



# North Region EMS System

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**Purpose** To describe the progressive discipline and due process for EMS System providers

- Policy**
1. Corrective action is generally progressive in the System. Corrective action is intended as a supportive and educational process, with the ultimate goal of improving provider performance. Progressive corrective action and discipline includes the four-step process of: verbal warning, written warning, final warning, and suspension. Depending on the egregious nature of the misconduct, discipline may be up to and including suspension, for a single or first offense.
  2. Appropriate department leadership will always be notified if a provider enters the corrective action pathway.
  3. Corrective Action Pathway
    - a. Verbal warning – The System will discuss with the provider the nature of the performance gap. The System and provider will discuss expectations for resolution and the System will clearly lay out the steps needed to correct performance. This may or may not be accompanied by a Performance Improvement Plan (PIP).
    - b. Written warning – The System formally documents the performance gap which will document expectations for resolution and clear steps needed to correct performance. This may or may not be accompanied by a PIP.
    - c. Final Written Warning – The System formally documents the performance gaps. This may be in culmination of repeated gaps or a single significant incident. This will be accompanied by a PIP. Providers receiving a Final Written Warning will not be permitted to serve as minimum staffing to their licensure level until the PIP has been completed and the System releases the provider.
      - i. A paramedic cannot serve as minimum staffing on an IDPH licensed ALS transport or non-transport vehicle
        1. In this circumstance, a paramedic under Final Written Warning may perform to their licensure level under the supervision of a System approved preceptor unless otherwise noted.
      - ii. An EMT cannot serve as minimum staffing on a BLS non-transport, or as minimum staffing on an ALS transport vehicle with a System Modification for 1 ALS/ 1 BLS in place.
        1. In this circumstance, an EMT under Final Written Warning may perform to their licensure level under the supervision of a System approved preceptor unless otherwise noted.



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4. Suspension and due process

- a. The EMS medical director (EMS-MD) or designee may suspend from medical participation within the system any individual EMS personnel or individual ambulance service provider within the System considered not to be meeting the standards of the System.
- b. Due process will be afforded prior to suspension, unless continued practice would cause imminent harm to patients.
- c. Any suspension must be based on one or more of the following:
  - i. Discrimination in rendering emergency care because of race, sex, creed, religion, national origin or ability to pay;
  - ii. Failure to meet continuing education or relicensure requirements prescribed by IDPH EMS Act, Rules and Regulations or by the EMS-MD;
  - iii. Violation of the EMS Act, Rules or Regulations;
  - iv. Failure to maintain proficiency in skills for licensure level;
  - v. Failure to maintain or has violated standards of performance and conduct as prescribed by IDPH or EMS System's Program Plan;
  - vi. Failure to comply with the provisions of the System standing operating procedures (SOP's) and/or policies and procedures;
  - vii. During the provision of medical services, engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public (e.g., use of alcohol or illegal drugs while on duty, verbal or physical abuse of a patient, or misrepresentation of licensure status);
  - viii. Intoxication or personal misuse of any drugs or use of intoxicating liquors, narcotics, controlled substances, or other drugs or stimulants in a manner as to adversely affect delivery, performance or activities in the care of patients;
  - ix. Intentional falsification of any medical reports or orders, or making misrepresentations involving patient care;
  - x. Abandoning or neglecting a patient requiring emergency care;
  - xi. Unauthorized use or removal of narcotics, drugs, supplies, or equipment from any ambulance, health care facility, institution or other work place location;
  - xii. Performing or attempting emergency care, techniques or procedures without proper permission, licensure, training or supervision;
  - xiii. Medical misconduct or incompetence, or a pattern of continued or repeated medical misconduct or incompetence, in the provision of emergency care;
  - xiv. Violation of the system's standards of care, including conduct and behavior unbecoming or unprofessional;



