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OPERATIONS MANUAL

STANDARD INSTRUCTION 09 EMERGENCY MEDICAL SERVICES

SECTION 20 QUALITY ASSURANCE AND IMPROVEMENT

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**I. PURPOSE:**

To provide a process where the clinical performance of an EMT or Paramedic working in the City of San Diego's 911 system can be reviewed to determine the appropriateness of their actions or omissions while providing patient care, and; to recommend corrective action ranging from education up to suspension or revocation of their ability to function within the City of San Diego EMS system. This process is designed to maintain medical control of EMT and Paramedic personnel authorized to work within the City of San Diego's EMS system by the City Medical Director and to protect the public health and safety, while at the same time ensuring due process rights of the certificate/license holder.

**II. SCOPE**

This policy shall apply to all SDFD Personnel.

**III. AUTHORITY**

The Fire Chief authorizes the information within this policy.

**IV. POLICY**

A. Medical Director's role

1. The Medical Director for the City of San Diego shall have the right to recommend approval to practice and the suspension or revocation of this approval of all medically trained EMS personnel who provide prehospital patient care in the City of San Diego.
2. The Medical Director's recommendation shall be provided to the appointing authority who can authorize an employee of the City of San Diego, or any contracted medical provider, to work in the City of San Diego at their certificate/licensed level of training.
3. Recommendation for suspension or revocation of the Medical Director's approval may result in the appointing authority's decision to remove the employee's ability to work within their scope of practice in the City of San Diego regardless of their status with the County of San Diego, EMS Division, or the State Emergency Medical Services Authority.

B. The Professional Standard's Unit (PSU) role:

1. Shall be notified of all Category II, III and IV issues to ensure that the employee's rights are protected by:
  - a. Ensuring the employee receives prompt notice of all allegations
  - b. Ensuring the employee is informed of all proceedings of the investigative process and their right to have representation
  - c. Providing all information regarding the issues to the employee for review

C. Notifications

1. Notification of the State Emergency Medical Services Authority (EMSA) or the

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2. County of San Diego, Local Emergency Medical Services Agency (LEMSA) is required by law for Category II, III and IV issues (see matrix).

D. Testimonial Immunity

1. As part of the QA/QI process, personnel are encouraged to provide an open and accurate account of events when discussing an incident with a QA/QI Nurse Specialist.
2. Any information provided to the QA/QI Nurse Specialist shall be considered protected and cannot be used against the employee in a department or private provider discipline process.
3. This immunity does not prevent the department or private provider from pursuing discipline based upon evidence produced through a PSU or private provider investigation and only protects the employee when discussing an incident with a QA/QI Nurse employed by the department or private provider.

E. Procedure:

1. The Quality Assurance/Quality Improvement (QA/QI) Department of the EMS Division will follow the process matrix for all QA/QI issues.
2. The process matrix identifies four levels that an EMT or Paramedic may fall under based upon the type and number of issues that the employee has violated.
3. These categories are identified below and, on the matrix, attached to this policy.

F. Categories

1. Category I – QA/QI infractions involving minor issues or omission.
  - a. An issue is identified by an employee on scene; by the base hospital; by another agency; or through the QA/QI case review process and is forwarded to the appropriate QA/QI Nurse Specialist based upon the controlling base hospital.
  - b. Process
    - 1) The assigned QA/QI Nurse Specialist reviews all documentation and recordings from the incident and the base hospital.
    - 2) After review and determination that the alleged error or omission is confirmed, the incident is assigned a QA tracking number which is maintained in a confidential file within the secured EMS offices.
    - 3) The employee or employees deemed responsible for the incident are contacted by a QA/QI Nurse Specialist via phone or in person, identifying the specific issue at the incident.
    - 4) On incidents where multiple paramedic personnel are on scene, each paramedic is contacted as all paramedic personnel on scene are considered responsible for patient care.

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- 5) The QA/QI Nurse Specialist will provide education to each employee and confirm the employee understands the issue.
- 6) Recurrence of a third minor QA/QI issue of the same nature in a rolling year is considered a chronic problem and the following will occur.
  - a) The employee will receive Oral Counseling from their supervisor
  - b) The issue will be moved to a Category II incident.
  - c) The PSU will be notified for Fire-Rescue employees.

