Due Process & Disciplinary Procedures

Purpose: To establish a fair and equitable method of applying remediation and/or discipline to licensees found to be violation of protocol.

1. Application

The application of remediation and/or discipline is intended to promote improvement in the clinical and operational performance of licensees who are found to be substandard. The Medical Control Authority Board shall engage in a process to ensure that licensees maintain an appropriate level of clinical and operational performance. The review process outlined in the Complaint Investigation Procedure shall be utilized in assessing the remedial and/or disciplinary action required.

2. Remediation

The Medical Control Authority may issue an order of remediation to correct substandard clinical performance. A defined time period for completion of remedial activity shall be stated in said order. Licensees shall be required to perform remedial activity under the supervision of an appointed proctor to correct an identified performance shortcoming. Notice of a remedial order shall be forwarded to the licensee's employer (or governing body in the case of an agency provider). A licensee shall be allowed only one opportunity for remediation of repetitive substandard performance in a twelve-month period. Subsequent episodes of substandard performance of the same nature occurring within the same twelve-month period shall be addressed under the disciplinary portion of this policy. Disciplinary action may be accompanied by assignment of additional remedial activity.

3. Discipline

Disciplinary action is indicated in cases where the licensee has demonstrated a repetitive substandard performance resistant to remedial activities or has shown disregard for the protocols and/or policies of the Medical Control Authority. The disciplinary action may be ascending in severity or, in cases accompanied by adverse patient sequelae, ascending discipline may be bypassed with the most severe disciplinary action possible invoked.

A. Written Reprimand
A written reprimand shall be issued to a licensee stating the details of his/her substandard performance, the remedial action required, the time allowed for completion of remedial action, and the consequences for repetitive noncompliance. Notice of disciplinary action shall be forwarded t the licensee's employer (or governing body in the case of an agency provider). A copy of the Disciplinary Action Appeal policy shall be included in the notice to the licensee.

B. Suspension of Privileges

A licensee's medical privileges shall be suspended for a specified period of time. A written notice of the suspension shall be issued to the licensee stating the violation(s) of protocol and/or policy, the term of suspension, the remedial activity required, and the time allowed for the completion of the remedial activity. Notice of disciplinary action shall be forwarded to the licensee's employer (or governing body in the case of an agency provider). A copy of the Disciplinary Action Appeal Process policy shall be included in the notice to the licensee.

If a licensee's medical privileges (medical control) have been suspended from a licensee, the licensee shall not provide prehospital care until medical control is reinstated.

C. Temporary Suspension of Privileges

The Medical Director may temporarily suspend a licensee's privileges in cases where there is a clearly definable risk to the public health and welfare. The Medical Control Authority shall review such action within three (3) business days after the Medical Control Authority's determination. In no case shall the term of temporary suspension exceed seventy-two hours.

If a licensee's medical privileges (medical control) have been temporarily suspended from a licensee, the licensee shall not provide prehospital care until medical control is reinstated.

D. Revocation of Privileges

A licensee's medical privileges shall be revoked. A written notice of the revocation shall be issued to the licensee and delivered to him/her via certified mail. The notice of revocation shall state the violation(s) of protocol and/or policy. Notice of disciplinary action shall be forwarded to the licensee's employer (or governing body in the case of an agency provider) via certified mail. A copy of the Disciplinary Action Appeal policy shall be included in the notice to the licensee.

The Medical Control Authority must notify the department within one (1) business day of the removal of medical control from a licensee.

If a licensee's medical privileges (medical control) have been revoked from a licensee, the licensee shall not provide prehospital care until medical control is reinstated.

4. **Alleged violations of administrative or operational protocol requirements by an EMS agency shall be resolved as follows:**

   A. The Medical Control Authority will notify the chief executive of the agency involved of the alleged protocol violation. A written response will be requested within 30 days.

   B. Details of the alleged violation, and any response received from the EMS agency, will be presented to the Medical Control Authority at their next meeting. The agency involved may attend the meeting and present any information it believes would be helpful.

   C. The Medical Control Authority will review the alleged violation and by majority vote of the members present decide a course of action. Any sanction imposed shall follow the guidelines below:
      a. Severity of the violation will determine the level of sanction to be imposed. A violation is considered "minor" if it involves administrative infractions, including but not limited to failure to timely file reports. A violation is considered "serious" if it involves intentional operational issues including but not limited to a failure to provide staffing as required by statute. An otherwise minor violation that is frequent or recurring may be considered by the Medical Control Authority to be "serious" for purposes of this section.
      b. If a minor protocol violation is determined by the Medical Control Authority to have occurred, a letter of warning will be sent to the EMS agency. If an initial serious violation or a second minor protocol violation within a six month period is determined to have occurred, a letter of reprimand will be sent and the EMS agency will be required to submit within 15 days a written statement of actions it will take to prevent future protocol violations. At the discretion of the Medical Control Authority, notice of these actions may be made public.

   D. If a third of more frequent minor protocol violation is determined by the Medical Control Authority to have occurred within a period of 18 months, or if the violation is a second serious violation within 18 months, the Medical Control Authority may suspend or revoke its medical control oversight for the EMS agency. The EMS agency shall not provide pre-hospital care until medical control is reinstated. At its discretion, the Medical Control Authority may take any other action within its authority to prevent further protocol violations. Notice of this action shall be made public.

   E. An EMS agency may appeal a decision of the Medical Control Authority. The EMS Agency must follow the Disciplinary Action Appeal Process policy.