



Arizona Department of Health Services
Bureau of Emergency Medical Services & Trauma System
Standard Operating Instructions

EMS-0012

Disciplinary Guidelines

Original Issue Date: 06-20-05

Modification Date: 05-04-07

Purpose:

The intent of this disciplinary guideline is to provide the public and certificate holders with insight into how the Arizona Bureau of Emergency Medical Services and Trauma System, (Bureau) determines whether there will be discipline and what the discipline will be. The Bureau has adopted these guidelines as an explanation of Bureau actions and overview of complaint categories.

Procedure:

1. When the Bureau finds that a certificate holder committed an act of unprofessional conduct the Bureau will then decide if the conduct rises to the level of discipline or merits non-disciplinary action. Once the Bureau makes this determination, it will apply the guidelines contained in this operating instruction and consider the aggravating and mitigating factors and the nature of the complaint. Because of factual circumstances, greater or lesser discipline than that listed in the guidelines may be imposed in a particular case. Cases involving the same issue or conduct may not result in the same discipline because of aggravating and mitigating factors and factual differences in the cases.
2. For the purpose of this operating instruction, aggravating factors may be taken into consideration when determining the degree of discipline or action, the Bureau may consider certain factors including, but not limited to, the following:
 - Prior disciplinary offenses
 - Dishonest or selfish motive
 - Pattern of misconduct
 - Multiple offenses
 - Bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the Medical Director or Bureau.
 - Submission of false evidence, false statements or other deceptive practices during the investigative or disciplinary process.
 - Refusal to acknowledge wrongful nature of conduct
 - Vulnerability of the victim
3. Bureau enforcement staff shall consult with a medical consultant experienced in the field of addiction medicine to conduct an investigative interview. The medical consultant shall determine the best level of probation for recommendation to the Medical Director which would protect the public safety and remediate and educate a Certificate Holder or Applicant who is under investigation for an alcohol or drug issue. The medical consultant may deviate from the disciplinary guideline matrix when evidence indicates that a higher or lower level of probation would best protect the public or remediate and educate a Certificate Holder or Applicant.



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4. For the purpose of this operating instruction, mitigating factors may be taken into consideration when determining the degree of discipline, the Bureau may consider certain factors including, but not limited to, the following:
 - Absence of prior disciplinary record
 - Absence of dishonest or selfish motive
 - Timely good faith effort to rectify consequences of misconduct
 - Interim rehabilitation
 - Remoteness of prior offenses
 - How much control the certificate holder has of processes in a specific setting
5. For the purpose of this operating instruction, unprofessional conduct is an act or omission made by an Emergency Medical Technician that is contrary to the recognized standards or ethics of the EMT profession or that may constitute a danger to the health, welfare, or safety of a patient or the public.
6. For the purpose of this disciplinary guideline, there are four levels of probation that are designed to determine an appropriate degree of discipline or action the Medical Director or Bureau Chief may consider.
 - A. **Unsupervised Probation:** This level of probation requires the certificate holder not violate any further provisions regulating E.M.T. conduct, or violate any state statute or rule for a period to be set by the Medical Director.
 - B. **Remedial / Rehabilitation Probation:** This level of probation requires the certificate holder not violate any further provisions regulating E.M.T. conduct, or violate any state statute or rule, and obtain remedial training, or complete a course of alcohol or drug education, or attend counseling, or treatment as ordered by the Medical Director.
 - C. **Monitored Probation:** This level of probation requires the certificate holder not violate any of the provisions regulating E.M.T. conduct, or violate any state statute or rule for a period of not less than 12 months and provide no less than 10 negative random drug & alcohol urine screens as coordinated by Bureau probation staff. This probation level may include education, intervention, therapeutic treatment and post treatment monitoring and support.
 - D. **Intensive Probation:** This level of probation requires the certificate holder not violate any of the provisions regulating E.M.T. conduct, or violate any state statute or rule for a period of not less than 12 months and provide no less than 24 negative random drug & alcohol urine screens as coordinated by Bureau probation staff, and may include education, intervention, therapeutic treatment and post treatment monitoring and support.