2. Category II

QA/QI issues that are identified as chronic errors or omissions, significant error or omission, or a failure of an examination process at a Continuing Education (CE) class

- a. Chronic errors or omissions, or a significant error or omission that resulted in an untoward patient outcome are received and thoroughly reviewed by a QA/QI Nurse Specialist.
- b. Based upon the severity of the act or omission, or the number and type of chronic issues, the QA/QI Nurse Specialist shall request an immediate meeting with the Medical Director and the Battalion Chief of EMS or the Operations Manager of the contract provider, based on the agency of the employee in question.
- c. This meeting is held to determine if the Medical Director believes the employee could be a risk to the public health.
- d. If the Medical Director deems that the employee presents a risk to the public, the Medical Director may recommend that the employee's ability to work at their certification/license level be suspended pending further investigation.
- e. The Medical Director's recommendation will be forwarded to the Deputy Chief of EMS and PSU, or the General Manager for the contracted transport provider who have the authority to immediately remove the employee from service or reassign the employee to a duty that will not expose the public to potential risk until further investigation or action is determined by the PSU or the private provider general manager.
- f. Process
  - 1) Personnel identified as a risk to public safety will be reported by the City Paramedic Program Manager to the State Emergency Medical Services Authority (EMSA) as per 1798.200 of the Health and Safety Code.
  - 2) Further action against the employee is subject to the employer's discretion.

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- 3) Depending on the circumstances of the incident, San Diego Fire-Rescue personnel may receive oral or written counseling, and, assignment to the Field Training program, a Supplemental Employee Performance Review and Performance Development Plan.
  - 4) If the revocation of the paramedic's license or EMT's certificate is upheld by the appointing authority the issue will be referred to the Professional Standards Unit (PSU) for further investigation and action.
- g. Referral to the QA Committee
- 1) If the Medical Director deems the employee does not pose a risk to the public, the case is held and presented at the next QA Committee meeting for recommendations on continued training.
  - 2) The QA/QI Nurse Specialist, in consultation with the City Medical Director, can direct a category II case to the QA Committee where all employee information is removed from the presentation.
  - 3) When a presentation is delivered for an EMT or Paramedic with chronic QA/QI issues the committee can only hear category I and II issues that are no older than 12 months from the date the issue was closed.
  - 4) Category II issues can be considered as part of the employee's chronic issue case for all incidents that are no older than 24 months from the date the incident was closed.
  - 5) The QA Committee is held monthly and is comprised of the following standing members;
    - a) The City Medical Director
    - b) Contract 911 provider Medical Director
    - c) (2) QA/QI Nurse Specialists
    - d) Battalion Chief of EMS
    - e) EMS Operations Captain
    - f) Contract 911 Operations Manager
    - g) Medical Supervisor
    - h) EMS Station Representative
    - i) EMS Data Specialist
    - j) Electronic documentation coordinator
    - k) Lifeguard representative.
  - 6) When reviewing a case presentation all members may provide input, however; any remediation, additional training, or action taken against the employee's license or certification is at the recommendation of the City Medical Director.
- h. Oral or Written Counseling

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- 1) San Diego Fire-Rescue personnel who have a Category II issue as determined by the QA/QI Nurse Specialist, City Medical Director and a consensus of the QA/QI Committee will receive Oral or Written counseling as determined by the PSU and written education developed by the QA/QI Nurse Specialist.
- i. Written Education
- 1) The employee or employees deemed responsible for the error or omission as identified by the QA/QI Nurse Specialist during the investigation and committee review will receive written education letters identifying the issue(s) with the incident.
  - 2) On incidents where multiple paramedic personnel share patient care responsibilities, every paramedic on scene is considered responsible for errors or omissions.
  - 3) The on-scene supervisor will be held responsible for errors or omissions that are considered general knowledge for their level of medical training.
  - 4) Personnel who receive a QI education form and were not part of the patient care team can provide a written explanation to the QA/QI Nurse Specialist.
  - 5) The QA/QI Nurse Specialist will attach to the QI education form, or identify in the QI form, specific language of County and Department policy violations along with education material or directions for reviewing specific education material.
  - 6) If the QA/QI Nurse Specialist sends a form to the involved employee, the form must be sent through their first and second level supervisor who will ensure that the EMT(s) or Paramedic(s) receive the QI form and the training information.
  - 7) The EMT or Paramedic is required to sign the form within 5 shifts of receiving the document. The signature is not an admission of wrongdoing, only verification that the employee acknowledges receipt of the form and the information.
- j. Employee Feedback and request for appeal
- 1) The EMT or Paramedic may choose to provide written feedback to the QA/QI Nurse Specialist stating concerns or observations, including information that substantiates their claim that they were not part of the patient care team.
  - 2) The EMT or Paramedic may also request a meeting with the QA/QI Nurse Specialist to discuss the case and share additional information.

