

Comments on Proposed Revisions to Advanced EMT Regulations
 Chapter 3, Division 9, Title 22, California Code of Regulations
 Public Comment Period
 October 21, 2009 through November 4, 2009

SECTION # Line # PAGE #	AGENCY	COMMENT	EMSA RESPONSE
Chapter 3 Sec 100123(p) Page 10 Line 8	Coastal Valleys EMS Agency	<p>The new language specifies that an Advanced EMT can only be certified by one LEMSA during a cert cycle. While we understand the rationale behind this requirement, how will an employer know if an Advanced EMT has any active disciplinary issues? This has been an issue in the past when EMTs move from one jurisdiction to another to stay ahead of their discipline history. Without some provision for the LEMSA to be advised when such person is operating in their jurisdiction, there is no mechanism to prevent such problems to continue.</p> <p>Recommend adding language that provides a mechanism for LEMSA to be notified by the Advanced EMT and/or employer when operating in a LEMSA other than the certifying entity's jurisdiction.</p>	

Comments on Proposed Revisions to Disciplinary Regulations
 Chapter 6, Division 9, Title 22, California Code of Regulations
 Comment Period
 October 21, 2009 through November 4, 2009

SECTION # PAGE #	AGENCY	COMMENT	EMSA RESPONSE
		Because we have not seen the Authority's response to our previous comments and the language has not changed from version 1, we are unable to understand the Authority's rationale for not addressing those comments and feel the need to submit comments on those areas again. Comments included in this document reflect concerns focused on previous identified language and "new revised" language.	
Chapter 6 Sec 100208.1(d)3 Page 6 Line 1-2	Coastal Valleys EMS Agency	Suggest language change as follows: The EMT or Advanced EMT is removed from EMT or Advanced EMT related duties <u>while the relevant employer conducts an investigation to determine for a disciplinary cause or</u> after the completion of the employer's investigation.	
Chapter 6 Sec 100214.3(f) Page 9 Line 7	Coastal Valleys EMS Agency	We are concerned with the proposed language. AB2917 does not require nor does it authorize the Authority to implement regulations placing a class of certificate holders beyond the reach of accountability to the medical director of the local EMS agency. Creating a blanket exemption that prevents a medical director from taking action to deny or revoke the certificate of a convicted felon and others whose convictions occurred prior to the effective date of these regulatory changes creates a significant risk to the public health and safety. Even with the qualifiers listed there continues to be a risk for loopholes. This should be corrected by eliminating this section.	

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Chapter 6 Sec 100214.(h) Page 9 Line 21	Coastal Valleys EMS Agency	<p>Why is there a limitation of twelve months? It seems that cert actions should be valid for whatever period of time has been imposed by the LEMSA Medical Director. Suggest modification of language as follows:</p> <p>Certification action by a medical director shall be valid statewide and honored by all certifying entities for a period of at least twelve (12) months from the effective date of the certification action. An EMT-I or Advanced EMT whose application was denied or an EMT-I or Advanced EMT whose certification was revoked, <i>suspended, or placed on probation</i> by a medical director shall not be eligible <u>to apply for reinstatement</u> EMT-I or Advanced EMT application by <u>to</u> any other certifying entity for a period of at least twelve (12) months from the effective date of the certification action for such period as the LEMSA Medical Director initiating such disciplinary action has deemed appropriate. EMT-I's or Advanced EMT's whose certification is <i>suspended or</i> placed on probation must complete their <i>suspension or</i> probationary requirements with the LEMSA that imposed the <i>action probation.</i></p>	

Comments on Proposed EMT Central Registry Regulations
 Chapter 10, Division 9, Title 22, California Code of Regulations
 Comment Period
 October 21, 2009 through November 4, 2009

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		Because we have not seen the Authority's response to our previous comments and the language has not changed from version 1, we are unable to understand the Authority's rationale for not addressing those comments and feel the need to submit comments on those areas again. Comments included in this document reflect concerns focused on previous identified language <u>and</u> "new revised" language.	
Chapter 10 Sec 100345(a) Page 5 Line 5	Coastal Valleys EMS Agency	A requirement for payment within 30 days of the end of the month may not be possible for a LEMSA due to local government processes pertaining to the receipt and processing of funds collected from applicants. Ninety days is a more reasonable standard. Unless the Authority can assure us that a payment plan specifying 90 days would be approved by the State, we suggest changing the draft language to reflect 90 days and the acceptable standard.	
Chapter 10 Sec 100345(c) Page 5 Line 18	Coastal Valleys EMS Agency	The language is unclear as to whether the \$500 penalty would be assessed before the provisions of Section 100345(d) are met. Suggest replacing the proposed language with the following: Local EMS agencies shall update the Registry within three (3) working days of taking certification action on an EMT-I or Advanced EMT certificate.	
Chapter 10 Sec 100345(d) Page 5-6 Line 21	Coastal Valleys EMS Agency	While we understand the importance of maintaining a current registry, the provisions of this paragraph would seem to result in an untoward and unanticipated consequence for both the LEMSA and individual EMTs. During the period that any LEMSA is suspended from	

