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AB-450 Paramedic Disciplinary Review Board. (2021-2022)

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Date Published: 10/05/2021 09:00 PM

Assembly Bill No. 450

CHAPTER 463

An act to amend Sections 1797.112, 1797.172, 1797.185, 1797.194, 1798.200, 1798.210, and 1798.211 of, to add Article 2.5 (commencing with Section 1797.125) to Chapter 3 of Division 2.5 of, and to repeal Section 1798.204 of, the Health and Safety Code, relating to emergency medical services.

[Approved by Governor October 04, 2021. Filed with Secretary of State October 04, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 450, Lorena Gonzalez. Paramedic Disciplinary Review Board.

Existing law establishes the Emergency Medical Services Authority to establish training standards for emergency medical technicians at various levels and to issue EMT-P licenses, among other things. Existing law authorizes the authority to take disciplinary action against an EMT-P licenseholder, including to suspend or revoke a license and to assess administrative fines. Existing law creates the Emergency Medical Services Personnel Fund, which, upon appropriation of the Legislature, is used by the authority for its testing and licensure program, and into which specified fees are deposited.

This bill would create the Paramedic Disciplinary Review Board to act on appeals regarding the authority's denial of licensure and decision to impose licensure action on and after January 1, 2023. The bill would specify the composition and appointment of the 7-member board. The bill would require the employer of a paramedic to report to the director of the authority and the board regarding the suspension or termination of a paramedic for cause within 72 hours of the event, and would require the board to consider employer-imposed discipline and other criteria to aid it in making a final determination regarding appeals of licensure action. The duties and activities of the board would be funded, upon appropriation by the Legislature, by the Emergency Medical Services Personnel Fund. The bill would also make technical and conforming changes.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1797.112 of the Health and Safety Code is amended to read:

1797.112. (a) The Emergency Medical Services Personnel Fund is hereby created in the State Treasury, the funds in which are to be held in trust for the benefit of the authority's testing and personnel licensure program, for the duties and activities of the

Paramedic Disciplinary Review Board pursuant to Article 2.5 (commencing with Section 1797.125) of this chapter, and for the purpose of making reimbursements to entities for the performance of functions for which fees are collected pursuant to Section 1797.172, for expenditure upon appropriation by the Legislature.

(b) The authority may transfer unused portions of the Emergency Medical Services Personnel Fund to the Surplus Money Investment Fund. Funds transferred to the Surplus Money Investment Fund shall be placed in a separate trust account, and shall be available for transfer to the Emergency Medical Services Personnel Fund, together with interest earned, when requested by the authority.

(c) The authority shall maintain a reserve balance in the Emergency Medical Services Personnel Fund of 5 percent. Any increase in the fees deposited in the Emergency Medical Services Personnel Fund shall be effective upon a determination by the authority that additional moneys are required to fund expenditures of the personnel licensure program, including, but not limited to, reimbursements to entities set forth in subdivision (a).

SEC. 2. Article 2.5 (commencing with Section 1797.125) is added to Chapter 3 of Division 2.5 of the Health and Safety Code, to read:

Article 2.5. Paramedic Disciplinary Review Board

1797.125. (a) The Paramedic Disciplinary Review Board is hereby created in the Emergency Medical Services Authority. The board shall consist of seven members and shall enforce and administer this article.

(b) The protection of the public shall be the highest priority of the Paramedic Disciplinary Review Board in exercising its duties as prescribed in this article. If the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

(c) On and after January 1, 2023, any reference to final determination regarding an appeal of EMT-P licensure discipline or final determination regarding an appeal of licensure denial pursuant to this division is a duty conferred upon the Paramedic Disciplinary Review Board.

1797.125.01. (a) The Paramedic Disciplinary Review Board shall be composed of the following members, who shall all be residents of California:

(1) One member shall be a California-licensed physician who is board certified in emergency medicine, whose primary practice is emergency medicine, and who has not less than five years of experience working in an emergency department. The physician shall not be employed or providing services by contract as a local emergency medical services (EMS) agency medical director or a medical director of an advanced life support (ALS) provider.

