms. Sabonis noted there were no direct comparisons to violations defined by the California Medical Board or Board of Registered Nursing only noting that the California Medical Board cites violations of excessive prescribing, excessive treatment, prescribing to addicts, and illegal cancer treatments, for which discipline ranges from revocation, revocation stayed with 60-day suspensions, and 5-year probation terms.

Board Discussion

Anne Viricel asked for clarification on the meaning of this violation. Jesse Conner asked if the Good Samaritan Laws were affected by this provision. David Konieczny discussed the public comment from the September meeting regarding the 15-day suspension period seeming arbitrary. Jesse Conner asked how many cases EMSA receives annually regarding this violation. Diane Sabonis discussed some examples of this violation.

Public Comment

No public comment.

Board Action

Jesse Conner motioned to leave this regulation unchanged. Anne Viricel seconded. Motion carried out unanimously.

6. DISCUSSION OF, AND POSSIBLE ACTION ON, HEALTH AND SAFETY CODE SECTION 1798.200(c) ADMINISTRATIVE FINES

Pursuant to Health and Safety Code section 1797.125.07 regarding violations as set forth in the Recommended Guidelines for Disciplinary Orders and Conditions of Probation, dated July 26, 2008 (Health and Safety code section 1798.200(c)), Diane Sabonis discussed the current administrative fine structure, Health and Safety Code section 1798.210 subsections (a) and (b), and the factors to be considered in assessing fines via PowerPoint slides in Attachment 2.

Historically, there were 57 cases involving fines from 2019 to 2023. To date, there were seven cases appealed to an Administrative Law Judge.

Board Discussion:

The board decided to discuss the fine structure as a whole rather than by each line item.

David Konieczny asked if fines were purely punitive. Does fine revenue go toward EMSA's work to oversee this program?

Jesse Connor asked how was the original fee structure determined? He added that violations have suspensions and that may be why the state does not issue a whole lot of fines and opined the regulations say they cannot fine if they have another monetary penalty. Do we have any history on that? Does EMSA forecast fines in the budget?

Ms. Sabonis answered she had no information on how the fine structure was set when the Disciplinary Guidelines were put together in July 2008. She explained that fines are for violations that do not result in patient harm and this form of discipline is not as significant as the progressive discipline we just discussed.

Board Action

James De La Torre motioned to keep the fine structure as is. Jesse Conner seconded. Jesse Conner then posed additional questions asking if the state had someone that specialized in equity/diversity that could review the fine structure to determine impacts of fines on paramedics with different socioeconomic backgrounds. Ms. Sabonis was unaware of any program that would collect/analyze such data and doing so would require tabling this agenda item. Jesse Conner motioned to make an amended motion to have such a review performed. This amendment to the motion failed. The original motion to keep the fine structure the same carried unanimously.

7. TOPICS FOR MARCH 7, 2024, MEETING AGENDA

Discussion

There were no comments from the board members regarding possible topics for the March 7, 2024 meeting. Jesse Conner asked if board members can send an email to EMSA staff requesting a topic to be placed on the agenda if anything comes up before the March 7, 2024 meeting. Ms. Sabonis replied that members can send agenda ideas via email to PDRB staff and added that the agenda is set by the board chair and PDRB staff.