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		<p>access to the registry, it would be unable to accept and process additional EMT certifications & recertifications. This may impact individual EMT personnel as well as employers needing to use such personnel for staffing purposes.</p> <p>Suggest revising language as follows:</p> <p>(d) Failure to comply with any provisions of this Chapter may shall result in the suspension of the certifying entity's access to the Registry until such a time that the certifying entity comes into compliance including the receipt of any delinquent fees and/or penalties at the Authority. The process for suspending a certifying entity's access to the Registry will be as follows:</p> <p>(1) The Authority will notify the certifying entity and their governing board in writing, by registered mail, of the provisions of this Chapter with which the certifying entity is not in compliance.</p> <p>(2) Within fifteen (15) working days of receipt of the notification of noncompliance, the certifying entity shall submit in writing, by registered mail, to the Authority one of the following:</p> <p>(A) Evidence of compliance with the provisions of this Chapter, or</p> <p>(B) A plan for meeting compliance with the provisions of this Chapter within thirty (30) calendar days from the day of receipt of the notification of noncompliance.</p> <p>(3) After thirty (30) calendar days from the mailing date of the noncompliance notification if If no response pursuant to subsection (2) above is received from the certifying entity, the Authority shall suspend the certifying entity's access to the Registry and shall notify in writing, by certified mail, the certifying entity and their governing board of the suspension and the necessary steps that must be completed by the certifying entity in order to restore access to the Registry.</p>	
Chapter 10 Sec 100346(a) (2)	Coastal Valleys EMS Agency	How will the registry manage name changes? Suggest provisions for including maiden names and/or aliases, etc.	

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Pg 7 Line 2		to accommodate name changes.	
Chapter 10 Sec 100346(a) (12) Pg 7 Line 12	Coastal Valleys EMS Agency	Suggest provisions for multiple employers if applicable. Many of our EMTs work for more than one employer and it is virtually impossible to pick one over the other as a primary employer.	
Chapter 10 Sec 100346(a) (16) Pg 7 Line 19	Coastal Valleys EMS Agency	<p>Section 100348 (a) (4) states that the employer submits that letter directly to the Authority. The issue is that the LEMSA is not included in the letter that is sent to the State so we have no way of knowing if an employer has complied with the requirement. When we first enter the EMT into the registry we need to have some information in order to fill the required registry field regarding this issue. The LESMA will not be aware of such information unless the Authority communicates that information back to the LEMSA.</p> <p>See comments on Section 100348 (a) (3)</p>	
Chapter 10 Sec 100348(a) 3 Pg 14 Line 4-13	Coastal Valleys EMS Agency	<p>This section indicates that if an employer has conducted a background check on an individual and it is "OK" they can submit a letter to the State Authority so the person wouldn't have to repeat the background check process. This section also states that this provision satisfies the background check requirement as long as "active subsequent arrest reports ... are being received and maintained by the certifying entity and/or the employer." There are several problems with the language as written.</p> <p>First, how will a LEMAS know if a letter was submitted to the Authority? The responsibility for completing the required Registry fields falls to the LEMSA. Unless the LEMSA is included as a recipient to the letter we cannot know if this requirement has been met.</p> <p>Second, there is no way for a certifying entity such as a</p>	

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		<p>LEMSA to get subsequent arrest notification on an individual that was originally backgrounded by another entity without the individual being re-scanned and backgrounded under the LEMSA ORI number. That said, according to the draft regs it is permissible that the employer can continue to get the subsequent arrest notification reports without the LEMSA also getting those reports. Here is the problem: If one of these EMTs has an arrest, this provision relies on the employer informing the LEMSA (without disclosing the actual offense or source of information since the employer is barred from sharing anything they learn through the DOJ process) that "something" has popped up. The LEMSA would then be forced conduct an investigation based on nebulous information and potentially require the individual to submit to a LiveScan at that point in time. There may be some due process issues about mandating an EMT to submit to investigation/background without proper evidence or substantiated allegation of wrongdoing.</p> <p>Who pays for that new background check? It appears that the LEMSA requiring the new background check will be required to pay since you may not be able to ask an individual to self-incriminate themselves by paying for the background check.</p> <p>The third issue concerns an EMT who was "grandfathered" under 100348(a)(4) and leaves employment with that provider for non-disciplinary reasons. At that time, the employer would notify DOJ that it no longer receives subsequent arrest reports on that person. From that point forward no one is being notified if the individual commits a crime or is convicted however the State registry will reflect that the individual has a clear background because no one has the knowledge of the offense to update the registry. Despite the requirements of Section 100349, there needs to be a requirement and mechanism for the <u>employer</u> to immediately notify the State EMSA that the EMT is no longer being tracked with subsequent arrest reports and a requirement that the</p>	

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		individual must complete the background check process through the LEMSA with subsequent arrest notification reports to the State & LEMSA as a condition of maintaining their certification.	
Chapter 10 Sec 100349 Pg 14 Line 20	Coastal Valleys EMS Agency	Same comment and issue as stated above in Section 100348 (a) (3) above as it pertains to EMTs leaving employment with an entity that allowed grandfathering of the background check. Despite the requirements of Section 100349 for notifying the DOJ, there needs to be a requirement and mechanism for the <u>employer</u> to immediately notify the State EMSA and/or LEMSA that the EMT is no longer being tracked with subsequent arrest reports <u>and</u> a requirement that the individual must complete the background check process through the LEMSA with subsequent arrest notification reports to the State & LEMSA as a condition of maintaining their certification.	