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7. When the Staff Investigational Review Committee has determined that the report is complete the committee shall use the disciplinary guideline matrix to determine an appropriate recommendation to the Medical Director for a resolution to the case.
8. For the purpose of this disciplinary guideline, there are three levels of non-disciplinary dismissals that are designed to determine an appropriate resolution the Medical Director may consider.
 - a. **Non-Disciplinary Dismissal:** due to insufficient evidence to support disciplinary action.
 - b. **Non-Disciplinary Dismissal:** when the violation is a minor or technical violation that is not of sufficient merit to warrant disciplinary action.
 - c. **Non-Disciplinary Dismissal:** when the certificate holder has demonstrated substantial compliance through rehabilitation or remediation that has mitigated the need for disciplinary action.
9. Attached to this operating instruction, the reader will find a disciplinary guideline matrix with columns associated to one-time occurrences and repetitive, egregious, or non-remediable violations. This section defines the categories.
 - a. A one-time occurrence may result in a Decree of Censure, Probation, or Monitored Probation with a provision for remedial training if the EMT appears to be otherwise competent and there are no aggravating factors.
 - b. Repetitive, egregious, or non-remediable violations may result in a Decree of Censure with Probation. Violations that are not, or are unlikely to be remediated, may result in Suspension or Revocation.
10. When considering the actions of an EMT, there could be instances that relate to technical, system, or cognitive errors. This section defines the categories when determining an appropriate resolution to the case.

Technical Errors

- A. When there has been a technical error, the Bureau may consider the following factors:
 1. Whether the procedure was otherwise performed within the standard of practice.
 2. Whether the complication that occurred is a complication that is documented to occur when the procedure is otherwise competently performed.
 3. Whether the complication was recognized in a timely fashion and then treated appropriately.



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Technical Errors Continued

- i. A one-time technical error that answers the above questions in the affirmative may be resolved by a non-disciplinary dismissal as defined in 7b of this operating instruction.
- ii. A one-time technical error that does not answer the above questions in the affirmative may result in a Decree of Censure.
- iii. Repetitive or egregious technical errors may result in a Decree of Censure, Probation, Suspension or Revocation or any combination, depending on severity, frequency, the potential for remediation and other aggravating circumstances.

System Errors

- B. A one-time occurrence that is isolated and is not egregious may not typically rise to the level of discipline and may be resolved by a non-disciplinary dismissal as defined in 7b of this operating instruction.
- C. Repetitive or egregious offenses may result in Probation with remediation measures and may also result in a Decree of Censure, Suspension, Revocation or any combination, depending on severity, frequency.

Cognitive Issues

- D. A one-time occurrence may be non-disciplinary dismissed as stated in 7b or 7c of this operating instruction or warrant Probation with a provision for remedial training if the EMT is otherwise competent and there are no aggravating factors.
 - E. Repetitive or egregious offenses may result in a Decree of Censure with Remedial Training Probation. Violations that are not, or are unlikely to be remediated, may result in Suspension or Revocation.
11. In an effort to establish an appropriate resolution to incidents that involve drug or alcohol impairment convictions. This section provides a matrix to assist in determining an appropriate level of probation based on multiple factors. It is the goal of the Bureau to assure that an EMT who is impaired by alcohol or drug abuse receives treatment and rehabilitation. This matrix provides a method for arriving at an appropriate course of action that may include education, intervention, therapeutic treatment, post treatment monitoring and support for the EMT.



