



BASE HOSPITALS/FACILITIES/TRAINING PROGRAMS/EMT-P SERVICE PROVIDERS: REVIEW PROCESS FOR SUSPENSION/ REVOCATION OF APPROVAL/DESIGNATION

#645.00

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I. AUTHORITY:

Health and Safety Code (HS) 1797.220. The local EMS Agency, using state minimum standards, shall establish policies and procedures approved by the medical director of the local EMS agency to assure medical control of the EMS system.

Title 22 (T-22), Section 100161. "In administering advanced life support, a local EMS Agency may designate or contract with hospitals within its area of jurisdiction to be base hospitals."

HS 1797.173. "The authority shall assure that all training programs for EMT-I, EMT-II, and EMT-P are located in an approved licensed hospital or an educational institution operated with written agreements with an acute care hospital, including a public safety agency that has been approved by the local emergency medical services agency to provide training."

T-22: Section 100245... "Receiving Hospital" means a licensed general acute care hospital with a special permit for basic or comprehensive emergency service, which has not been designated as a trauma center but which has been formally assigned a role in the trauma care system by the local EMS agency.

II. APPLICATION:

This policy defines the review process for the revocation or suspension of an Orange County Emergency Medical Services (OCEMS) approved/designated base hospital, facility, training program and EMT-P service provider.

III. DEFINITIONS:

"Base Hospital" means an OCEMS designated hospital which, by contractual agreement with the OCEMS provides the medical direction to advanced life support (ALS) personnel and to the prehospital care system in a region specified by the OCEMS.

"EMT-P Service Provider" means a city or county service approved by the OCEMS to provide prehospital ALS for that city or county fire district.

"Facility" means an acute care hospital licensed under the State Law with a permit for basic or comprehensive emergency service designated by the OCEMS to perform specified services.

"Facility Application" means a proposal submitted by the facility's administrator to the OCEMS Agency in response to an OCEMS Request For Proposal for specified services.

"Investigative Review Panel" or **"IRP"** means an impartial body, the members of which are knowledgeable in the provision of prehospital emergency medical care and the OCEMS System policies and procedures, which is convened to review allegations against an OCEMS approved/designated **Program**, to establish the facts of the matter, and to recommend appropriate action to the OCEMS Medical Director.

"Medical Director" means the Board of Supervisors appointed Medical Director responsible for the medical control and direction of the OCEMS System.

ITALICIZED TEXT IDENTIFIES QUOTATIONS FROM AN AUTHORITY OUTSIDE THE OCEMS.

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"Neurosurgical Receiving Center" means a hospital which is designated as part of the trauma care system by the OCEMS to perform specified neurosurgical care system functions.

"Paramedic Receiving Center Hospital" means a hospital which is designated by the OCEMS to perform specified emergency medical services system functions and to receive paramedic transported patients.

"Survey" means an OCEMS survey of a facility's application and/or services to assess the extent of a hospital's compliance with applicable OCEMS policies and procedures.

"Training Program" means a training program approved by the OCEMS to provide training to prehospital personnel.

"Trauma Center" means a hospital which is designated as part of the trauma care system by the OCEMS to perform specified trauma care functions.

IV. GENERAL:

A. Notice

Any notice required by these suspension/revocation procedures to be given to a facility/base hospital/training program/EMT-P service provider (henceforth referred to as **Program**) shall be addressed to the **Program** at its post office address as shown in the OCEMS records and shall be sent by U.S. certified mail, return receipt requested, with postage prepaid. Any notice required to be given to the OCEMS shall be sent by the Program in the same manner and shall be addressed to OCEMS, 405 W. Fifth, Suite 301A, Santa Ana, CA 92701.

B. Application for Approval/Designation

A **Program** that has its approval/designation revoked may apply for approval/designation after six months following OCEMS notification of the revocation.

V. INVESTIGATION:

A. Evaluation of Information

1. Any information received from a credible source including discovery through medical audit or routine follow-up of complaints of an action by the holder of, or applicant for an OCEMS approved/designated **Program** which, if found to be true, would be evidence of an infraction and not in adherence to applicable State and local laws and regulations and OCEMS policies and procedures and/or a threat to the public health and safety, shall be evaluated by the OCEMS Medical Director.
2. Before any formal investigation is undertaken, the Medical Director shall evaluate the information relative to the potential threat to the public health and safety and determine if immediate suspension and/or formal investigation appears to be warranted.

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B. Immediate Suspension

The Medical Director may immediately suspend an OCEMS designated/approved **Program** if, in the expert opinion of the Medical Director, immediate suspension is necessary to ensure the public health and safety.

C. Notification of Formal Investigation

1. The **Program** to be formally investigated shall be notified by the OCEMS, in writing, of the investigation and shall be allowed to submit pertinent information in writing to the Medical Director reviewing the allegations.
2. The written notice to the **Program** director shall include:
 - a. a statement of the allegations against the **Program**;
 - b. a statement which explains that the allegations, if found to be true, are an infraction and non-compliant with applicable State and local laws and regulations and OCEMS policy and procedure and/or constitute a threat to the public health and safety and are cause for the Medical Director to take action to suspend or revoke approval/designation;
 - c. an explanation of the possible actions which may be taken if the allegations are found to be true;
 - d. a request for a written response to the allegations from the **Program**;
 - e. a statement that the **Program** may submit in writing any information which is felt to be pertinent to the investigation, including statements from other individuals; and
 - f. the date by which the information must be submitted.
3. The notification of the formal investigation of this section may be combined with the notification of action required by this Policy if the **Program's** approval/designation is being immediately suspended pursuant to Section V-B of this Policy.