Comments on Proposed Revisions to EMT Regulations
 Chapter 2, Division 9, Title 22, California Code of Regulations
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 October 21, 2009 through November 4, 2009

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		Because we have not seen the Authority’s response to our previous comments and the language has not changed from version 1, we are unable to understand the Authority’s rationale for not addressing those comments and feel the need to submit comments on those areas again. Comments included in this document reflect concerns focused on previous identified language and “new revised” language.	
Chapter 2 Sec 100079(a)(6) Page 14 Line 14	Coastal Valleys EMS Agency	The deleted previous language that stated “Comply with other reasonable requirements, as may be established by the EMT-I certifying authority.” That previous language was the basis for a LEMSA to ask for items such as proof of identity (drivers license) when applying for certification, a CRP card to ensure that responders have been educated on current standards, and proof of appropriate ICS training which is essential for emergency operations. Without this language LEMSA’s appear to lose the authority to require those items for local certification. Recommendation: reinsert previous language that stated “Comply with other reasonable requirements, as may be established by the EMT-I certifying authority.”	
Chapter 2 Sec 100079(a)8 Page 15 Line 3	Coastal Valleys EMS Agency	Suggest modifying language as follows: Disclose any <u>current investigations or</u> disciplinary actions:	

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Chapter 2 Sec 100079(a)(8)G Page 15 Line 19	Coastal Valleys EMS Agency	<p>Deleted language removes requirement to attend orientation on local policies, procedures & protocols.</p> <p>Recommendation: reinsert language allowing LEMSA option to determine if such orientation is necessary to ensure system familiarity and knowledge of protocols and operating procedures.</p>	
Chapter 2 Sec 100079(g) Page 17 Line 20	Coastal Valleys EMS Agency	<p>New language makes cert date effective up to two years from date of passing EMT National Registry exam, however this may create an issue for the LEMSA and individual. Information on the National Registry web site states <i>“Initial expiration dates are determined by the date of successful completion of the entire certification process. Individuals successfully completing the certification process between the dates of January 1 - June 30 will receive an expiration date of March 31 two years in the future. Individuals successfully completing the certification process between July 1 and December 31 will receive an expiration date of March 31 three years in the future.”</i></p> <p>This presents a potential conflict wherein an individual has a valid NREMT card (<i>see Section 100079(d)1</i>) that was issued greater than two years prior. In that instance, the individual would receive a card that was technically expired the date it is issued. The only resolution is that the individual must retake the NREMT exam prior to the expiration of their current NREMT card.</p> <p>This issue is further complicated due to the fact that only the official NREMT certificate has the “issued” date on it. The wallet card does not contain an “issued” date, only an expiration date; which may be greater than two years from the date of examination.</p> <p>Since there is no requirement for maintaining NREMT, why is the date for certification being changed from the previous manner of “two years from date of completing application”?</p>	

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Chapter 2 Sec 100079(h) Page 18 Line 18-21	Coastal Valleys EMS Agency	The new language requires EMTs to notify the LEMSA that issued the card within 30 calendar days of any and all changes to mailing address. While we support this requirement, verification and enforcement may be difficult. What is the penalty for not complying?	
Chapter 2 Sec 100079(j) Page 19 Line 3	Coastal Valleys EMS Agency	<p>The new language specifies that an EMT can only be certified by one LEMSA during a cert cycle. While we understand the rationale behind this requirement, how will an employer know if an EMT has any active disciplinary issues? This has been an issue in the past when EMTs move from one jurisdiction to another to stay ahead of their discipline history. Without some provision for the LEMSA to be advised when an EMT is operating in their jurisdiction, there is no mechanism to prevent such problems to continue.</p> <p>Recommend adding language that provides a mechanism for LEMSA to be notified by the EMT and/or employer when operating in a LEMSA other than the certifying entity's jurisdiction.</p>	
Chapter 2 Sec 100080(k)(3) Page 22 Line 18-21	Coastal Valleys EMS Agency	The language in this section defines the period that CE may be obtained for individuals that have been granted a 6 month extension on expiration due to active duty status in the military. The language is confusing. CE for non-active military EMTs must be completed within the cert cycle, however this language appears to allow a active-duty military EMT to use CE credits obtained 30 days prior to the start of their cert cycle and up to 6 months after release from active duty. We can understand the additional 6 months to obtain CE if they were on active duty but why accept CE from 30 days before the start of their cert cycle?	