(2) Four members shall be field paramedics licensed in California, each of whom shall have not less than five years of experience working as a paramedic for an ALS provider. The paramedic members shall have not less than two years of experience as a paramedic preceptor, field training officer, or participating in the development or oversight of an agency continuous quality improvement review process. The two-year experience requirement may be achieved through any combination of those experiences.

(3) Two members shall be public members who are not licensed by the Emergency Medical Services Authority or by any previous authority under this division, have no pecuniary interest in the provision of emergency medical services, and are not employed by a local EMS agency, ALS provider, or basic life support provider.

(b) The Governor shall appoint the physician member and two of the paramedic members of the board. The Senate Rules Committee and the Speaker of the Assembly shall each appoint one paramedic member and one public member. The Governor's initial appointees shall serve two-year terms.

(c) Except for the Governor's initial appointments, appointments shall be made for four-year terms expiring on the first day of June. A member shall not serve more than two consecutive terms. Vacancies shall be filled by appointment to the unexpired term.

(d) Each member of the board shall receive a per diem of one hundred dollars (\$100) for each day spent in the discharge of official duties and shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties. These payments shall be made only from the Emergency Medical Services Personnel Fund from which the expenses of the EMT-P licensure enforcement program are paid. Notwithstanding any other law, a public officer or employee shall not receive per diem salary compensation for serving on the board on any day when the officer or employee also received compensation for the officer or employee's regular public employment.

(e) Each member of the board shall take an oath of office as provided in the California Constitution and the Government Code.

(f) The appointing authority may remove from office at any time a member of the board for continued neglect of duties required by law, or for incompetence, or unprofessional or dishonorable conduct. This section is not a limitation or restriction on the power of the appointing authority conferred on the appointing authority by any other law to remove a member of the board.

1797.125.03. (a) The board shall select a chairperson from its members.

(b) The board, for the purpose of discharging its duties, shall meet quarterly and shall convene at dates, times, and locations that coordinate with the quarterly meetings of the Commission on Emergency Medical Services required pursuant to Section 1799.8.

(c) Special meetings may be held at times designated by the board. Additional meetings may be held upon call of the chair or at the written request of any two members of the board.

1797.125.05. (a) (1) Notwithstanding any other provision of this division, on and after January 1, 2023, the board may act on appeals of the authority's decision to impose licensure action and regarding the denial of licensure after review of the authority's decision as set forth in subdivision (b) of Section 1798.200.

(2) If a contested decision is heard by an administrative law judge, on and after January 1, 2023, the board shall act within 100 days of receipt of the proposed decision as prescribed in subparagraphs (A) to (E), inclusive, of paragraph (2) of subdivision (c) of Section 11517 of the Government Code. If the board fails to act within 100 days of receipt of the proposed decision, the proposed decision shall be deemed adopted by the board, pursuant to paragraph (2) of subdivision (c) of Section 11517 of the Government Code.

(b) (1) Proceedings against an EMT-P license or licenseholder shall be held in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(2) The Firefighters Procedural Bill of Rights Act (Chapter 9.6 (commencing with Section 3250) of Division 4 of Title 1 of the Government Code) applies to the actions of the board.

(c) Decisions by the board made pursuant to subdivision (a) are not subject to review by the director and are final and binding, subject to any statutory rights of appeal.

1797.125.07. (a) The board shall develop criteria to aid it in making final determinations regarding appeals of licensure actions, for purposes of adoption by the authority pursuant to subdivision (b) of Section 1797.185. When considering appeals of licensure action, the board shall consider the investment made by both the employer and the licenseholder in terms of education to secure the license, training and continuing education to maintain the license, and equipment and appropriate adjuncts to perform the duties of the license.

(b) The board shall develop and implement progressive discipline criteria to aid it in considering appeals of licensure action pursuant to subdivision (a). The criteria 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.
- (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.

1797.125.09. (a) (1) An employer of a paramedic shall report to the director of the authority and the board the suspension or termination for cause of a paramedic in their employ within 72 hours of the event. The required reporting does not waive the confidentiality of medical records. The information reported or disclosed shall be kept confidential as investigative information consistent with subdivision (d) of Section 1798.200. Except as provided in subdivision (c) of Section 1797.117, the information reported shall not be subject to discovery in civil cases.

