

**County Executive**

Ann Edwards

**Deputy County Executive**

Chevon Kothari  
Social Services



**Department of Health Services**

Timothy W. Lutz, Director

**Divisions**

Administration  
Behavioral Health  
Primary Health  
Public Health

**County of Sacramento**

**INFORMATION FOR PETITION FOR REINSTATEMENT/REDUCTION IN PENALTY**

California Code of Regulations, section 100208, governs reinstatement of EMT certificates that have been suspended or revoked, or for a reduction of penalty.

Key portions of the law are summarized as follows:

**CLEAR AND CONVINCING EVIDENCE**

The burden of proof is on the petitioner to establish clear and convincing evidence that he or she is entitled to have the petition granted. The Sacramento County Emergency Medical Services Agency ("SCEMSA") may grant or deny the petitioner and may impose any terms and conditions that it reasonably deems appropriate as a condition of reinstatement of an EMT certificate.

**TIME FRAMES FOR PETITIONS**

In order to qualify to petition SCEMSA, the following time periods must elapse after the effective date of SCEMSA's disciplinary decision:

- Two years for early termination of a probation period of three years or more.
- One year for modification of a condition of probation or termination of probation of less than three years.
- One year for reinstatement of an EMT certificate which was revoked.

**CONDITIONS WHEN PETITION WILL NOT BE CONSIDERED**

No petition will be considered by SCEMSA if the following conditions exist:

- Petitioner is under sentence for any criminal offense, including any period of court-imposed probation or parole.
- Petitioner's certificate would be subject to mandatory denial if the Petitioner were making an initial application for certification. (22 CCR 100214.3; see also, Health & Safety Code 1798.200.)
- There is an accusation or petition to revoke probation pending against petitioner.

**Division of Public Health**

Olivia Kasirye, MD, MS  
Public Health Officer

SACRAMENTO COUNTY



**Sacramento County Emergency Medical Services Agency**

9616 Micron Ave Suite 960  
Sacramento, CA 95827  
phone (916) 875-9753  
[www.dhs.saccounty.gov/pub/ems](http://www.dhs.saccounty.gov/pub/ems)

## **FILING SUBSEQUENT PETITIONS**

A petition may be filed one year after the effective date of the decision in a prior petition hearing. (Gov't Code 11522). However, SCEMSA, in its discretion, may deny without hearing or argument the subsequent petition within one year of the effective date of the prior petition decision.

## **INSTRUCTIONS FOR SUBMITTING A PETITION**

These instructions should be followed when you file a petition with SCEMSA to reinstate your EMT certificate after it has been revoked or suspended or for a reduction of penalty. Reduction of penalty includes early termination of the probation period or modification of one or more conditions of probation.

The burden of proof is on you to establish by clear and convincing evidence that you are entitled to have your petition granted under California law. It is your responsibility, as the Petitioner, to provide the SCEMSA with sufficient evidence to establish that it will be safe for you to resume practice as an EMT if your petition is granted. You must show that you are sufficiently rehabilitated and competent to safely practice as an EMT. If your certificate is currently on probation, you must produce all appropriate documentation as evidence of your rehabilitation and fitness for duty.