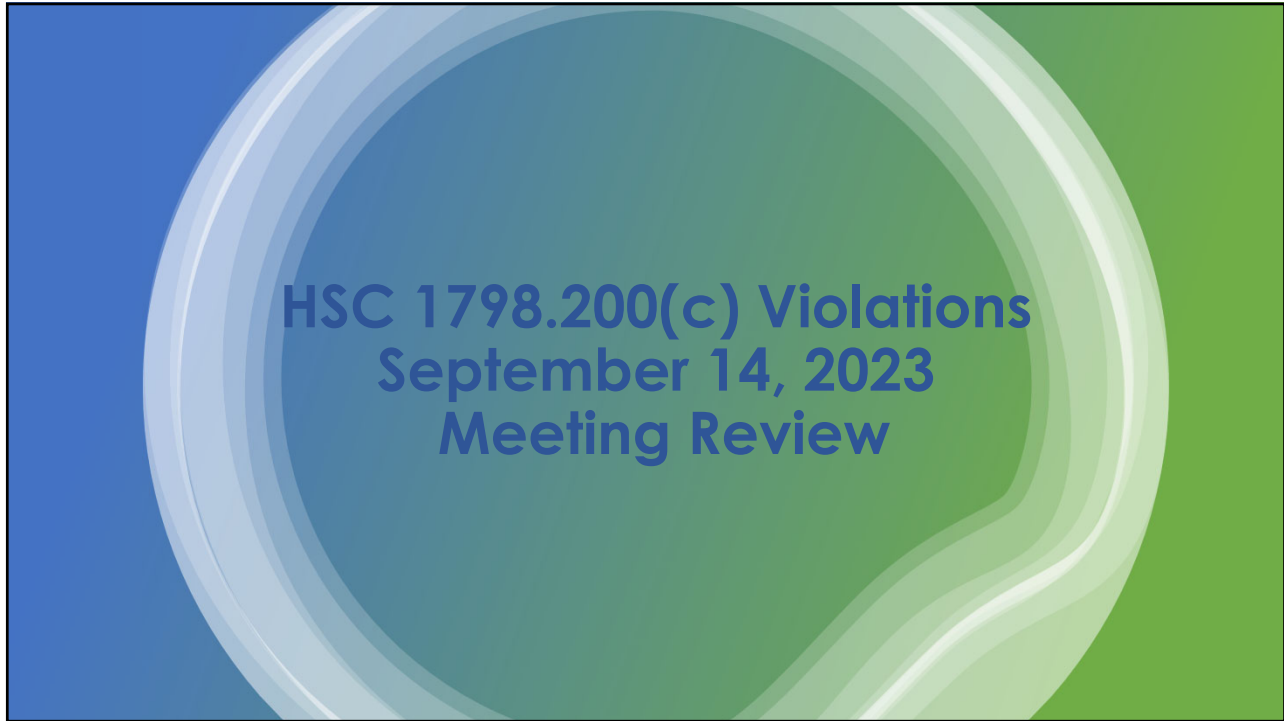
Public Comment

No public comment.

8. ADJOURNMENT

David Konieczny adjourned the meeting at 4:12pm on December 7, 2023.

Attachment 1



HSC 1798.200(c) Violations September 14, 2023 Meeting Review

1

A slide with a large graphic on the left and four text boxes on the right. The graphic is a white circle with a blue and green border. The text boxes are blue, teal, green, and dark green.

**No changes
by the PDRB:**

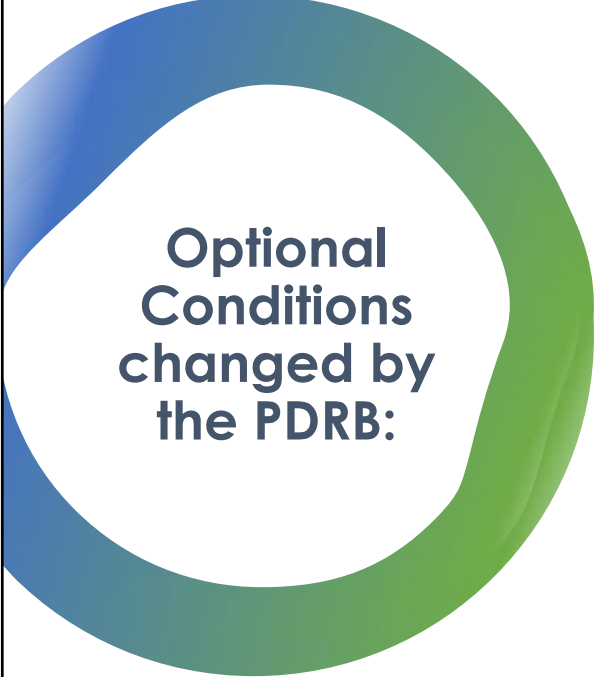
1798.200(c)(2): Gross negligence.

1798.200(c)(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.

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.

1798.200(c)(12)(C): The commission of any sexually related offense specified under Section 290 of the Penal Code.

