



McLean County Area EMS System

1609 Northbrook Dr. Ste. 8
Normal, IL 61761

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Title of Policy: <i>System Participation Suspensions</i>	Policy Number: DI-100
Effective Date: 10/2004	Review Date: 10/05/2016
Policy Area: Discipline	Approvals: EMSSC, EMS MD

Background to Policy:

1. To ensure the right of due process to all participants within the McLean County Area EMS System. To allow for internal resolution of problems within the McLean County Area EMS System primarily with the assurance of further consideration of the matter, if anyone should contest the initial decision and subsequent action.

Policy Statement:

1. The McLean County Area EMS System is dedicated in providing quality pre-hospital patient care through EMS System personnel whose performance and conduct are satisfactory. The EMS Medical Directors may suspend any System participant, agency or individual, who does not conform to System policy and procedure or protocol.

Policy:

- a. All EMS System personnel are expected to maintain a proper and professional manner in the delivery of patient care. Personnel whose conduct deviates from this will be given an opportunity to correct their conduct. The EMS System Coordinator will assist in this effort. A conference will be held with the individual; disciplinary action will be taken based on the outcome of the conference, and the nature, seriousness and circumstances surrounding the individual's misconduct.
- b. In case of serious misconduct, the EMS Medical Director may bypass the verbal and/or written warning process and suspend the individual from the EMS System.
- c. The normal progression of disciplinary action shall be as follows:
 - i. **VERBAL WARNINGS** - EMS Medical Director or designee shall inform the individual of reported misconduct, discuss means of correction and inform the individual of the consequences, if the misconduct is not corrected. Documentation of this conference will be placed in the individual's file.
 - ii. **WRITTEN WARNING** - EMS Medical Director or designee shall inform the individual in writing about the misconduct. The individual shall be requested to sign the warning indicating it was received. A conference shall take place between the EMS Medical Director or designee, EMS System Coordinator and the individual. At that time, the reported misconduct, means of correction and consequences of continued misconduct shall be explained and discussed. Documentation of the written warning and conference shall be placed in the individual's system file indefinitely.
 - iii. **SUSPENSION** - System suspension shall follow the written warning in instances where the individual has failed to correct misconduct. Instances where suspension is the first disciplinary action taken are outlined within this policy.
- d. The EMS Medical Director may suspend from participation within the EMS System or discipline any individual, individual provider or other participant within the EMS System considered not to be meeting the standards of the approved EMS System. Those standards include:



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- i. Failure to meet the education and training requirements prescribed by the Department or by the EMS Medical Director(s);
 - ii. Any violation of the Illinois EMS Systems Act;
 - iii. Failure to maintain proficiency in the provision of first responder, basic, intermediate or advanced life support services;
 - iv. Failure to comply with any provision of the System's Program Plan approved by the Department
 - v. Intoxication or personal misuse of intoxicating liquors, narcotics, controlled substances, or other drugs or stimulants in such manner as to adversely affect the delivery, performance, or activities in the care of patients requiring medical care;
 - vi. Intentional falsification of any medical reports or orders, making misrepresentations involving patient care, or engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public.;
 - vii. Abandoning or neglecting a patient requiring emergency care;
 - viii. Unauthorized use or removal of narcotics, drugs, supplies or equipment from any ambulance, health care facility, institution or other work place location;
 - ix. Performing or attempting emergency care, techniques or procedures without proper permission, certification, training or supervision;
 - x. Discrimination in rendering emergency care because of race, sex, creed, religion, national origin or ability to pay;
 - xi. Medical misconduct or incompetence, or a pattern of continued or repeated medical misconduct or incompetence in the provision of emergency care;
 - xii. Violation of the System's standards of care;
 - xiii. Physical or mental impairment to the extent that he/she cannot physically perform emergency care or cannot exercise appropriate judgment, skill and safety for performing emergency care, unless the person is a First Responder, EMT-B, EMT-I, EMT-P or Pre-hospital RN on inactive status pursuant to Department regulation.
- e. The process for System Participation Suspension shall fully comply with the Illinois EMS Systems Act [210 ILSC 50] pursuant to Section 515.420 of the Administrative Code [77 Ill Adm. Code 515], those regulations are as follows:
 - i. An EMS Medical Director may suspend from participation within the system any individual, individual provider or other participant considered not to be meeting the requirements of the program plan of that approved EMS System. (Section 3.40(a) of the Act)
 - ii. Except as allowed in subsection (l) of this Section, the EMS Medical Director shall provide the individual, individual provider or other participant with a written explanation of the reason for the suspension; the terms, length and condition of the suspension; and the date the suspension will commence, unless a hearing is requested. The procedure for requesting a hearing within 15 days through the Local System Review Board shall be provided.
 - iii. Failure to request a hearing within 15 days shall constitute a waiver of the rights to a Local System Review Board hearing.



