



THE COMPLAINT AND INVESTIGATION PROCESS

Riverside County is home to one of the busiest prehospital Emergency Medical Services (EMS) systems in California, and the Riverside County EMS Agency (REMSA) takes great pride in knowing that our locally accredited paramedics and state certified emergency medical technicians (EMTs) provide compassionate and competent care to their patients. In the rare event that a problem or incident occurs, or you believe that a provider's conduct or performance was not acceptable, you have every right to file a Complaint and Investigation Form (beginning on page 5).

REMSA evaluates information obtained from many sources, including but not limited to QA/QI reviews, public complaints, and employer concerns that allege or indicate breaches or violations that are egregious, flagrant, demonstrate repeated violations of policy, procedure, or law, or rise to the level of a threat to public health and safety. If, after the conclusion of an investigation, the information provided is both credible and rises to the level of requiring disciplinary action, the REMSA Medical Director will determine the level of action that will be taken based on thresholds codified in the California Code of Regulations (CCR), California Health and Safety Codes (HSC), and the California Emergency Medical Services Authority (EMSA)'s document #134, RECOMMENDED GUIDELINES FOR DISCIPLINARY ORDERS AND CONDITIONS OF PROBATION FOR EMT (BASIC) AND ADVANCED EMT. Document #134 is more commonly referred to as EMSA's Model Disciplinary Orders (MDOs).

REMSA'S RESPONSIBILITIES REGARDING EMTs

The CCR, and HSC, grant the Medical Director of a local EMS agency (LEMSA) the authority to certify, investigate, and discipline EMT credentials; these tasks are typically delegated to different units within the LEMSAs whose specific purposes are to process credential and accreditation applications, and take disciplinary action / enforce policies, protocols, and laws, respectively. All complaints and requests for an evaluation of an EMT's conduct that are received are processed, investigated, and managed through to conclusion by REMSA, unless the EMT is certified by another LEMSAs. Those investigations into complaints, and requests for evaluation, will be forwarded to the appropriate jurisdictional authority.

REMSA'S RESPONSIBILITIES REGARDING PARAMEDICS

Paramedics in California are licensed by EMSA and investigative and disciplinary authority rests with them. Unless a paramedic is found to have committed an act, or been convicted of a crime, that rises to the level of being a threat to public health and safety, all actions taken by REMSA will occur after EMSA takes license action against them. Typically, REMSA's definitive action against a paramedic's local accreditation is in alignment with EMSA's action against their state license. If a paramedic is found to have committed an act, or been convicted of a crime, that rises to the level of being a threat to public health and safety, REMSA will temporarily suspend their local accreditation; this action prevents them from providing care while the incident is adjudicated at the state level. Based on their own review of the complaint, EMSA will either uphold or release the temporary suspension order.

FILING A COMPLAINT – ALL PARTIES

While we hope that you will never have to file a complaint against an EMS provider, it is important that if you do, the process is as quick and easy as possible.

- If you are a patient, a member of the public, law enforcement personnel, or employee of another health care providing agency (e.g., hospital, skilled nursing facility, first response agency, ground transport provider, etc.): please provide as much information as you can.
- If you are an employer: in addition to all other fields, those highlighted in **YELLOW** are mandatory.

If you elect to submit this form by USPS mail, it is recommended that you send it using their Certified service so that it can be tracked, and a delivery confirmation signature is collected. This will ensure that the form is received in a timely manner. Forms can be mailed to:

Riverside County EMS Agency
ATTN: Discipline and Enforcement
450 E. Alessandro Blvd.
Riverside, CA 92508

The fastest way to submit a form to us is by email, which can be accomplished by clicking the **GREEN** **SUBMIT** button at the bottom of page 2 of the form. It will be exported as a PDF, attached to an email using the default email client on your device, and automatically addressed to emsdiscipline@rivco.org.

FILING A COMPLAINT - EMPLOYERS

Investigative delays can be minimized when supporting documentation is submitted along with the Complaint and Investigation Form. If, for whatever reason that is not feasible, then documentation should be readily available when requested by REMSA's Discipline and Enforcement Unit investigators.