2



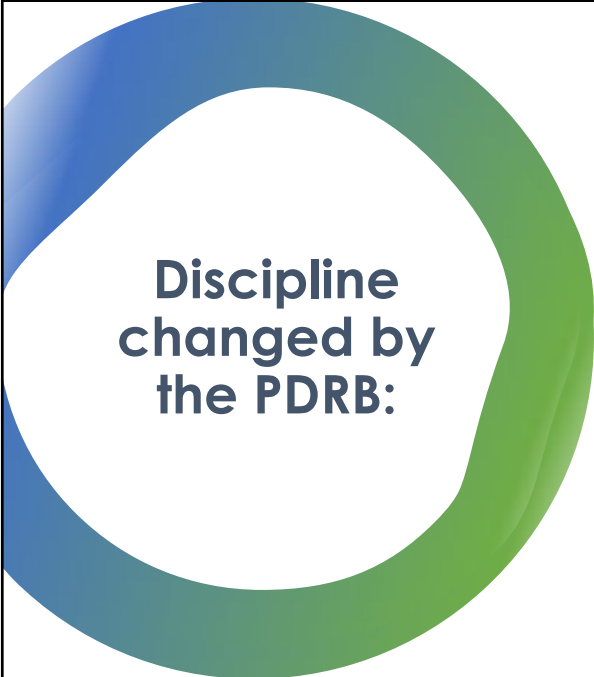
Optional Conditions changed by the PDRB:

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. Added optional conditions 1, 2 & 4.

1798.200(c)(12)(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. Added optional conditions: 5, 6, 9, 10, 11.

1798.200(c)(12)(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. Added optional condition 5.

3




Discipline changed by the PDRB:

1798.200(c)(1): Fraud. Changed the minimum discipline to a 3-year probation but deleted a 60-day suspension.

1798.200(c)(3): Repeated negligent acts. Changed the discipline to equal that of Gross Negligence.

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. Changed the recommended discipline to equal max discipline.

4



**HSC
1798.200(c)
violations
tabled by the
PDRB:**

1798.200(c)(4): Incompetence.

1798.200(c)(8): Violating or attempting to violate any federal or state statute or regulation which regulates narcotics, dangerous drugs, or controlled substances.

1798.200(c)(9): Addiction to, the excessive use of, or the misuse of, alcoholic beverages, narcotics, dangerous drugs, or controlled substances.

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.

5

HSC 1798.200(c)(1):

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

Recommended Guidelines for Disciplinary Orders and Conditions of Probation:

Maximum Discipline: Revocation or denial.

Recommended Discipline: Revocation or denial.

Minimum Discipline: Revocation stayed, and 60-day suspension/denial.

Paramedic Disciplinary Review Board:

Changed the Minimum Discipline, deleting the 60-day suspension, added 3 yrs of probation, and added Optional Condition 6.

Maximum Discipline: Revocation or denial.

Recommended Discipline: Revocation or denial.

Minimum Discipline: Revocation stayed, 3-year probation with terms and conditions.

Minimum Conditions of Probation: All Standard Conditions, and Optional Condition 6-EMS Ethics course.

6

HSC 1798.200(c)(1) Comparison to CMB and BRN

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

Comparison with California Medical Board (CMB) and Board of Registered Nursing (BRN):

CMB:

Procuring a license by fraud: Revocation.

BRN:

Procurement of certificate by fraud, misrepresentation, or mistake: Revocation.

BRN added: Furnishing false information in applying for licensure: Denial or Revocation.

In applying for renewal: Revocation stayed, 3-year probation.

Paramedic Disciplinary Review Board:

Changed the Minimum Discipline, deleting the 60-day suspension, added 3 yrs of probation , and added Optional Condition 6.

Maximum Discipline: Revocation or denial.

Recommended Discipline: Revocation or denial.

Minimum Discipline: Revocation stayed, 3-year probation with terms and conditions.

Minimum Conditions of Probation: All Standard Conditions, and Optional Condition 6.

7

HSC 1798.200(c)(2):

Gross negligence.

Recommended Guidelines for Disciplinary Orders and Conditions of Probation:

Maximum Discipline: Revocation.

Recommended Discipline: Revocation stayed, 60-day suspension, and 3-year probation with terms and conditions.

Minimum Discipline: Revocation stayed, and 3-year probation with terms and conditions.

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

Paramedic Disciplinary Review Board:

No change.

Maximum Discipline: Revocation.