(2) The authority shall provide to the board information received pursuant to Section 1797.117.

(b) (1) The information submitted pursuant to this section that is not a public record shall be confidential, except that the licenseholder involved, or the licenseholder's counsel or representative, may inspect and have copies made of the licenseholder's information as long as it does not disclose the identity of an information source.

(2) For the purposes of this section, the board may protect an information source by providing a copy of the material with only the deletions necessary to protect the identity of the source or by providing a summary of the substance of the material. The board shall ensure that full disclosure is made to the licenseholder of any personal information that could reasonably reflect or convey anything detrimental, disparaging, or threatening to a licenseholder's reputation, rights, benefits, privileges, or qualifications, or be used by the board to make a determination that would affect a licenseholder's rights, benefits, privileges, or qualifications.

(3) The licenseholder may submit an additional exculpatory or explanatory statement or other information. If a statement or information is submitted, the board shall include it in the investigatory information.

(4) Disclosure of information that is not a public record does not change the confidential status of the information.

(c) Failure of an employer to make a report required by this section is punishable by an administrative fine not to exceed ten thousand dollars (\$10,000) per violation.

(d) For purposes of this section, "suspension or termination for cause" means suspension or termination from employment for any of the following reasons:

(1) Use of controlled substances or alcohol to such an extent that it impairs the ability to safely practice paramedicine.

(2) Unlawful sale of controlled substances or other prescription items.

(3) Patient neglect, physical harm to a patient, or sexual contact with a patient.

(4) Falsification of medical records.

(5) Gross incompetence or negligence.

(6) Theft from patients, other employees, or the employer.

1797.125.11. (a) If the board denies an appeal of an application for licensure, or upholds the authority's decision to deny an application for licensure, based solely or in part on the applicant's conviction history, the board shall notify the applicant in writing of all of the following:

(1) The denial or disqualification of licensure.

(2) The procedure the board has for the applicant to challenge the decision or to request reconsideration.

(3) The processes for the applicant to request a copy of the applicant's complete conviction history and question the accuracy or completeness of the record pursuant to Sections 11122 to 11127, inclusive, of the Penal Code.

(b) For a minimum of three years, the board shall retain application forms and other documents submitted by an applicant, a notice provided to an applicant, all other communications received from and provided to an applicant, and criminal history reports of an applicant.

SEC. 3. Section 1797.172 of the Health and Safety Code is amended to read:

1797.172. (a) The authority shall develop and, after approval by the commission pursuant to Section 1799.50, adopt minimum standards for the training and scope of practice for EMT-Ps.

(b) The approval of the director, in consultation with a committee of local EMS medical directors named by the EMS Medical Directors Association of California, is required prior to implementation of any addition to a local optional scope of practice for EMT-Ps proposed by the medical director of a local EMS agency.

(c) (1) Notwithstanding any other law, the authority shall be the agency solely responsible for licensure and licensure renewal of EMT-Ps who meet the standards and are not precluded from licensure because of any of the reasons listed in subdivision (c) of Section 1798.200. The authority shall require an applicant to provide an individual taxpayer identification number or the social security number in order to establish the identity of the applicant. The information obtained as a result of a state and federal level criminal offender record information search shall be used in accordance with Section 11105 of the Penal Code, and to determine whether the applicant is subject to denial of licensure or licensure renewal pursuant to this division. Submission of fingerprint images to the Department of Justice may not be required for licensure renewal upon determination by the authority that fingerprint images have previously been submitted to the Department of Justice during initial licensure, or a previous licensure renewal, provided that the license has not lapsed and the applicant has resided continuously in the state since the initial licensure.

(2) The individual taxpayer identification or the social security number shall serve to establish the identification of persons affected by state tax laws and for purposes of establishing compliance with subsection (a) of Section 666 of Title 42 of the United States Code, Section 60.15 of Title 45 of the Code of Federal Regulations, Section 17520 of the Family Code, and Section 11105 of the Penal Code, and to that end, the information furnished pursuant to this section shall be used exclusively for those purposes.