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- iv. The EMS System shall designate the Local System Review Board, consisting of at least three members, one of who is an emergency department physician with knowledge of EMS, one of whom is an EMT and one of whom is of the same professional category as the individual, individual provider or other participant requesting the hearing. (Section 3.40(e) of the Act)
- v. The hearing shall commence as soon as possible but at least within 21 days after receipt of a written request. The EMS Medical Director shall arrange for a certified shorthand reporter to make a stenographic record of that hearing and thereafter prepare a transcript of the proceedings. The transcript, all documents or materials received as evidence during the hearing and the Local System Review Board's written decision shall be retained in the custody of the EMS System. The System shall implement a decision of the Local System Review Board unless that decision has been appealed to the State Emergency Medical Services Disciplinary Review Board in accordance with the Act and this Part. (Section 3.40(e) of the Act)
- vi. The Local System Review Board shall state in writing its decision to affirm, modify or reverse the suspension order. Such decision shall be sent via certified mail or personal service to the EMS Medical Director and the individual, individual provider or other participant who requested the hearing within five business days after the conclusion of the hearing.
- vii. The transcripts, all documents or materials received as evidence during the hearing and the Local System Review Board's written decision shall be retained in the custody of the EMS System.
- viii. The EMS Medical Director shall notify the Department, in writing, within five business days after the Board's decision to uphold, modify or reverse the EMS Medical Director's suspension of an individual, individual provider or participant. The notice shall include a statement detailing the duration and grounds for the suspension.
- ix. If the Local System Review Board affirms or modifies the EMS Medical Director's suspension order, the individual, individual provider or other participant shall have the opportunity for a review of the Local Board's decision of the State EMS Disciplinary Review Board. (Section 3.40(b) (1) of the Act).
- x. If the Local System Review Board reverses or modifies the EMS Medical Director's suspension order, the EMS Medical Director shall have the opportunity for review of the Local Board's decision by the State EMS Disciplinary Review Board. (Section 3.40(b) (2) the Act)
- xi. Requests for review by the State EMS Disciplinary Review Board shall be submitted in writing to the Chief of the Department's Division of Emergency Medical Services and Highway Safety, within 10 days after receiving the Local Board's decision or the EMS Medical Director's suspension order, whichever is applicable. A copy of the Board's decision or the suspension order shall be enclosed. (Section 3.45(h) of the Act).
- xii. An EMS Medical Director may immediately suspend an individual, individual provider or other participant if he or she finds that the information is his or her possession indicates that the continuation in practice by an EMT or other provider would constitute an imminent danger to the public. The suspended EMT or other provider shall be issued an immediate verbal notification followed by a written suspension order to the EMT or other provider by the EMS Medical Director which states the length, terms and basis for the suspension. (Section 3.40(c) of the Act)



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- xiii.** Within 24 hours following the commencement of the suspension, the EMS Medical Director shall deliver to the Department, by messenger or telefax, a copy of the suspension order and copies of any written materials which relate to the EMS Medical Director's decision to suspend the EMT or provider.
- xiv.** Within 24 hours following the commencement of the suspension, the suspended EMT or provider may deliver to the Department, by messenger or telefax, a written response to the suspension order and copies of any written materials which the EMT or provider feels relate to that response.
- f.** Within 24 hours following receipt of the EMS Medical Director's suspension order or the EMT or provider's written response, whichever is later, the Director or the Director's designee shall determine whether the suspension should be stayed pending the EMT's or provider's opportunity for hearing or review in accordance with the Act, or whether the suspension should continue during the course of that hearing or review. The Director or the Director's designee shall issue this determination to the EMS Medical Director, who shall immediately notify the suspended EMT or provider. The suspension shall remain in effect during this period of review by the Director or the Director's designee. (Section 3.40(c) of the Act)

Resources:

1. [State EMS Act](#)
2. [IDPH Administrative Code 515.420](#)