



# County of Santa Clara Emergency Medical Services System

*Policy #200:  
Eligibility for Prehospital Certificates & Credentials*

## ELIGIBILITY FOR PREHOSPITAL CERTIFICATES & CREDENTIALS

**Effective Date:** July 1, 2010  
**Replaces:** October 1, 2008

### Resources

None

### I. Purpose

To establish standardized criteria for determining eligibility for issuance of prehospital emergency medical care certificates and credentials by the agency; and the parameters for denial, restriction (at time of issuance) and revocation of prehospital emergency medical care certificates or credentials, that is consistent with applicable State statute, County Ordinance, or other applicable regulations.

### II. Eligibility

- A. The following shall be evaluated to determine an applicant's eligibility:
  - 1. Satisfactory completion of all requirements for the issuance of the certificates or credentials being applied for, as described in the Santa Clara County Prehospital Care Policy Manual and Title 22, Division 9, California Code of Regulations.
  - 2. Preclusions from being issued a prehospital care certificate, as listed in Title 13, California Code of Regulations and Division 2.5, California Health & Safety Code.

### III. Denial

- A. The Agency may revoke, deny issuance, or issue a restricted prehospital emergency medical care certificate or credential upon discovering that the applicant has committed any of the following actions:

1. Fraud in the procurement of any prehospital care certificate
2. Gross negligence
3. Repeated negligent acts
4. Incompetence as a prehospital care provider
5. Any fraudulent, dishonest, or corrupt act which is substantially related to the qualifications, functions, and duties of prehospital care personnel; including, but not limited to an act of moral turpitude, including fraud or intentional dishonesty for personnel gain, within the preceding seven (7) years.
6. Conviction of a crime that is substantively related to the qualifications, functions, and duties of prehospital care personnel.
7. Violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision of the regulations promulgated by the California Emergency Medical Services Authority pertaining to prehospital care personnel.
8. Violating or attempting to violate any federal or state statute or regulation which 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 prehospital care system, except as authorized by any other license or certification.

11. Demonstration of irrational behavior or occurrence of 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 his or hers duties would use if confronted with a similar circumstance.
  - b. The failure to maintain confidentiality of patient medical information, except as disclosure is otherwise permitted or required by law.
  - c. The commission of any sexually related offense specified under Section 290 of the Penal Code.

#### **IV. Application Review**

- A. All appropriate prehospital care certificate applications will be reviewed by the Agency. All applications that indicate, or are discovered to have, circumstances, which may preclude issuance of a prehospital care certificate, will have an additional review, which may include:
  1. A documentation review
  2. An interview with Agency staff
  3. An interview with the EMS Medical Director
- B. A prehospital care certificate may be placed of probation, denied, or revoked according to the following guidelines:

1. Applicant has committed any sexually related offense specified under Section 290 of the Penal Code.
2. Applicant has been convicted of murder, attempted murder, or murder for hire.
3. Applicant has been convicted of two or more felonies.
4. Applicant is on parole or probation for any felonies.
5. Applicant has been convicted and released from incarceration for said offense during the preceding fifteen years for the crime of manslaughter or involuntary manslaughter.
6. Applicant has been convicted and released from incarceration for said offense during the preceding ten years for any offense punishable as a felony.
7. Applicant has been convicted of two misdemeanors within the preceding five years for any offense relating to the use, sale, possession, or transportation of narcotics or addictive or dangerous drugs.
8. Applicant has been convicted of two misdemeanors within the preceding five years for any offense relating to force, violence, threat, or intimidation.
9. Applicant has been convicted within the preceding five years of any theft related misdemeanor.
10. Applicant has committed any act involving fraud or intentional dishonesty for personal gain within the preceding seven years.
11. Applicant is required to register pursuant to Section 11590 of the Health and Safety Code.
12. Equivalent convictions from other states shall apply to the type of offenses listed in (1) through (11).

13. As used in Section B, “felony” or “offense punishable as a felony” refers to an offense for which the law prescribes imprisonment in the state prison as either an alternative or the sole penalty, regardless of the sentence the applicant received.

- C. Certification actions by the EMS Medical Director are valid statewide and honored by all certifying entities for a period of twelve (12) months.
1. An EMT whose application was denied or revoked by the EMS Medical Director shall not be eligible for EMT application by another certifying entity for a period of at least twelve (12) months for the effective date of the certification action.
  2. EMT's whose certification is placed on probation must complete their probationary requirements with the local EMS Agency that imposed the probation.

## **V. Right of Appeal**

An applicant who has had their application denied or revoked shall have the right to appeal the action, as set forth in Santa Clara County Prehospital Policy 106 (Personnel Investigation and Discipline)