(3) If the authority utilizes a national examination to issue a certificate, and if a reciprocity agreement or comity exists between the State of California and the state requesting release of the individual taxpayer identification number or social security number, any deputy, agent, clerk, officer, or employee of the authority may release an individual's taxpayer identification number or social security number to an examination or certifying entity, only for the purpose of verification of certification or examination status.

(4) The authority shall not do either of the following:

(A) Require an applicant to disclose citizenship status or immigration status for purposes of the application or renewal of a certificate.

(B) Deny certification to an applicant based solely on the applicant's citizenship status or immigration status.

(5) On and after January 1, 2023, the Paramedic Disciplinary Review Board shall make the final determination after an appeal of a licensure denial pursuant to Article 2.5 (commencing with Section 1797.125).

(d) The authority shall charge fees for the licensure and licensure renewal of EMT-Ps in an amount sufficient to support the authority's licensure program at a level that ensures the qualifications of the individuals licensed to provide quality care. The basic fee for licensure or licensure renewal of an EMT-P shall not exceed one hundred twenty-five dollars (\$125) until the adoption of regulations that specify a different amount that does not exceed the authority's EMT-P licensure, license renewal, and enforcement programs. The authority shall annually evaluate fees to determine if the fee is sufficient to fund the actual costs of the authority's licensure, licensure renewal, and enforcement programs. If the evaluation shows that the fees are excessive or are insufficient to fund the actual costs of the authority's EMT-P licensure, licensure renewal, and enforcement programs, then the fees shall be adjusted accordingly through the rulemaking process described in the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). Separate additional fees may be charged, at the option of the authority, for services that are not shared by all applicants for licensure and licensure renewal, including, but not limited to, any of the following services:

(1) Initial application for licensure as an EMT-P.

(2) Competency testing, the fee for which shall not exceed thirty dollars (\$30), except that an additional fee may be charged for the cost of any services that provide enhanced availability of the exam for the convenience of the EMT-P, such as on-demand electronic testing.

(3) Fingerprint and criminal record check. The applicant shall, if applicable according to subdivision (c), submit fingerprint images and related information for criminal offender record information searches with the Department of Justice and the Federal Bureau of Investigation.

(4) Out-of-state training equivalency determination.

(5) Verification of continuing education for a lapse in licensure.

(6) Replacement of a lost licensure card. The fees charged for individual services shall be set so that the total fees charged to EMT-Ps shall not exceed the authority's actual total cost for the EMT-P licensure program.

(e) The authority may provide nonconfidential, nonpersonal information relating to EMS programs to interested persons upon request, and may establish and assess fees for the provision of this information. These fees shall not exceed the costs of providing the information.

(f) At the option of the authority, fees may be collected for the authority by an entity that contracts with the authority to provide any of the services associated with the EMT-P program. All fees collected for the authority in a calendar month by any entity designated by the authority pursuant to this section to collect fees for the authority shall be transmitted to the authority for deposit into the Emergency Medical Services Personnel Fund within 30 calendar days following the last day of the calendar month in which the fees were received by the designated entity, unless the contract between the entity and the authority specifies a different timeframe.

(g) To ensure that EMT-Ps licensed in this state are able to assist individuals living with cognitive impairment, the authority shall, as part of EMT-P basic training, include a component within the dementia-specific training hours on how to interact effectively with persons with dementia and their caregivers. In developing this component, the authority may consult with community organizations advocating on behalf of Californians with dementia or Alzheimer's disease.

SEC. 4. Section 1797.185 of the Health and Safety Code is amended to read:

1797.185. (a) The authority shall establish criteria for the statewide recognition of the licensure of EMT-P personnel in the basic scope of practice of those personnel. The criteria shall include all of the following:

(1) Standards for training, testing, and licensure. The standards may include designation by the authority of the specific examinations required for licensure, including, at the option of the authority, an examination provided by the authority. At the option of the authority, the standards may include a requirement for registration of prehospital emergency care personnel with the authority or other entity designated by the authority.

(2) Conditions for local accreditation of licensed EMT-P personnel that are reasonable in order to maintain medical control and the integrity of the local EMS system, as determined by the authority and approved by the commission.

(3) Provisions for local accreditation in approved optional scope of practice, if any, as allowed by applicable state regulations and statutes.