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- 3) If the EMT or Paramedic is not satisfied with the results of their meeting with the QA/QI Nurse Specialist, they can request an appeal meeting with the City Medical Director who will render a final decision within 2 weeks of the date of the meeting.
  - 4) Requests for an appeal meeting with the City Medical Director are made through the Battalion Chief of EMS in writing within 15 days after the QA/QI Nurse Specialist meeting.
- k. Failure of a Continuing Education Examination
- 1) Every employee is required to maintain competency as a CPR provider.
  - 2) All paramedic personnel are required to maintain competency as an ACLS and PALS provider.
  - 3) Failure to pass a department mandatory Continuing Education (CE) class for CPR, ACLS or PALS will result in Oral Counseling, referral to the Field Training (FT) program for remediation, and suspension of the employee's ability to work at their license/certification level as the primary care provider.
  - 4) FT Referral
    - a) As part of successfully completing the FT process, the employee will be tested and must pass a remediation exam for the failed competency.
    - b) Failure of the remediation exam will result in written counseling, a Supplemental Employee Performance Review and the employee will be placed on a Performance Development Plan.
    - c) The employee's ability to work at their certification level will remain suspended and the employee will be reported to the State Emergency Medical Services Authority in accordance with or revocation of the employee's ability to work at their certification/license level.
    - d) The case will be forwarded to the PSU and the employee may receive discipline.
  - 5) The EMS BC will work with the PSU and the FT Coordinator on the development of a training plan and the length of the FT process which may not exceed eight 24-hour shifts.
3. Category III
- a. QA/QI issues that include all of the following but are not limited to
    - 1) Operating out of the Scope of Practice for the certification/license level of the employee
    - 2) Violating a Department, County or State policy that could result in injury to the patient

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- 3) Employee misconduct that places the patient, Department or 911 Contract provider at risk
  - 4) Any Fit for Duty concerns of the Department or the 911 Contract provider where the mental and physical health of the employee could place the patient at risk.
- b. Process
- 1) Category III QA/QI issues are received and thoroughly reviewed by a QA/QI Nurse Specialist.
  - 2) Issues identified as policy violations and misconduct are forwarded to the Battalion Chief of EMS or the Operations Manager of the 911 contract provider and are directed through the chain of command to the PSU or through the 911 contract provider's discipline process.
  - 3) QA/QI issues identified as operating out of the scope of the employee's certification/license level are forwarded to the Medical Director immediately.
  - 4) The QA/QI Nurse Specialist shall request an immediate meeting with the Medical Director and the Battalion Chief of EMS or the Operations Manager of the contract provider, based on the agency of the employee in question.
  - 5) This meeting is held to determine if the Medical Director believes the employee could be a risk to public health.
  - 6) If the Medical Director deems that the employee presents a risk to the public, the employee's ability to work at their certification/license level is suspended pending further investigation.
  - 7) If the Medical Director feels the employee does not pose a risk to the public, the case is held and presented at the next QA Committee meeting.
4. Category II and III remediation process
- a. Category III issues of misconduct, policy violations or working out of scope will be handled by the PSU unless the act has an associated Category I or II QI/QA issue.
  - b. The EMS Division will work with the PSU to determine if any additional retraining is appropriate once the PSU investigation is completed.
  - c. Based upon the severity of the act or omission, or the number and type of chronic issues the Medical Director may choose to;
    - 1) Request direct counseling with the employee and recommend a specific retraining program which is carried out by the Field Training Coordinator in consultation with the assigned QA/QI Nurse Specialist.