DOCUMENTATION TO BE PROVIDED WITH A COMPLAINT AND INVESTIGATION FORM:

- In cases related to the theft, diversion, or misuse of controlled substances or prescription medications*:
 - In addition to any supporting documentation, drug screen results, if available. Specifically for controlled substances: copies of narcotics logs or applicable patient care reports, or both.
- In cases related to fraud in the procurement of a credential:
 - In addition to any supporting documentation, copies of the suspected fraudulent documentation (i.e., altered course completion certificates, altered attendance rosters, etc.) as well as copies of the original document(s) for comparison.
- In cases of practicing on an expired credential:
 - In addition to any supporting documentation, patient care records that were created during the time when the involved personnel's credential was expired.

**Prescription medications in this instance are not limited to medications available to providers in their EMS drug inventory. This also includes medications prescribed by their personal physician(s) that, while taken prior to or during the times that they are on-duty, compromise their ability to effectively and competently perform their job duties.*

RESULTS

When an action is taken, you will receive a letter of closure from REMSA. The content of a closure letter will vary depending upon the circumstances of the complaint; however, it will provide the following general information:

- "The result of the investigation found that the complaint / concern was unsubstantiated and no disciplinary action was taken by REMSA. The practitioner was made aware of the complaint or request for investigation and their employer was also informed; all future actions will be addressed internally, by them" **OR**

- “The result of the investigation found that the complaint / concern was substantiated, and that it rose to the level of requiring remediation, but it did not meet the threshold for disciplinary action. The practitioner was made aware of the complaint or request for investigation and their employer was also informed; all future actions will be addressed internally, by them” **OR**
- “The result of the investigation found that the complaint / concern was substantiated and rose to the level of requiring disciplinary action. The discipline imposed has been made part of the public record, and the provider has been reported to the California EMS Authority or the National Registry of EMTs or the National Practitioner's Data Bank, or all three, where applicable and required by law.”

ISSUES THAT REMSA IS UNABLE TO ADDRESS THROUGH THE COMPLAINT / INVESTIGATION PROCESS

- Fees, billing disputes, or insurance matters (unless the insurance matter pertains to fraud perpetrated by an EMS provider): complaints related to out-of-pocket costs associated with your treatment or transport, your insurance carrier refusing to pay – in whole or in part – for the care, transport, or both, that you were provided, etc., will need to be addressed by the applicable ground ambulance transport provider or your insurance carrier or both, for resolution.
- Customer Service complaints: complaints alleging that a provider was rude, unkind, had a poor attitude, were generally unprofessional, etc. will, in most instances, be referred to the employer agency for remediation; however...

IF ANY OF THE FOLLOWING CONDITIONS WERE EXPERIENCED BY YOU, A FAMILY MEMBER, OR THEY WERE REPORTED TO YOU IN YOUR CAPACITY AS AN EMPLOYER, REMSA MUST BE NOTIFIED:

- The provider was grossly negligent, or they repeatedly performed negligent acts.
 - Gross negligence is defined as an extreme departure, either once or multiple times, from the standard of care which, under similar circumstances would have ordinarily been exercised by a reasonable and prudent person trained and acting in a similar capacity while engaged in the performance of his or her duties if confronted with a similar circumstance. It is not enough to simply accuse a provider of negligence; to meet this threshold, there must be quantifiable proof that they acted negligently or that they failed to act in a careful manner.

- The provider was incompetent.
 - Incompetence is defined as lacking possession of that degree of knowledge, skill, and ability ordinarily possessed and exercised by a certified EMT or paramedic. It is not enough to simply accuse a provider of incompetence; to meet this threshold, there must be quantifiable proof that they acted incompetently or that they failed to act in a competent manner.
- The provider committed a fraudulent, dishonest, or corrupt act that is substantially related to their qualifications, functions, and duties as an EMT or paramedic.
- The provider demonstrated irrational behavior or an 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.
- The provider's conduct was unprofessional, specifically:
 - They mistreated or physically abused a patient using 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. This does not include providers who assist a peace officer, or a peace officer who is acting in the dual capacity of peace officer and an EMT, Advanced EMT (AEMT) or paramedic, from using that force that is reasonably necessary to effect a lawful arrest or detention.
 - They failed to maintain confidentiality of patient medical information, except as disclosure is otherwise permitted or required by law.
 - The committed any sexually related offense specified under Section 290 of the Penal Code (i.e., crimes against a person involving sexual assault, and crimes against public decency and good morals)