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- xv. Physical impairment to the extent that the individual cannot physically perform the skills and functions for which licensed, as verified by a physician, unless the person is on inactive status;
  - xvi. Mental impairment to the extent that the individual cannot exercise the appropriate judgment, skill and safety for performing the functions for which licensed, as verified by a physician, unless on inactive status;
  - xvii. Conviction (or entered a plea of guilty or nolo contendere) by a court of competent jurisdiction of an IL Class X, 1, or 2 felony or an out-of-state equivalent offense;
  - xviii. Failure to report a felony conviction to the EMS System Resource Hospital within seven (7) days after the conviction;
  - xix. License has been revoked, denied or suspended by IDPH.
- d. Due Process
- i. Prior to suspending an EMS provider, the EMS-MD shall provide the EMS provider with the opportunity for a hearing before the local System Review Board.
    - 1. If the local System Review Board affirms or modifies the EMSMD's suspension order, the EMS provider shall have the opportunity for a review of the local board's decision by the State EMS Disciplinary Review Board.
    - 2. If the local System Review Board reverses or modifies the EMSMD's suspension order, the EMS-MD shall have the opportunity for a review of the local board's decision by the State EMS Disciplinary Review Board.
  - ii. The suspension shall commence only upon the occurrence of one of the following:
    - 1. The EMS provider has waived the opportunity for a hearing before the local System Review Board; or
    - 2. The suspension order has been affirmed or modified by the local board and the EMS provider has waived the opportunity for review by the State Board; or
    - 3. The suspension order has been affirmed or modified by the local board, and the local board's decision has been affirmed or modified by the State Board.
  - iii. All suspensions related to failure to complete mandatory continuing education requirements shall be accompanied by written notice, hand delivered or via USPS mail to the suspended participant from the EMSMD (all mailings will be considered delivered unless returned).
    - 1. A copy of suspension notice shall also be sent to employer.



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2. Such notice shall include a statement describing the reason(s) for suspension, length and terms of suspension.
- iv. An EMS-MD may immediately suspend an EMS provider if he or she finds that the information in his or her possession indicates the continuation in practice by an EMS provider would constitute an imminent danger to the public.
  1. The suspended EMS provider shall be issued an immediate verbal notification followed by a written suspension order to the EMS provider by the EMS-MD which states the length, terms and basis for the suspension.
  2. Within 24 hours following the commencement of the
  3. suspension, the EMS-MD 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-MD's decision to suspend the EMS provider.
  4. Within 24 hours following the commencement of the
  5. suspension, the suspended EMS provider may deliver to IDPH, by messenger or telefax, a written response to the suspension order and copies of any written materials which the EMS provider feels relate to that response.
  6. Within 24 hours following receipt of the EMS-MD's suspension order or the EMS provider's written response, whichever is later, the Director or the Director's designee shall determine whether the suspension should be stayed pending the EMS provider's opportunity for hearing or review in accordance with the EMS 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-MD, who shall immediately notify the suspended EMS provider. The suspension shall remain in effect during this period of review by the Director or the Director's designee.
  7. Upon issuance of a suspension order for reasons directly related to medical care, the EMS-MD shall also provide the EMT or provider with the opportunity for a hearing before the local System Review Board.
    - a. If the local System Review Board affirms or modifies the EMS-MD's suspension order, the EMS provider shall have the opportunity for a



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review of local board's decision by the State EMS Disciplinary Review Board.

- b. If the local System Review Board reverses or modifies the EMS-MD's suspension order, the EMS-MD shall have the opportunity for a review of local board's decision by the State EMS Disciplinary Review Board.
8. The EMS provider may elect to bypass the local System Review Board and seek direct review of the EMS-MD's suspension order by State EMS Disciplinary Review Board.
- e. System Review Board
  - i. The EMS System Resource Hospital shall designate a local System Review Board, for the purpose of providing a hearing to any individual or individual provider participating within the System who is suspended from participation by the EMS-MD.
    1. The EMS System Resource Hospital shall designate the Local System Review Board, consisting of at least three members, one of whom is an Emergency Department Physician with the knowledge of EMS, and one of whom is an EMT-B/paramedic, and one of whom is of the same professional category as the individual EMS personnel, individual ambulance service provider, or other system participant requesting the hearing.
    2. The EMS MD shall prepare and post, in a 24-hour accessible location at the Resource Hospital, the System Review Board List.
  - ii. The EMS-MD shall arrange for a certified shorthand reporter to make a stenographic record of the hearing.
    1. A copy of the hearing transcription shall be made available to any involved party so requesting at the party's expense.
    2. The transcript, all documents or materials received as evidence during such hearing and the System Review Board's written decision shall be retained in the custody of the EMS System Resource Hospital office and shall be maintained in confidence.
  - iii. Upon receipt of a Notice of Suspension from the EMS Medical Director, the EMS personnel or ambulance service provider, or other system participant shall have fifteen (15) days to request a hearing before the System Review Board, by submitting a written request to the EMS-MD via certified mail. Failure to request a hearing within fifteen (15) days shall constitute waiver



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of right to System Review Board Hearing. The decision of the EMS-MD shall be considered final and suspension shall commence.