Recommended Discipline: Revocation stayed, 60-day suspension, and 3-year probation with terms and conditions.

Minimum Discipline: Revocation stayed, and 3-year probation with terms and conditions.

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

8

HSC 1798.200(c)(2) Comparison to CMB and BRN

Gross negligence.

Comparison with California Medical Board (CMB) and Board of Registered Nursing (BRN):

CMB:

Combines gross negligence, repeated negligent acts, and incompetence.

Max Discipline: Revocation.

Min Discipline: Revocation stayed, 5-year probation.

BRN:

Combine incompetence and gross negligence.

Recommended: Revocation.

Minimum: Revocation stayed with 3-year probation.

Paramedic Disciplinary Review Board:

No change.

Maximum Discipline: Revocation.

Recommended Discipline: Revocation stayed, 60-day suspension, and 3-year probation with terms and conditions.

Minimum Discipline: Revocation stayed, and 3-year probation with terms and conditions.

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

9

HSC 1798.200(c)(3):

Repeated negligent acts.

Recommended Guidelines for Disciplinary Orders and Conditions of Probation:

Maximum Discipline: Revocation.

Recommended Discipline: Revocation stayed, 30-day suspension, and 3-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, 8, 9, and 11.

Paramedic Disciplinary Review Board:

Increased Discipline.

Maximum Discipline: Revocation.

Recommended Discipline: Revocation stayed, 60-day suspension, and 3-year probation with terms and conditions.

Minimum Discipline: Revocation stayed, and 3-year probation with terms and conditions.

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

10

HSC 1798.200(c)(3) Comparison to CMB and BRN

Repeated negligent acts.

Comparison with California Medical Board (CMB) and Board of Registered Nursing (BRN):

CMB:

Combines gross negligence, repeated negligent acts, and incompetence.

Max Discipline: Revocation.

Min Discipline: Revocation stayed, 5-year probation.

BRN:

Combine incompetence and gross negligence.

Recommended: Revocation.

Minimum: Revocation stayed with 3-year probation.

Paramedic Disciplinary Review Board:

Increased Discipline to Equal that of Gross negligence

Maximum Discipline: Revocation.

Recommended Discipline: Revocation stayed, 60-day suspension, and 3-year probation with terms and conditions.

Minimum Discipline: Revocation stayed, and 3-year probation with terms and conditions.

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

11

HSC 1798.200(c)(4):

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

Recommended Guidelines for Disciplinary Orders and Conditions of Probation:

Maximum Discipline: Revocation.

Recommended Discipline: Revocation stayed, 30-day suspension, and 3-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, 8, 9, and 11.

Paramedic Disciplinary Review Board:

Discussion tabled until December Quarterly Meeting.

12

HSC 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.

Recommended Guidelines for Disciplinary Orders and Conditions of Probation:

Maximum Discipline: Revocation.

Recommended Discipline: Revocation stayed, 60-day suspension, and 3-year probation with terms and conditions.

Minimum Discipline: Revocation stayed, and 3-year probation with terms and conditions.

Minimum Conditions of Probation: All Standard Conditions, and Optional Conditions: 6

Paramedic Disciplinary Review Board:

Changed Recommended Discipline to Maximum Discipline.

Maximum Discipline: Revocation.

Recommended Discipline:
Revocation/Denial.

Minimum Discipline: Revocation stayed, and 3-year probation with terms and conditions.

Minimum Conditions of Probation: All Standard Conditions, and Optional Conditions: 6

13

HSC 1798.200(c)(5) Comparison to CMB and BRN

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

Comparison with California Medical Board (CMB) and Board of Registered Nursing (BRN):

CMB:

Defines a violation of dishonesty related to QFD's arising from or occurring during pt care, treatment, mgmt. or billing

Max: Revocation.

Min: Revocation stayed, 1-year suspension, and at least 7-year probation.

Dishonesty not related to or arising from patient care, treatment, mgmt., or billing.

Max: Revocation.

Min: Revocation stayed, 5-year probation

Paramedic Disciplinary Review Board:

Changed Recommended Discipline to Maximum Discipline.

Maximum Discipline: Revocation.

Recommended Discipline:
Revocation/Denial.

Minimum Discipline: Revocation stayed, and 3-year probation with terms and conditions.