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- 2) Recommend suspension of the employee's ability to work at their certification/license level in the City of San Diego pending a Field Training assignment.
  - 3) Recommend revocation of the employee's ability to work at their certification/license level in the City of San Diego's EMS system.
  - 4) Employees from the Fire-Rescue Department will continue to receive premium pay when their certification or license has been suspended or revoked until the employee has exhausted all due process rights.
- d. Field Training Recommendations
- 1) When Field Training is recommended by the Medical Director, the Field Training (FT) Coordinator will develop a training plan in consultation with the assigned QA/QI Nurse Coordinator.
  - 2) The FT Coordinator will assign the employee to a qualified Field Trainer who will review the training plan with the employee.
  - 3) The length of the field training is identified by the FT Coordinator and QA/QI Nurse Coordinator and will be a minimum of four 24-hour shifts or eight 12-hour shifts.
- e. Successful completion of the prescribed FT program will result in reassignment to the employee's permanent assignment and all records will remain in the employee's QA/QI file for 2 years from the date the incident is closed.
- f. Employees who are unsuccessful in the FT program remediation process are referred to the Medical Director who may choose to recommend suspension or revocation of the employee's ability to work at their certification/license level and the employee may be subject to the discipline process.
- 1) San Diego Fire-Rescue personnel who are unsuccessful will be referred to the PSU for review and further action.
  - 2) The PSU, in consultation with the Medical Director and the Deputy Chief of EMS, may recommend additional action to include a supplemental performance review and performance development plan (PDP).
5. Category III fit for duty allegations
- a. Will be directed to the Deputy Chief of EMS, the 911 contract provider General Manager, the Medical Director and the Professional Standards Unit
  - b. The Medical Director may choose to recommend suspension of the employee's ability to work at their certification/license level pending the outcome of an investigation.

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- c. A referral to the City's Employee Assistance Program (EAP) shall also be considered for City of San Diego employees.

6. Category IV

Issues that affect the EMT or Paramedic's ability to function at their certification/license level due to an act or alleged act by the employee that violates the California Health and Safety Code, Division 2.5, Section 1799.112. These issues include any violation, misdemeanor or felony, which would disqualify the employee as an EMT or Paramedic.

a. Process

- 1) Information regarding an employee's act or alleged act regarding violations of the law is received by the City of San Diego's Personnel Department from the Department of Justice (DOJ) as part of the Livescan process.
- 2) City Personnel will notify the Fire Department's Assistant Chief of Administration of the employee's arrest.
- 3) The Assistant Chief will assign the case to the PSU for follow-up with the employee and to determine the employee's ability to work in Operations based upon the nature of the incident and the employee's ability to meet the minimum qualifications to work.
- 4) The County of San Diego, EMS Division will be notified by the DOJ on all 911 Contract employees and will notify the employer of the incident.
- 5) The County or the agency must determine who will investigate the incident within 3 days of first notification by the DOJ or the County.
- 6) The PSU will notify the City's Paramedic Program Manager of the DOJ notification who will in-turn, notify the County of San Diego of the incident and the pending investigation.
- 7) The City's Paramedic Program Manager will report any permissible findings to the County once the PSU concludes its investigation and the court system have completed its process.
- 8) Incidents that meet the Category IV criteria that take place while the employee is on duty are reported through the chain of command and investigated by the PSU.
- 9) The City's Paramedic Program Manager has 3 days to report the discovery of an incident to the County of San Diego and advise of the pending investigation.

7. Reportable Offenses

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- a. California Health and Safety Code, 1799.112 and San Diego County protocol S-011 requires all agencies to report certain types of QA/QI issues and criminal issues to the State Emergency Medical Services Authority (EMSA) or to the Local Emergency Medical Services Agency (LEMSA) within 30 days of whenever any of the following actions are taken:
- 1) An EMT or Paramedic is terminated or suspended for disciplinary cause or reason.
  - 2) An EMT or Paramedic resigns following a notice of impending investigation based upon evidence indicating disciplinary cause or reason.
  - 3) An EMT or Paramedic is removed from paramedic duties for disciplinary cause or reason following the completion of an internal investigation.
  - 4) Fraud in the procurement of any certification under part 1 of Division 2.5 of the Health and Safety Code
  - 5) Gross negligence
  - 6) Repeated negligent acts
  - 7) Commission of any fraudulent, dishonest or corrupt act which is substantially related to the qualifications, functions and duties of Prehospital personnel
  - 8) Violating or attempting to violate directly or indirectly, or assisting or abetting the violation of, or conspiring to violate any provision of part 1 of Division 2.5 of the Health and Safety Code.
  - 9) Violating or attempting to violate any Federal or State statute or regulation, which regulates narcotics, dangerous drugs or controlled substances.
  - 10) Addiction to the excessive use of, or the misuse of alcoholic beverages, narcotics, dangerous drugs or controlled substances
  - 11) Functioning outside of the supervision of medical control in the field care system operating at the local level, except as authorized by any other license or certification.
  - 12) Demonstration of irrational behavior or occurrence of 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.
  - 13) Unprofessional conduct exhibited by the mistreatment or physical abuse of any patient resulting from force in excess of what a reasonable and prudent person trained and acting in a similar capacity while engaged in the performance of his or her duties would use if confronted with a similar circumstance.
  - 14) Unprofessional conduct exhibited by the failure to maintain confidentiality of patient medical information, except as disclosure is otherwise permitted or required by law.

