



**WESTCHESTER REGIONAL  
EMERGENCY MEDICAL ADVISORY COMMITTEE**

**POLICY STATEMENT**

*Supercedes/Updates:* New

Adopted 5/2011

**No. 11- 03**

**Date:** May 16, 2011

**Re:** Advanced Life  
Support System  
Complaint Procedures

**Pages:** 10

**Note:** The New York State Department of Health, Bureau of EMS (NYSDOH BEMS) mandates specific incident reporting responsibilities and requirements for all EMS services. Incidents identified must be reported as indicated in NYCRR, Part 800, Section 21(q) 1-5 and Section 21(r), Part 80, 80.136 (k), NYSDOH BEMS Policy Statement 98-11, as well as other applicable state and regional policies and procedures.

In order to handle complaints concerning participating organizations, or individual participants such as Paramedics and Physicians involved in delivery of pre-hospital Advanced Life Support (ALS) services, the following procedure is established.

Complaints can be made by a patient, the public, participating organizations, or individual participants, including Westchester Regional EMS staff members. All such complaints should be written, signed, and delivered to the Westchester Regional EMS Program Coordinator. Appropriate grounds for complaints include:

- Practicing without proper NYS or Westchester Regional EMS certification.
- Deviation from Westchester Regional EMS protocols, including interim updates from the Regional MAC (Westchester Regional EMS protocols, procedures, medications schedule, policies).
- Unprofessional conduct (disrespect towards patients, families, fellow providers, intoxication while on duty, breaking patient confidentiality)
- Immoral or indecent behavior.
- Fraud, falsification of records, unauthorized possession or misappropriation of property.
- Insubordination (The scope of which rose to a level that threatened patient care and/or patient or provider safety).

In an effort to insure that reported complaints are managed promptly, efficiently, and objectively, the Westchester Regional Medical Advisory Committee (REMAC) has established an evaluation procedure that delegates certain responsibilities to several key individuals involved with regional EMS system oversight. It is understood that the Regional Medical Director shall be empowered to take all immediate actions necessary to mitigate identified or perceived serious deficiencies in the regional medical control system. This includes but is not limited to the ability to suspend the regional ALS credentials of any EMS provider, physician or EMS agency operating in the Westchester regional EMS system. A subcommittee of the REMAC Credentials Committee shall be designated to evaluate all warranted complaints and develop consensus recommendations to REMAC. This subcommittee shall be referred to as the Evaluation Committee and shall be

chaired by an officer of REMAC. The Evaluation Committee Chair shall be responsible to oversee and administrate the evaluation process. The Regional EMS Program Coordinator shall coordinate the complaint process and communications between all participants.

The Evaluation Committee consists of five (5) members as follows:

- Chairperson of the Evaluation Committee
- Regional Medical Director
- Regional Program Coordinator
- 1 Medical Control Physician appointed by the Regional Medical Director
- 1 Paramedic appointed by the Regional Medical Director

*No member of any EMS agency or institution involved in the complaint shall be appointed to the Evaluation Committee.*

Complaints will be processed in the following manner:

1. Written signed complaints must be delivered to the Westchester Regional EMS Office.
2. Upon receipt of a written complaint, the Westchester Regional EMS Program Coordinator shall make notification of the alleged infraction to the Regional Medical Director. In conjunction with the Regional EMS Program Coordinator, the Regional Medical Director may choose any of the following options:
  - a) Decide complaint is warranted, refer to the Evaluation Committee. The Regional EMS Program Coordinator shall notify the named party, the party's supervisor at his/her field agency or institution, and the agency or institution medical director and shall formally request the submission of associated reports and statements.
    - If the complaint is deemed to be a serious infraction, the Regional Medical Director, in conjunction with the Chairperson of the Evaluation Committee, may suspend the regional credentials of the named party. Notification of such will be made to the named party, the party's supervisor and medical director of his/her institution. In such cases, the Evaluation Committee will convene within fourteen (14) days;
  - b) Decide complaint is warranted, resolved by information obtained from submitted reports and statements reviewed by the Regional Medical Director, EMS Program Coordinator, and Evaluation Committee Chairperson;
  - c) Decide complaint is unwarranted; report the same to the Evaluation Committee.
4. If deemed necessary, the Evaluation Committee shall convene as soon as practical but no later than 30 days from the date the complaint is received. A meeting shall be scheduled to afford an opportunity to all interested parties of any complaint to discuss the content of the complaint with the Evaluation Committee. Appearance at the meeting of the Evaluation Committee is optional and shall be at the sole discretion of the parties of any complaint. At such time that the Evaluation Committee

determines that sufficient information regarding the complaint has been obtained, the committee shall develop a report for REMAC. The Evaluation Committee's report shall become the basis for a consensus recommendation to the REMAC.

5. In cases where it is the consensus of opinion of the Evaluation Committee that immediate action is warranted, the Regional Medical Director is authorized to institute any disciplinary measures deemed appropriate by the Evaluation Committee. Disciplinary options include, but are not limited to: probation, probation with supervision, suspension for a specified time period, revocation of privileges to participate in the Westchester Regional EMS System, remediation and retraining. The named party, and the named party's supervisor at his/her field agency or institution will be notified in writing of the Evaluation Committee's decision.
6. In cases where it is the consensus of opinion of the Evaluation Committee that no follow-up action is warranted, the Chairperson of the Evaluation Committee, or the Regional Medical Director, shall communicate that opinion in writing to the complainant, the named party, and the named party's supervisor at his/her field agency or institution.
7. The REMAC will review, at their next scheduled meeting, complaints processed through steps 3 a-c listed above. The REMAC may conduct any subsequent investigations and/or hearings deemed warranted and shall issue a decision in the matter within 30 days of the REMAC meeting. The decision shall be made in writing to the named party and the named party's supervisor at his/her field agency or institution. Notification of the final decision may also be made to the complainant if requested. The decision of the REMAC shall be considered binding and final. A record of each complaint and a copy of the Evaluation Committee's report shall be maintained at the Westchester Regional EMS Office. *Appeals by the complainant or the named party should be directed to the New York State Emergency Medical Advisory Committee (SEMAC).*