Minimum Conditions of Probation: All Standard Conditions, and Optional Conditions: 6

14

HSC 1798.200(c)(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.

Recommended Guidelines for Disciplinary Orders and Conditions of Probation:

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.

Paramedic Disciplinary Review Board:

No change.

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 Condition.

15

HSC 1798.200(c)(6) Comparison to CMB and BRN

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.

Comparison with California Medical Board (CMB) and Board of Registered Nursing (BRN):

CMB:

Same as for dishonesty.

Max: Revocation.

Min: Revocation stayed, 1-year suspension, at least 7-year probation.

For misdemeanor conviction:

Min: Revocation stayed, and 5-year probation

BRN:

Recommended: Revocation.

Paramedic Disciplinary Review Board:

No change.

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 Condition.

16

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.

Recommended Guidelines for Disciplinary Orders and Conditions of Probation:

Maximum Discipline: Revocation.

Recommended Discipline: Revocation stayed, 60-day suspension, and 3-year probation with terms and conditions.

Minimum Discipline: Revocation stayed, and 3-year probation with terms and conditions.

Minimum Conditions of Probation: All Standard Conditions, and Optional Conditions 6.

Paramedic Disciplinary Review Board:

No change.

Maximum Discipline: Revocation.

Recommended Discipline: Revocation stayed, 60-day suspension, and 3-year probation with terms and conditions.

Minimum Discipline: Revocation stayed, and 3-year probation with terms and conditions.

Minimum Conditions of Probation: All Standard Conditions, and Optional Conditions 6.

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HSC 1798.200(c)(7) Comparison to CMB and BRN

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.

Comparison with California Medical Board (CMB) and Board of Registered Nursing (BRN):

BRN:

Min: Revocation stayed, 3-year probation

Paramedic Disciplinary Review Board:

No change.

Maximum Discipline: Revocation.

Recommended Discipline: Revocation stayed, 60-day suspension, and 3-year probation with terms and conditions.

Minimum Discipline: Revocation stayed, and 3-year probation with terms and conditions.

Minimum Conditions of Probation: All Standard Conditions, and Optional Conditions 6.

18

HSC 1798.200(c)(8):

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

Recommended Guidelines for Disciplinary Orders and Conditions of Probation:

Maximum Discipline: Revocation.

Recommended Discipline: Revocation stayed, 60-day suspension, and 3-year probation with terms and conditions.

Minimum Discipline: Revocation stayed, and 3-year probation with terms and conditions.

Minimum Conditions of Probation: All Standard Conditions, and Optional Conditions 1, 2, 3, 4, and 10.

Paramedic Disciplinary Review Board:

Discussion tabled until December Quarterly Meeting.

19

HSC 1798.200(c)(9):

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

Recommended Guidelines for Disciplinary Orders and Conditions of Probation:

Maximum Discipline: Revocation.

Recommended Discipline: Revocation stayed, suspension until assessment and successful completion of drug/alcohol detoxification diversion program, and 5-year probation with terms and conditions.

Minimum Discipline: Revocation stayed, and 3-year probation with terms and conditions.

Minimum Conditions of Probation: All Standard Conditions, and Optional Conditions 1, 2, 3, 4, and 10.

Paramedic Disciplinary Review Board:

Discussion tabled until December Quarterly Meeting.

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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.

Recommended Guidelines for Disciplinary Orders and Conditions of Probation:

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.

Paramedic Disciplinary Review Board:

Discussion tabled until December Quarterly Meeting.

21

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.

Recommended Guidelines for Disciplinary Orders and Conditions of Probation:

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.

Paramedic Disciplinary Review Board:

Added Optional Conditions 1, 2, & 4.

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 1, 2, 4, 8, 9, and 10.**

22

HSC 1798.200(c)(11) Comparison to CMB and BRN

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.

Comparison with California Medical Board (CMB) and Board of Registered Nursing (BRN):

CMB:

Mental or Physical Illness.
Max: Revocation.
Min: Revocation stayed, 5-year probation.

BRN:

Recommended: Suspension/Revocation.

Paramedic Disciplinary Review Board:

Added Optional Conditions 1, 2, & 4.