(4) Provisions for the establishment and collection of fees by the appropriate agency, which may be the authority or an entity designated by the authority to collect fees for the authority, for testing, licensure, accreditation, and registration with the appropriate state or local agency in the appropriate scope of practice. All fees collected for the authority in a calendar month by any entity designated by the authority pursuant to this section to collect fees for the authority shall be transmitted to the authority for deposit into the Emergency Medical Services Personnel Fund within 30 calendar days following the last day of the calendar month in which the fees were received by the designated entity.

(b) The Paramedic Disciplinary Review Board shall review and revise the criteria for the revocation or suspension of an EMT-P license, the probation of EMT-P personnel, and the appeal of a licensure decision by the authority to the board, so that it is consistent with Section 1797.125.07. The authority shall adopt that criteria, along with the criteria developed pursuant to Section 1797.125.07, pursuant to Section 1797.107.

(c) All future regulations for EMT-P personnel adopted by the authority shall, if relevant, include provisions for statewide recognition of licensure or authorization for the scope of practice of those personnel.

SEC. 5. Section 1797.194 of the Health and Safety Code is amended to read:

1797.194. The purpose of this section is to provide for the state licensure of EMT-P personnel. Notwithstanding any provision of law, including, but not limited to, Sections 1797.208 and 1797.214, all of the following applies to EMT-P personnel:

(a) Any reference to EMT-P certification pursuant to this division shall be equivalent to EMT-P licensure pursuant to this division, including a provision in this division relating to the assessment of fees.

(b) The statewide examination designated by the authority for licensure of EMT-P personnel and the licensure issued by the authority shall be the single sufficient examination and licensure required for practice as an EMT-P.

(c) EMT-P licenses shall be renewed every two years upon submission to the authority of proof of satisfactory completion of continuing education or other educational requirements established by regulations of the authority, upon approval by the commission. If the evaluation and recommendations of the authority required pursuant to Section 8 of Chapter 997 of the Statutes of 1993, so concludes, the renewal of EMT-P licenses shall, in addition to continuing education requirements, be contingent upon reexamination at 10-year intervals to ensure competency.

(d) An EMT-P licensee may be disciplined by the authority for violations of this division. The proceedings under this subdivision shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the authority shall have all the powers granted therein for this purpose. On and after January 1, 2023, the

Paramedic Disciplinary Review Board may act on appeals of licensure discipline and denial, pursuant to Article 2.5 (commencing with Section 1797.125).

(e) This section does not extend the scope of practice of an EMT-P beyond prehospital settings, as defined by regulations of the authority.

(f) This section does not alter or interfere with the local EMS agency's ability to locally accredit licensed EMT-Ps.

(g) This section does not hinder the ability of the medical director of the local EMS agency to maintain medical control within the local EMS system in accordance with this division, including, but not limited to, Chapter 5 (commencing with Section 1798).

SEC. 6. Section 1798.200 of the Health and Safety Code is amended to read:

1798.200. (a) (1) (A) Except as provided in paragraph (2), an employer of an EMT-I or EMT-II may conduct investigations, as necessary, and take disciplinary action against an EMT-I or EMT-II who is employed by that employer for conduct in violation of subdivision (c). The employer shall notify the medical director of the local EMS agency that has jurisdiction in the county in which the alleged violation occurred within three days when an allegation has been validated as a potential violation of subdivision (c).

(B) Each employer of an EMT-I or EMT-II employee shall notify the medical director of the local EMS agency that has jurisdiction in the county in which a violation related to subdivision (c) occurred within three days after the EMT-I or EMT-II is terminated or suspended for a disciplinary cause, the EMT-I or EMT-II resigns following notification of an impending investigation based upon evidence that would indicate the existence of a disciplinary cause, or the EMT-I or EMT-II is removed from EMT-related duties for a disciplinary cause after the completion of the employer's investigation.

(C) At the conclusion of an investigation, the employer of an EMT-I or EMT-II may develop and implement, in accordance with the guidelines for disciplinary orders, temporary suspensions, and conditions of probation adopted pursuant to Section 1797.184, a disciplinary plan for the EMT-I or EMT-II. Upon adoption of the disciplinary plan, the employer shall submit that plan to the local EMS agency within three working days. The employer's disciplinary plan may include a recommendation that the medical director of the local EMS agency consider taking action against the holder's certificate pursuant to paragraph (3).