1. The hearing shall commence as soon as possible but within at least 21 days after receipt of a written request. The suspended participant shall be notified by certified return receipt mail or personal service of the date, time and place of the hearing and shall receive a copy of this policy. For good cause, the hearing may be changed upon advance request by one of the parties.
- iv. A hearing held by the System need not be formal in legal terms, nor need it adhere to established rules of evidence. The hearing shall be conducted in a fair and objective manner under procedures outlined:
  1. The Board shall review and consider any testimony and documentation related to the suspension which is offered by either the EMS-MD or the suspended party.
  2. The EMS-MD and the suspended party may both elect to have legal counsel representation.
  3. Each party to the proceedings shall have the right to select a person to represent him/her and be present at the hearing at his/her own expense.
  4. Any rights of participation, review or commentary extended to the counsel for the EMS System will be similarly extended to the same degree to the representative for the suspended participant.
  5. At the hearing, the EMS-MD or the counsel for the EMS System shall present such witnesses and evidence, as they deem appropriate to uphold the suspension.
  6. The suspended participant or his/her representative may present such witnesses and evidence, as the suspended participant deems appropriate.
  7. The System Review Board will direct questions to all concerned parties in order to gather all of the facts and pertinent information.
  8. The System Review Board shall review and consider any testimony and documentation related to the issue at hand which is offered by either party to the suspension issue.
  9. Only current allegation may be presented unless previous information illustrates a pattern of behavior or practice.



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10. Each party shall have the right to submit evidence explaining or refuting the charges as well as the right to question the witnesses.
  11. The suspended participant, the EMS-MD and/or legal counsel(s) shall be allowed to listen to all testimony, but shall not be allowed admittance to the discussion and decision process of the System Review Board. However, they may be present after the decision is reached, and the System Review Board's recommendations are announced, if the decision can be reached immediately.
  12. Witnesses may only be present during their testimony or when making their statement, and shall be instructed not to discuss the situation with any other witness.
- v. The 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-MD and the EMS personnel, ambulance service provider or other system participant within 5 business days after the conclusion of the hearing.
  - vi. 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 IDPH EMS Act and Rules.
  - vii. The EMS-MD shall notify the IDPH Chief of the Division of EMS, in writing, of a decision by the System Review Board to either uphold, reverse or modify the EMS-MD's suspension of an EMS personnel, ambulance service provider or other system participant from participation within the EMS System, within five (5) business days after the System Review Board's decision is received. Such notice shall include, if applicable, a statement detailing the duration of and grounds for the suspension.
  - viii. The EMS System shall implement a decision of the System Review Board unless that decision has been appealed to the State EMS Disciplinary Review Board.
  - ix. A request for review by the State EMS Disciplinary Review Board shall be made in writing by certified mail to the IDPH Chief of the Division of EMS, within ten (10) business days after receiving the System Review Board's decision.
    1. A copy of the System Review Board's decision shall be enclosed.
    2. Requests for review shall only be made by an EMS System participant whose suspension order was affirmed or modified by the System Review Board.



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3. If reversed or modified, the EMS-MD can request review.
- x. Upon receipt of a valid request for review, IDPH, Division of EMS and Highway Safety shall convene a State EMS Disciplinary Review Board to review the decision of the System Review Board.
- f. A recommendation to IDPH by an EMS-MD to deny, suspend or revoke the license of a participant within an EMS System is not subject to the provisions of this section, unless such recommendation forms the basis for suspension pursuant to the EMS Act.

**References**

<http://www.ilga.gov/commission/jcar/admincode/077/077005150A01650R.html>  
<http://www.ilga.gov/commission/jcar/admincode/077/077005150C04200R.html>  
<http://www.ilga.gov/commission/jcar/admincode/077/077005150C04400R.html>  
<http://www.ilga.gov/commission/jcar/admincode/077/077005150F08200R.html>

**Attachment** none

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IDPH Approval  
Effective

DRAFT