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 1, 2, 4, 8, 9, and 10.**

23

HSC 1798.200(c)(12)(A): Unprofessional Conduct

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.

Recommended Guidelines for Disciplinary Orders and Conditions of Probation:

Maximum Discipline: Revocation/Denial.

Recommended Discipline: Revocation stayed, 60-day suspension, and a 3-year probation with terms and conditions.

Minimum Discipline: Revocation stayed, and 3-year probation with terms and conditions.

Minimum Conditions of Probation: All Standard Conditions, and Optional Conditions 7 and 10.

Paramedic Disciplinary Review Board:

Added Optional Conditions 5, 6, 8, 9, & 11.

Maximum Discipline: Revocation/Denial.

Recommended Discipline: Revocation stayed, 60-day suspension, and a 3-year probation with terms and conditions.

Minimum Discipline: Revocation stayed, and 3-year probation with terms and conditions.

Minimum Conditions of Probation: All Standard Conditions, and **Optional Conditions 5, 6, 7, 8, 9, 10, and 11.**

24

HSC 1798.200(c)(12)(A): Comparison to CMB and BRN

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.

Comparison with California Medical Board (CMB) and Board of Registered Nursing (BRN):

No mention of excessive force or physical abuse in CMB or BRN guidelines.

Paramedic Disciplinary Review Board:

Added Optional Conditions 5, 6, 8, 9, & 11.

Maximum Discipline: Revocation/Denial.

Recommended Discipline: Revocation stayed, 60-day suspension, and a 3-year probation with terms and conditions.

Minimum Discipline: Revocation stayed, and 3-year probation with terms and conditions.

Minimum Conditions of Probation: All Standard Conditions, and **Optional Conditions 5, 6, 7, 8, 9, 10, and 11.**

25

HSC 1798.200(c)(12)(B): 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.

Recommended Guidelines for Disciplinary Orders and Conditions of Probation:

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.

Paramedic Disciplinary Review Board:

Added Optional Condition 5.

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 5, 6, and 9.**

26

HSC 1798.200(c)(12)(B) Comparison to CMB and BRN

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.

Comparison with California Medical Board (CMB) and Board of Registered Nursing (BRN):

CMB:

No specific language.

BRN:

Other actions which constitute unprofessional conduct including but not limited to failure to report client abuse to an appropriate agency and holding oneself out to meet a licensing standard without meeting the standard.

Min: Revocation stayed, 3-year probation.

Paramedic Disciplinary Review Board:

Added Optional Condition 5.

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 5, 6, and 9.**

27

HSC 1798.200(c)(12)(C): Unprofessional Conduct

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

Recommended Guidelines for Disciplinary Orders and Conditions of Probation:

Maximum Discipline: Revocation/Denial.

Recommended Discipline: Revocation/Denial.

Minimum Discipline: Revocation/Denial.

Paramedic Disciplinary Review Board:

No changes.

Maximum Discipline: Revocation/Denial.

Recommended Discipline: Revocation/Denial.

Minimum Discipline: Revocation/Denial.

28

HSC 1798.200(c)(12)(C) Comparison to CMB and BRN

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

Comparison with California Medical Board (CMB) and Board of Registered Nursing (BRN):

CMB:

Has three code sections
Sexual misconduct: Revocation, or 7-year probation.
Sexual exploitation and registration as a sex offender: Revocation.

BRN:

Sexual abuse, misconduct, or relations with a patient: Revocation.

Paramedic Disciplinary Review Board:

No changes.

Maximum Discipline: Revocation/Denial.

Recommended Discipline:
Revocation/Denial.

Minimum Discipline: Revocation/Denial.

29

HSC 1798.200(c) Violations Tabled by the PDRB

30

HSC 1798.200(c)(4):

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

Recommended Guidelines for Disciplinary Orders and Conditions of Probation:

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.

Gross Negligence & Repeated Negligent Acts

Maximum Discipline: Revocation.

Recommended Discipline: Revocation stayed, 60-day suspension, and 3-year probation with terms and conditions.

Minimum Discipline: Revocation stayed, and 3-year probation with terms and conditions.

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

31

HSC 1798.200(c)(4) Comparison to CMB and BRN

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

California Medical Board:

B&P Code 2234 combines gross negligence, repeated negligent acts and incompetence.