(2) If an EMT-I or EMT-II is not employed by an ambulance service licensed by the Department of the California Highway Patrol or a public safety agency or if that ambulance service or public safety agency chooses not to conduct an investigation pursuant to paragraph (1) for conduct in violation of subdivision (c), the medical director of a local EMS agency shall conduct the investigations, and, upon a determination of disciplinary cause, take disciplinary action as necessary against the EMT-I or EMT-II. At the conclusion of these investigations, the medical director shall develop and implement, in accordance with the recommended guidelines for disciplinary orders, temporary orders, and conditions of probation adopted pursuant to Section 1797.184, a disciplinary plan for the EMT-I or EMT-II. The medical director's disciplinary plan may include action against the holder's certificate pursuant to paragraph (3).

(3) The medical director of the local EMS agency may, upon a determination of disciplinary cause and in accordance with regulations for disciplinary processes adopted pursuant to Section 1797.184, deny, suspend, or revoke any EMT-I or EMT-II certificate issued under this division, or may place any EMT-I or EMT-II certificate holder on probation, upon the finding by that medical director of the occurrence of any of the actions listed in subdivision (c) and the occurrence of one of the following:

(A) The EMT-I or EMT-II employer, after conducting an investigation, failed to impose discipline for the conduct under investigation, or the medical director makes a determination that the discipline imposed was not according to the guidelines for disciplinary orders and conditions of probation and the conduct of the EMT-I or EMT-II certificate holder constitutes grounds for disciplinary action against the certificate.

(B) Either the employer of an EMT-I or EMT-II further determines, after an investigation conducted under paragraph (1), or the medical director determines after an investigation conducted under paragraph (2), that the conduct requires disciplinary action against the certificate.

(4) The medical director of the local EMS agency, after consultation with the employer of an EMT-I or EMT-II, may temporarily suspend, prior to a hearing, any EMT-I or EMT-II certificate or both EMT-I and EMT-II certificates upon a determination that both of the following conditions have been met:

(A) The certificate holder has engaged in acts or omissions that constitute grounds for revocation of the EMT-I or EMT-II certificate.

(B) Permitting the certificate holder to continue to engage in the certified activity without restriction would pose an imminent threat to the public health or safety.

(5) If the medical director of the local EMS agency temporarily suspends a certificate, the local EMS agency shall notify the certificate holder that their EMT-I or EMT-II certificate is suspended and shall identify the reasons therefor. Within three working days of the initiation of the suspension by the local EMS agency, the agency and employer shall jointly investigate the allegation in order for the agency to make a determination of the continuation of the temporary suspension. All investigatory information not otherwise protected by law held by the agency and employer shall be shared between the parties via facsimile transmission or overnight mail relative to the decision to temporarily suspend. The local EMS agency shall decide, within 15 calendar days, whether to serve the certificate holder with an accusation pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. If the certificate holder files a notice of defense, the hearing shall be held within 30 days of the local EMS agency's receipt of the notice of defense. The temporary suspension order shall be deemed vacated if the local EMS agency fails to make a final determination on the merits within 15 days after the administrative law judge renders the proposed decision.

(6) The medical director of the local EMS agency shall refer, for investigation and discipline, any complaint received on an EMT-I or EMT-II to the relevant employer within three days of receipt of the complaint, pursuant to subparagraph (A) of paragraph (1) of subdivision (a).

(b) (1) The authority may deny, suspend, or revoke an EMT-P license issued under this division, or may place an EMT-P license issued under this division, or may place an EMT-P licenseholder on probation upon the finding by the director of the occurrence of any of the actions listed in subdivision (c). Proceedings against an EMT-P license or licenseholder shall be held in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(2) On and after January 1, 2023, the Paramedic Discipline Review Board shall act on appeals of the authority's final decision to place a licenseholder on probation, suspend or revoke an EMT-P license, and consider appeals regarding denial of licensure, pursuant to Article 2.5 (commencing with Section 1797.125) of Chapter 3 of this division.