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12. The Medical Director may take into account as a mitigating factor if a certificate holder, or applicant has completed a course of alcohol or drug education, or completed in-patient or out-patient evaluation, counseling, treatment, or any court penalties, or employer disciplinary action occurring prior to the resolution of a case.

| B.A.C. READING | ONE-TIME OCCURRENCE | REPETITIVE / EGREGIOUS NON-REMIABLE OFFENSES |
|-----------------------|---|--|
| 0.01 to 0.09 | May result in either, a non-disciplinary dismissal, or a Decree of Censure, or unsupervised probation, or any combination, depending on the severity. | May result in either, a Decree of Censure, or Revocation, or Suspension for no more than 15 days, or rehabilitative probation, or any combination, depending on the severity. |
| 0.10 to 0.15 | May result in either, a non-disciplinary dismissal, or a Decree of Censure, or rehabilitative probation, or any combination, depending on the severity. | May result in either, a Decree of Censure, or Revocation, or Suspension for no more than 30 days, or monitored probation, or any combination, depending on the severity. |
| 0.16 to 0.20 | May result in either a non-disciplinary dismissal, or a Decree of Censure, or rehabilitative probation, or any combination, depending on the severity. | May result in either, a Decree of Censure, or Revocation, or Suspension for no more than 60 days, or monitored probation, or any combination, depending on the severity. |
| 0.21 to 0.40+ | May result in either a non-disciplinary dismissal, or a Decree of Censure, or monitored probation, or any combination, depending on the severity. | May result in either, a Decree of Censure, or Revocation, or Suspension for no more than 60 days, or intensive probation with inpatient evaluation and treatment, or any combination, depending on the severity. |
| Drugs | May result in either a non-disciplinary dismissal, or a Decree of Censure, or monitored probation, or any combination, depending on the severity. | May result in either, a Decree of Censure, or Revocation, or Suspension for no more than 60 days, or intensive probation with inpatient evaluation and treatment, or any combination, depending on the severity. |

13. Effective November 05, 2005, the Bureau shall only place disciplinary actions on the Bureau web page. Probationary orders issued for actions such as alcohol or drug convictions that are investigated by the enforcement section pursuant to AAC R9-25-403, and R9-25-411(A)(12), shall be maintained on an internal list in the enforcement managers office for review by the public or EMS community upon request in the Phoenix Office during normal business hours.



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14. In instances whereby EMT Certificate Holders allow their certification to expire for greater than 30 calendar days, the Bureau shall open an unprofessional conduct investigation to determine if the EMT was acting as an EMT at any level without current Arizona certification or re-certification as prescribed in R9-25-401(A).
- a. Acting as an EMT at any level without current Arizona certification or re-certification will be considered an act of unprofessional conduct as defined in R9-25-411(A).
 - b. If a violation can be substantiated involving more than 100 days expired, the EMT Certificate Holder shall be referred to the Medical Director for an informal interview. The Investigator's case resolution recommendation provided to the Medical Director shall be based on the matrix below.
 - c. If a violation can be substantiated involving more than 366 calendar days expired, it shall be considered egregious unprofessional conduct that possibly rises to a level of wilful conduct pursuant to ARS 36-2211(A)(7).
 - d. If during the investigation it was discovered that a certificate of necessity holder employed an Emergency Medical Technician without current Arizona certification or re-certification involving more than 100 calendar days, an investigation shall be opened to determine if the certificate of necessity holder violated Statute or Rule regulating ambulance staffing.

| Days Without Current Arizona Certification | EMT DISCIPLINARY RECOMMENDATION |
|--|--|
| 1 to 100 | Dismiss with Letter of Concern |
| 101 to 365 | Decree Of Censure Civil Penalty at Discretion of Bureau & Facts of Case Open Investigation on Certificate of Necessity Holder if Applicable |
| 366 or More | Decree of Censure & Civil Penalty of \$350.00 Open Investigation on Certificate of Necessity Holder if Applicable |



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Approved: _____

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Bentley Bobrow, M.D., Medical Director
Bureau of Emergency Medical Services and Trauma System

05-04-07
Date

Approved: _____

Terry Mullins
Terry Mullins, Bureau Chief
Bureau of Emergency Medical Services and Trauma System

5/4/07
Date

The area of Primary Responsibility for this procedure is the Section Chief of Enforcement. Users are encouraged to suggest improvements regarding this procedure.