Max: Revocation.

Recommended: Revocation stayed, 30-day suspension, and 3-year probation with terms and conditions.

Min: Revocation stayed, and 5-year probation.

Conditions include education courses, prescribing practices course, medical record keeping course, ethics course, clinical competence assessment program, practice monitoring billing, solo practice prohibition, prohibition of practice.

Board of Registered Nursing:

B&P Code 2761 combines incompetence and gross negligence.

Recommended: Revocation.

Minimum: Revocation stayed, and 3-year probation.

Conditions 1-13, and others if applicable. Add Condition 19 if patient death occurred - therapy or counseling.

32

HSC 1798.200(c)(8):

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

Recommended Guidelines for Disciplinary Orders and Conditions of Probation:

Maximum Discipline: Revocation.

Recommended Discipline: Revocation stayed, 60-day suspension, and 3-year probation with terms and conditions.

Minimum Discipline: Revocation stayed, and 3-year probation with terms and conditions.

Minimum Conditions of Probation: All Standard Conditions, and Optional Conditions 1, 2, 3, 4, and 10.

Paramedic Disciplinary Review Board:

Discussion tabled until December Quarterly Meeting.

33

HSC 1798.200(c)(8) Comparison to CMB and BRN

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

California Medical Board

Conviction of drug violation, violation of drug statutes, excessive use of controlled substances, practice under the influence of narcotic(s).

Maximum Discipline: Revocation

Minimum: Revocation stayed, 60-day suspension or more, and 5-year probation.

Illegal sales of controlled substances: Revocation.

Prescribing to addicts: Revocation, or 60-day suspension, and 5-year probation.

Board of Registered Nursing

B&P Code 2762 conviction of a criminal offense involving the prescription, consumption, or self-administration of narcotics, dangerous drugs, or alcohol, or the possession of, or falsification of a record pertaining to narcotics or dangerous drugs

Separated into sub violations:

Recommend revocation when nurse was under the influence, withheld, or substituted drugs while on the job.

For documented participation in an ongoing rehab program but not when under the influence/withholding, or substitution of drugs on the job: Revocation stayed, with 3-year probation.

For conviction of falsification of records pertaining to controlled substances: Revocation stayed, and 3-year probation.

34

HSC 1798.200(c)(9):

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

Recommended Guidelines for Disciplinary Orders and Conditions of Probation:

Maximum Discipline: Revocation.

Recommended Discipline: Revocation stayed, suspension until assessment and successful completion of drug/alcohol detoxification diversion program, and 5-year probation with terms and conditions.

Minimum Discipline: Revocation stayed, and 3-year probation with terms and conditions.

Minimum Conditions of Probation: All Standard Conditions, and Optional Conditions 1, 2, 3, 4, and 10.

Paramedic Disciplinary Review Board:

Discussion tabled until December Quarterly Meeting.

35

HSC 1798.200(c)(9) Comparison to CMB

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

California Medical Board

Conviction of crime arising from/occurring during patient care, treatment, management, or billing:

Max: Revocation.

Min: Revocation stayed, 1-year suspension, at least 7-year probation.

Conviction of crime - felony - not arising from/occurring during patient care, treatment, management, or billing:

Max: Revocation, suspension of 30 days or more.

Min: Revocation stayed, 7-year probation.

Conviction of crime, misdemeanor not arising from/occurring during patient care, treatment, management, or billing:

Max: Revocation.

Min: Revocation stayed, 5-year probation.

36

HSC 1798.200(c)(9) Comparison to CMB

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

California Medical Board

Conviction of drug violations, excessive use of controlled substances, or practice under the influence of a narcotic:

Max: Revocation

Min: Revocation stayed, 5-year probation, suspension of 60 days or more.

Illegal sale of controlled substances: Revocation

Excessive use of Alcohol: Practice under the influence of alcohol:

Max: Revocation

Min: Revocation stayed, 5-year probation, Suspension of 60 days or more.

37

HSC 1798.200(c)(9) Comparison to BRN

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

Board of Registered Nursing

Conviction of felony or any offense substantially related to qualifications, functions, and duties of a registered nurse, defined as but not limited to child abuse, murder, rape, assault and/or battery, lewd conduct, theft crimes, sale or use of controlled substances:

Recommended: Revocation.

