

	18-0204	Investigation and Disciplinary Process for EMS Air Provider Agencies
Nor-Cal EMS Policy & Procedure Manual	ADMINISTRATION	
Effective Date: 01/01/2020	Next Revision: 01/01/2020	
Approval: Jeffrey Kepple MD – MEDICAL DIRECTOR	SIGNATURE ON FILE	

**AUTHORITY:**

Health & Safety Code Division 2.5, California Code of Regulations, Title 22, Division 9.

**PURPOSE:**

To establish the guidelines for investigatory and disciplinary action of air provider agencies operating within the NOR-CAL EMS region who fail to comply with established standards. This policy was drafted utilizing the following references:

1. *2008 EMSA Recommended Guidelines For Disciplinary Orders and Conditions of Probation.*
2. *NOR-CAL EMS Policy 18-0201, Investigation and Disciplinary Action.*
3. *NOR-CAL EMS Policy 18-0203, Investigation and Disciplinary Process.*
4. *NOR-CAL EMS, "Agreement to Provide Air Ambulance Services" documentation.*

**DEFINITIONS:**

**Gross negligence**—A conscious, voluntary act or omission in reckless disregard to duty resulting in unfavorable consequences to a patient or community served.

**NOR-CAL EMS Administration**—Governing body consisting of the agencies Medical Director and Chief Executive Officer (CEO).

**Probation**—A period of observation to ensure compliance with establish policies.

**Reduction of services**—A limitation of air services due to gross negligence or sequential violations investigated and reviewed by the CEO and Medical Director. Final decisions are at the discretion of the CEO in consultation with the Board of Directors.

## **DEFINITIONS** *(Continued)*:

**Suspension**—A temporary loss of response privilege until a NOR-CAL EMS investigation is completed and recommendations are made to the CEO and Medical Director for Review. Decisions are provided to an air provider thorough direct contact and certified mail within five (5) business days.

**Termination of services**—Complete removal of air services due to gross negligence or sequential violations thoroughly investigated and reviewed by the CEO and Medical Director. Final decisions are at the discretion of the CEO in consultation with the Board of Directors.

**Violation**—A breach of contract, policy, protocol, or standard set forth by either the State of California Health and Safety Code and/or NOR-CAL EMS.

## **INTRODUCTION:**

Any violation (identified or alleged) by an air provider is taken seriously by NOR-CAL EMS. Investigations are conducted in a focused, unbiased manner with communication from all parties to ensure clarity in the manner and in accordance with established policy.

Disciplinary actions are enforced by NOR-CAL EMS with any violation of contract, policy, protocol, or standard set forth by the LEMSA or State of California Health and Safety Code. Notices of violation are provided to the air provider via written notice (return receipt requested) with reasonable description of the alleged violation.

Dispatch centers, ground providers (paid or volunteer), law enforcement, medical facilities, and other air providers are strongly encouraged to inform NOR-CAL EMS of any perceived infraction or concern, including—but are not limited to—prolonged lift or ETA times, treatment issues, contractual deficits, etc.

## **INVESTIGATORY PROCESS:**

Upon an initial compliant or violation, an EMS Specialist will notify both the NOR-CAL EMS CEO and Medical Director. Subsequently, written notification will be submitted to the air provider within five (5) business of NOR-CAL EMS notification. The following provides an overview of the NOR-CAL EMS investigatory process for air providers:

## INVESTIGATORY PROCESS *(Continued)*:

1. **First Violation or “Warning”:** A *first violation* requires an internal review by an offending provider’s management with findings submitted to NOR-CAL EMS in written form. Information will include description of reasoning for violation and plans for remediation within ten (10) calendar days of receipt of notice. Should extended timeframes be required, NOR-CAL EMS shall be updated in writing all progress and reasoning for delays every seven (7) days. The maximum allowable timeframe for an air provider’s internal investigation is thirty (30) calendar days. Any investigation perceived to not meet acceptable standards of NOR-CAL EMS shall be investigated further by the LEMSA.
2. **Second violation:** An *additional violation* or failure to complete an internal review or produce a remediation plan following an initial warning, requires strict and stringent measures, including—but not limited to—probation, suspension and/or loss of response privileges within the NOR-CAL EMS system. A second violation requires a thorough NOR-CAL EMS investigation by an EMS Specialist with presentation of findings to the CEO and Medical Director to determine a need for further action. At the close of an investigation process, conclusions will be provided to NOR-CAL EMS administration in written form for determination of subsequent action. Should impartiality be a concern by an investigated air provider, an independent investigation may be authorized (See Conflict of Interest).

Dispatch centers, ground providers (paid or volunteer), law enforcement, medical facilities, and other entities will be utilized at the discretion of NOR-CAL EMS to obtain an accurate history of any alleged violation.

## DISCIPLINARY PROCESS:

Decisions to absolve, suspend, and/or terminate an established air provider contract are determined through a continuous, upward flow of information and recommendation to several members of the NOR-CAL EMS team. The following provides a process for investigatory and decision-making process. Please see definitions above for clarity of terms.

## DISCIPLINARY PROCESS *(Continued)*:

Actions are provided to an air provider thorough direct contact and certified mail within five (5) business days of any action taken. Final decisions are determined in discussion between the NOR-CAL EMS Medical Director, CEO, and the Board of Directors. Actions are defined—but not limited to—the terms below:

1. **Absolution**—A release of concern, warning, or suspension upon the completion of an investigation in which no violation was found or an external or internal remediation plan has satisfied any concerns.
2. **Probation**—Development of a written remediation plan with continued observation over a designated period as determined by NOR-CAL EMS to ensure compliance with establish policies. Failure to comply warrants suspension, reduction/termination as listed below. Probationary status maybe implemented on a first violation on recommendation of the NOR-CAL EMS administration.
3. **Suspension**—A temporary loss of response privilege until a NOR-CAL EMS investigation is completed and recommendations are made to the CEO and Medical Director for review. Decisions are provided to an air provider thorough through phone or email contact and certified mail within five (5) business days (receipt requested). Suspension may be implemented on a first violation on recommendation of the NOR-CAL EMS administration if gross negligence is involved.
4. **Reduction of Services**—A limitation of air services following a conclusive investigation and CEO recommendation. Final decisions are at the discretion of the CEO in consultation with the NOR-CAL EMS Board of Directors. Upon decision, determination of services will be effective immediately and affected counties, dispatch centers, and air and ground providers shall be notified. Notification will be given in verbal and written form via certified letter.
5. **Termination of Services**—A decision to terminate or reduce services of an air provider within a county or system as a whole are taken very seriously and shall reside in the NOR-CAL EMS CEO upon conclusion of a through investigation. Upon decision, determination of services will be effective immediately and affected counties, dispatch centers, and air and ground providers shall be notified. Notification will be given in verbal and written

form via certified letter (receipt requested). NOR-CAL EMS shall notify all public safety agencies, disparate entities, ambulance providers, and facilities of the enforcement of any action beyond probation.

**APPEAL PROCESS:**

An air provider has the right to due process and may request an appeal hearing before the NOR-CAL EMS Board of Directors upon any disciplinary action.

**CONFLICT OF INTEREST:**

In the event of a perceived conflict of interest, appeals may be made to NOR-CAL EMS in writing for an independent investigation with all parties agreed upon by both the air provider and NOR-CAL EMS. These appeals are approved or denied at the discretion of the CEO and Board of Directors. Any investigatory agent is required to recuse themselves if they are not able to provide an impartial inquiry.

— End of Policy —