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- 15) Unprofessional conduct exhibited by the commission of any sexually related offense specified under section 290 of the Penal Code.
- 16) Pursuant to subdivision (i) of Section 1798.24 of the Civil Code, upon notification to the paramedic, the authority may share the results of its investigation into a paramedic's misconduct with the paramedic's employer, prospective employer when requested in writing as part of a pre-employment background check, and the local EMS agency.

**V. REGULATORY REFERENCES**

- A. California Health and Safety Code, Division 2.5, Sections 1797.61, 1797.62, 1797.107, 1797.118, 1797.176, 1797.184, 1797.202, 1797.204, 1797.210, 1797.216, 1797.220, 1798.100, 1798.102, 1798.200, 1798.201, 1798.202 and 1799.112
- B. San Diego County Emergency Medical Services Policies S-004, S-011 and S-409,
- C. Provision of Medical Direction, City of San Diego Medical Director's Contract,

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	<b>CATEGORY I</b>	<b>CATEGORY II</b>	<b>CATEGORY III</b>	<b>CATEGORY IV</b>
<b>Issue or Event</b>	Refer to relevant County EMS Policies (S-409 & S-011) <ul style="list-style-type: none"> <li>Minor Issue(s) or Omission(s)</li> </ul>	Refer to relevant County EMS Policies (S-409 & S-011) <ul style="list-style-type: none"> <li>3rd minor issue in a rolling year</li> <li>Chronic Issue(s) or Omission(s)</li> <li>Significant Error(s) or Omission(s)</li> <li>Failing Clinical or CE examinations</li> </ul>	Refer to relevant County EMS Policies (S-409 & S-011) <ul style="list-style-type: none"> <li>Operating out of Scope of Practice</li> <li>Policy Violation</li> <li>Employee Misconduct</li> <li>Unit/for Duty</li> </ul>	<ul style="list-style-type: none"> <li>Positive Drug Screen</li> <li>DMV/ Notifications</li> <li>Law Enforcement Notice (DOJ)</li> </ul>
<b>Remediation and/or Discipline Policy</b>	Employee receives Oral Education from QAVQI Nurse Specialist or EMS Captain	May include oral or written counseling, re-education, field training, reassignment to a specialty unit, or other development plan as approved by QAVQI Staff and/or EMS Medical Director. Employee Receives QI Form	Level of Deputy Chief or 911 Contractor's General Manager may reassign or remove an employee pending further review.	Positive Drug screen will be reported within 72 hours of notice. Report will include the substance found. DUI and arrests will be reported within 72 hours. Notices to County/State will only include date and charges, pending outcome of investigation (if applicable).
<b>Reporting Policy &amp; Process</b>	No reporting necessary	Same as Category I	Same as Category I	DMV or DOJ Notice of Arrest sent to City Personnel to SD Fire Chief to Fire PSU or Contractor Human Resources Dept.
Discovery of Issue	Via the City's QAVQI Staff Issue is discovered	Same as Category I	Same as Category I	Not Applicable
QI Staff Internal Process	Case review and Tracking	City EMS Medical Director (or designee) along with QAVQI RN and EMS Staff Chief (Fire Personnel) or 911 Contractor Manager (Contractor Personnel to review case and recommend notification)	Same as Category II	City Program Manager to send Notice
County/State Notification	None	As recommended or required per above, City Program Manager will send formal notification	Same as Category II	City Program Manager to send Notice

1. If an employee voluntarily chooses to no longer function as a PM for the City of San Diego, this will be reported to the County and/or State.
2. QAVQI Forms and oral contacts are kept on file and may be considered in conjunction with future QAVQI issues for a rolling 12-month period from the time the case is closed.
3. If QAVQI issue is so severe, or if there are frequent or chronic issues that warrant field training, or a report to the County/State, those relevant QAVQI issues are kept on file and will be available for consideration for a rolling 24-month period from the time the case is closed.
4. The City EMS Medical Director and Manager from Employee Agency will be copied on all notices sent to the County/State by the Program Mgr.