Illegal obtaining, possession, or administering narcotics or dangerous drugs to self or others. Use of any narcotic, dangerous drugs, or alcohol to the extent it is dangerous to self or others, or the ability to practice nursing safely is impaired:

Recommended: Revocation.

1st time offense with documented evidence of an ongoing rehabilitation program:
Revocation stayed, 3-year probation.

38

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.

Recommended Guidelines for Disciplinary Orders and Conditions of Probation:

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.

Paramedic Disciplinary Review Board:

Discussion tabled until December Quarterly Meeting.

39

HSC 1798.200(c)(10) Comparison to CMB and RBN

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.

California Medical Board

No direct comparison.

Excessive prescribing, excessive treatment, prescribing to addicts, illegal cancer treatments, for which discipline ranges from revocation, revocation stayed with 60-day suspensions, and 5-year probations.

Board of Registered Nursing

No direct comparison.

40



Attachment 2



Administrative Fines by HSC 1798.200(c) Violations

1

Paramedic Disciplinary Review Board's Role

HSC 1798.210(a):

- The Paramedic Disciplinary Review Board may impose an administrative fine of up to two thousand five hundred dollars (\$2,500) per violation against a 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 or the board for any other act committed within the immediately preceding five-year period.

2

Paramedic Disciplinary Review Board's Role

HSC 1798.210(b):

The board shall adopt regulations establishing an administrative fine structure, taking into account the nature and gravity of the violation. 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.

3

Factors in Assessing an Appropriate Fine

In assessing fines, give due consideration to the appropriateness of the fine with respect to the following factors:

- Gravity of the violation,
- Good faith of the paramedic,
- 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.

4

Current Admin Fines listed in the Recommended Guidelines for Disciplinary Orders

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.

5

Number of Cases involving Fines

Cases settled with EMSA (2020 to 2023): 57

Cases appealed to an Administrative Law Judge (to date): 7

6

HSC 1798.200(c)(1): Fraud in the procurement of any certificate or license under this division.

Fine Range: \$2,000 to \$2,500

Settlement cases: 2

2022:
2 cases fined \$2,000

ALJ cases: 1*

1 case fined \$2,500

*This ALJ case was disciplined for HSC 1798.200(c)(1) and HSC 1798.200(c)(5).

7

1798.200(c)(3): Repeated negligent acts.

Fine Range: \$500 to \$2,500

Settlement cases:

None

ALJ cases:

None

8

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.

Fine Range: \$1,000 to \$2,500

Settlement cases: 15

ALJ cases: 1

2020:
2 cases fined \$1,000
4 cases fined \$2,500

1 case fined \$2,500

2021:
2 cases fined \$500
3 cases fined \$1,500
2 cases fined \$2,500

2022:
2 cases fined \$2,500

9

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.

Fine Range: \$1,000 to \$2,500

Settlement cases: 26

ALJ cases: 0

2019:
• 3 cases fined \$500
• 3 cases fined \$2,500

2022:
• 1 case fined \$500
• 5 cases fined \$1,000
• 2 cases fined \$1,500
• 7 cases fined \$2,500

None

2020:
• 1 case fined \$2,500

2023:
• 1 case fined \$250
• 2 cases fined \$500
• 1 case fined \$1,000

10

1798.200(c)(8): Violating or attempting to violate any federal or state statute or regulation which regulates narcotics, dangerous drugs, or controlled substances.

Fine Range: \$1,000 to \$2,500

Settlement cases: 0

None

ALJ cases: 0

None

11

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.

Fine Range: \$250 to \$2,500

Settlement cases: 17

2019:
• 2 cases fined \$2,500

2020:
• 1 case fined \$2,500

2022:
• 3 cases fined \$250
• 2 cases fined \$500
• 1 case fined \$1,000
• 3 cases fined \$2,500

2023:
• 1 case fined \$250
• 3 cases fined \$500
• 1 case fined \$1,000

ALJ cases: 6

- 3 cases fined \$500
- 2 cases fined \$1,500
- 1 case fined \$2,500

12

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.

Fine Range: \$500 to \$2,500

Settlement cases: 1

2019:
1 case fined \$2,500

ALJ cases: 1

1 case fined \$1,500