## **PROCESS FOR FILING A PETITION**

**Q.** How do I file a petition with SCEMSA?

**A.** Submit your petition online through the SCEMSA website at <https://dhs.saccounty.gov/pub/ems/Pages/EMS>

**Q.** What documents do I need to submit with my application?

**A.** You must upload the following documents, when applicable, before you will be able to submit your petition:

- 1.** Evidence of rehabilitation.
- 2.** Written statements from employers and persons in positions of authority who have on-the-job knowledge of your work performance.
- 3.** Performance evaluation(s) from your current and recent employers.
- 4.** Letters from counselors regarding your participation in rehabilitation or recovery program(s), if your suspension, probation, or revocation resulted from alcohol or drug use/addiction. These should include a description of the program, the number of sessions you have attended, the counselor's diagnosis and prognosis of your condition in relation to safety to practice, current state of rehabilitation (or improvement), the counselor's basis for determining improvement, and the credentials of the counselor.
- 5.** Letters describing your participation in support groups, *e.g.*, Alcoholics Anonymous, Narcotics Anonymous, etc., when appropriate. Letters should include dates and frequency of attendance and documentation of attendance such as sign in-sheets.
- 6.** If you are petitioning for reinstatement or reduction in penalty within five years of the decision imposing suspension, revocation, or probation, and the decision was based upon

conduct involving alcohol or drugs, you must obtain a medical and psychiatric evaluation by a physician certified in addiction medicine by California Society of Addiction Medicine (CSAM), American Society of Addiction Medicine (ASAM) or the American Board of Psychiatry and Neurology (ABPN) at applicant's expense. The fitness for duty evaluation must be accompanied by laboratory analyses or drug screen reports dated within 30 days of the petition.

**7.** Proof of completion of ethics courses or other courses related to the conduct giving rise to the suspension, revocation, or probation (*e.g.*, theft awareness classes, medical ethics courses, etc.)

**8.** Letters from counselors, therapists, psychologists, or psychiatrists regarding any participation in therapy as part of your rehabilitation efforts. The letter should include time period and frequency of sessions, diagnosis, and prognosis in relation to safety to practice, credentials of counselor, and any other relevant information.

**9.** Physical and/or mental examination or assessment report by a licensed physician, psychiatrist, or psychologist related to your rehabilitation and safety to practice. If your certificate was suspended, revoked, or placed on probation as a result of impairment due to mental or physical illness, the law requires competent evidence of the absence or control of the condition which caused disciplinary action.

**10.** Continuing education completion certificates or transcripts of courses related to EMT practice which you may have completed since your certificate was disciplined.

**11.** Letters or proof of community and volunteer work or other activities which may be appropriate or relevant to demonstrating rehabilitation from the acts which led to discipline.

**12.** Proof of compliance with and completion of court-imposed probation or parole, proof of expungement.

**13.** Court disposition records and police reports for any arrests or convictions, or other documents related to criminal convictions since the date of decision.

**14.** Written argument for your petition to be granted by the Agency (Gov't Code 11522).

**15.** Any and all documentation that you would like the Agency to consider in its decision.

**Q.** What is the process after I submit my petition?

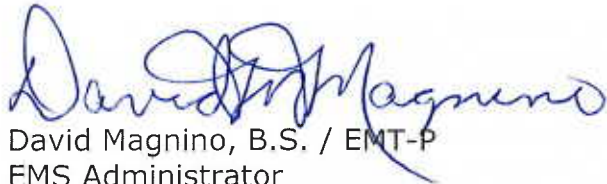
**A.** SCEMSA will review the petition and the supporting documentation. If the petition is deemed complete and the petitioner does not meet the mandatory denial criteria, SCEMSA will issue a decision on the petition within 90 days. If the petition is granted, you may be required to complete an application for an EMT certificate. If you are seeking to reinstate a revoked certificate you will be subject to all applicable statutes, regulation, and policies for issuance of an EMT certificate.

**Q.** Will there be an opportunity to present an oral argument before the SCEMSA?

**A.** The SCEMSA standard practice is to review written arguments for petition applications. SCEMSA reserves the right, at its sole discretion, to allow for oral argument before SCEMSA.

**Q.** What will the status of my EMT certificate be if the petition to reinstate a revoked or suspended EMT certificate is granted?

**A.** SCEMSA may impose any terms and conditions that it reasonably deems appropriate to impose as a condition of reinstatement.

A handwritten signature in blue ink that reads "David Magnino". The signature is stylized with large, flowing loops.

David Magnino, B.S. / EMT-P  
EMS Administrator  
Sacramento County EMS Agency