D. Use of an Investigative Review Panel (IRP)

1. If, after an initial investigation, the Medical Director determines, in his/her expert opinion, that the infraction or performance deficiency may require the suspension, revocation, denial, or denial of renewal of approval/designation, the Medical Director may convene an IRP to assist in establishing the facts of the matter and to report its findings to the Medical Director. The IRP shall consist of at least three (3) persons knowledgeable in the provision of prehospital emergency medical care and OCEMS System policies and procedures. One (1) member of the IRP shall be mutually agreed upon by the **Program** and the Medical Director if the **Program** so requests. If there is no mutual agreement, the member shall be selected from the Emergency Medical Care Committee or its advisory subcommittee membership. The IRP shall not include the Medical Director, any staff of the OCEMS, or anyone who submitted allegations against the **Program** or was directly involved in the investigation.

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2. After selection of the IRP, the **Program** shall be notified in writing of the purpose of the IRP, its membership and the **Program's** right to approve one member, the date and time when it will convene and the **Program's** right to designate another person to represent him/her before the IRP. Any subsequent change in that time or date shall be mutually agreed upon by the **Program** and the Medical Director.

E. Determination of Appropriate Action by Medical Director

1. The Medical Director shall determine what action relative to the **Program** approval/designation, if any, shall be taken as a result of the findings of the investigation.
2. The nature of any negative action taken shall be proportionate to and related to the risk to the public health and safety caused by the action(s) of the holder of OCEMS approval/designation.

F. Notification of Action

1. The Medical Director shall notify the **Program** of the prescribed action after making the determination of what that action shall be.
2. The notification shall be in writing and shall include the following information:
 - a. the specific allegations which resulted in the investigation;
 - b. a summary of the findings of the investigation, including the findings and recommendations of the IRP, if one was convened;
 - c. the action(s) to be taken, if any, and the effective date(s) of the action(s), including the duration of the action(s).

VI. APPEAL AND HEARING PROCESS:

A. Notice of Right to a Hearing

The OCEMS shall send the **Program** written notice of the **Program's** right to a hearing if approval/designation is revoked or suspended, and the time within which the **Program** must request a hearing in writing.

B. Notice of Time and Place of a Hearing

Any hearing to which the **Program** is entitled shall be held at a location determined by the OCEMS Medical Director. The hearing, unless postponed, shall be held within 45 days after receipt by the OCEMS of the **Program's** written request for a hearing. At least 20 days before a hearing, OCEMS shall send the **Program** written notice of the time and place of the hearing and copies of any supplemental materials or information received that the **Program** does not already have and which may affect any approval/designation decision. The notice of the hearing shall advise the **Program** of the procedure to be followed at the hearing and the identity and professional qualifications of the Appeals Hearing Panel members appointed

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by the Orange County Board of Supervisors. The Appeals Hearing Panel shall include three or more members who actively participate in the OCEMS System.

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C. Postponement of a Hearing

The Medical Director may postpone the hearing date. A **Program's** request for postponement must be received by the OCEMS in writing no later than 20 days after OCEMS receives a request for a hearing from the **Program**.

D. Procedure with Respect to a Hearing

The **Program** may be represented by legal counsel, may make oral and written presentations, and may offer testimony at any hearing before an Appeals Hearing Panel. No presentations or testimony concerning actions taken by the **Program** subsequent to the decision of the Medical Director to revoke or suspend approval/designation shall be considered.

E. Adjournment of a Hearing

After a hearing has commenced, an Appeals Hearing Panel may suspend consideration for the purpose of receiving additional information relating to actions taken by the **Program** prior to the decision of the Medical Director and may adjourn the hearing to another time or place.

F. Report of Appeals Hearing Panel

After a hearing has been completed, the Appeals Hearing Panel, within 15 working days, shall submit a written report to the Medical Director. The report shall include: The Panel's findings and any documentation, material, or information considered by the Appeals Hearing Panel.

The report shall include a decision to recommend:

1. Suspending approval/designation of the **Program** for a period of time not to exceed six months or
2. Revoking approval/designation of the **Program** or
3. Taking no disciplinary action.

G. Notice of Decision

The OCEMS Medical Director within 30 days of receipt of the report shall send the **Program** written notice of the decision of the Appeals Hearing Panel and a copy of the panel's report.

H. Appeal to the Medical Director

- a. Within twenty (20) days after a subject receives notice of the decision of the Appeals Hearing Panel it may request, in writing, the Medical Director to review the decision.
- b. Upon receipt of a request for review of the decision of an Appeals Hearing Panel, the Medical Director shall review all the evidence submitted at the hearing on the appeal. No new evidence may be considered by the Medical Director in this review. The

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Medical Director may narrow consideration to only certain issues if so requested by the **Program**.

- c. Within thirty (30) days after receipt of the request from the **Program** for review by the Medical Director, he shall issue a decision which shall be final. The Medical Director may:
1. Suspend the **Program's** approval/designation for a period of time not to exceed six months, or
 2. Revoke the **Program's** approval/designation, or
 3. Take no action.

On appeal to the Medical Director, the Medical Director need not be bound by any decision of the Appeals Hearing Panel and may, therefore, impose new actions, irrespective of a determination by the Appeals Hearing Panel, more favorable to the **Program**.

VII. CONFIDENTIALITY:

Except as required by law, all information obtained by the OCEMS in the investigation process are treated as confidential matters between OCEMS and the **Program**.

This restriction does not prevent the OCEMS from publishing aggregate statistical data obtained from designation surveys, non specific to a program and/or patient.

Evidence Code 1157.7 may apply to the approval/designation revocation/suspension and appeals process.

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