(c) Any of the following actions shall be considered evidence of a threat to the public health and safety and may result in the denial, suspension, or revocation of a certificate or license issued under this division, or in the placement on probation of a certificate holder or licenseholder under this division:

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

(2) Gross negligence.

(3) Repeated negligent acts.

(4) Incompetence.

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

(6) Conviction of any crime which is substantially related to the qualifications, functions, and duties of prehospital personnel. The record of conviction or a certified copy of the record shall be conclusive evidence of the conviction.

(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.

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

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

(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.

(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.

(12) Unprofessional conduct exhibited by any of the following:

(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 their duties would use if confronted with a similar circumstance. Nothing in this section shall be deemed to prohibit an EMT-I, EMT-II, or EMT-P from assisting a peace officer, or a peace officer who is acting in the dual capacity of peace officer and EMT-I, EMT-II, or EMT-P, from using that force that is reasonably necessary to effect a lawful arrest or detention.

(B) 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.

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

(d) The information shared among EMT-I, EMT-II, and EMT-P employers, medical directors of local EMS agencies, the authority, and EMT-I and EMT-II certifying entities shall be deemed to be an investigative communication that is exempt from public disclosure as a public record pursuant to subdivision (f) of Section 6254 of the Government Code. A formal disciplinary action against an EMT-I, EMT-II, or EMT-P shall be considered a public record available to the public, unless otherwise protected from disclosure pursuant to state or federal law.

(e) For purposes of this section, "disciplinary cause" means an act that is substantially related to the qualifications, functions, and duties of an EMT-I, EMT-II, or EMT-P and is evidence of a threat to the public health and safety described in subdivision (c).

SEC. 7. Section 1798.204 of the Health and Safety Code is repealed.

SEC. 8. Section 1798.210 of the Health and Safety Code is amended to read:

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.

(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.

(c) In assessing the fine, the board shall give due consideration to the appropriateness of the amount of the fine with respect to factors that include the gravity of the violation, the good faith of the paramedic, the history of previous violations, any discipline imposed by the paramedic's employer for the same occurrence of that conduct, as reported pursuant to Section 1799.112, and the totality of the discipline to be imposed. The imposition of the fine shall be subject to the administrative adjudication provisions set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(d) If a paramedic does not pay the administrative fine imposed by the board and chooses not to renew their license, the board may enforce the order for repayment in any appropriate court. This right of enforcement shall be in addition to any other rights the board may have to require a paramedic to pay costs.

(e) In any action for collection of an administrative fine, proof of the board's decision shall be conclusive proof of the validity of the order of payment and the terms for payment.

(f) (1) Except as provided in paragraph (2), the authority shall not license or renew the license of any paramedic who has failed to pay an administrative fine ordered under this section.

(2) The authority may, in its discretion, conditionally license or renew for a maximum of one year the license of any paramedic who demonstrates financial hardship and who enters into a formal agreement with the board to reimburse the board within that one-year period for the unpaid fine.

(g) All funds recovered under this section shall be deposited into the state General Fund.

(h) This section does not preclude the board from imposing an administrative fine in a stipulated settlement.

(i) For purposes of this section, "licensed paramedic" includes a paramedic whose license has lapsed or has been surrendered.

SEC. 9. Section 1798.211 of the Health and Safety Code is amended to read:

1798.211. When making a decision regarding a disciplinary action pursuant to Section 1798.200 or Section 1798.210, the authority, the board, and, if applicable, the administrative law judge, shall give credit for the time during which the licensee was subject to disciplinary action imposed by the employer and for the time during which the licensee was under immediate suspension imposed by the local EMS agency for the same conduct.

SEC. 10. The Legislature finds and declares that Section 2 of this act, which adds Section 1797.125.09 to the Health and Safety Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the

Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

Paramedics serve a critical role in the state's emergency response network. The public safety is best protected when appropriate and consistent disciplinary standards are applied. When accusations have been made against a paramedic, the individual must be given the investigatory and due process protection that is offered to other licensed and certified professionals, such as physicians, nurses, and other health care providers. The public has certification, licensure, disciplinary, and other information readily available with the implementation of the EMT-P registry as created by Section 1797.117 of the Health and Safety Code.