

**Policy Title: GRIEVANCE RECOURSE:  
LOCAL SYSTEM REVIEW BOARD**

**No. G - 2**

**Board approval: 5/14/15**

**Effective: 9/1/17**

**Supersedes: 1/1/16**

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**Reference:** EMS Act (*Section 3.40*); EMS Rules Section 515.420 (a)-(l)

Board list options attached: Updated 2-1-18

## **I. POLICY**

Any individual, individual provider, or other participant suspended from participation by the EMS MD pursuant to the EMS Act, the EMS Rules or System Policy D-1, may request a hearing before a Local System Review Board prior to the terms of the suspension being implemented unless the nature of the allegation is so egregious that an Immediate Suspension is deemed necessary by the EMS MD. (See Policy D-1; System Participant Suspensions).

## **II. PROCEDURE**

**A. REQUEST FOR A HEARING:** Upon receipt of a Notice of Suspension the individual, individual provider or participant shall have 15 days to request a hearing before the Local System Review Board. This request shall be made in writing, via certified mail or personal service, to the EMS MD. Failure to submit a request in writing to the EMS MD within 15 days after the suspension notice has been received shall constitute a waiver of the right to a System Review Board hearing and the decision by the EMS MD shall be considered binding.

### **B. COMPOSITION OF THE SYSTEM REVIEW BOARD**

*The Resource Hospital shall designate the Local System Review Board, consisting of at least three members, one of whom is an ED physician with knowledge of EMS, and two who are of the same professional category as the individual, individual provider or other participant requesting the hearing. (Section 3.40(e) of the Act)*

*The EMS MD shall prepare and post the Review Board list in a 24 hour accessible location on the System website. The list for the NWC EMSS is located appended to this policy and is also available by contacting the EMS office.*

**C. CONVENING A BOARD:** The hearing shall commence as soon as possible but at least within 21 days after receipt of a written request for a hearing.

### **D. FAIR AND OBJECTIVE HEARING CONDUCTED UNDER ESTABLISHED RULES**

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 impartial manner under procedures outlined below:

- 1. Option of representation:** Each party to the proceedings shall have the right to select a person to represent him or her and be present at the hearing at his or her own expense. Any rights of participation, review or commentary extended to the Counsel for the EMS System will be similarly extended to the same degree to Counsel for the suspended participant.
- 2. Questioning by panel members:** At the hearing, the suspended participant will present his or her case before the Board. The Board will direct questions to all concerned parties in order to gather all of the facts and pertinent information.
- 3. Submission of evidence:** The 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. Only current allegations may be presented unless previous information illustrates a pattern of behavior or practice. The suspended participant shall have the right to submit evidence explaining or refuting the charges as well as the right to cross-examine the witnesses.

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4. **Record of the proceedings:** *The EMS MD shall arrange for a certified shorthand reporter to make a stenographic record of the hearing and thereafter prepare a transcript of the proceedings. 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).*
5. **Open vs. closed hearing:** The suspended individual or individual provider and the EMS MD will be allowed to listen to all testimony but will not be allowed admittance to the discussion and decision process of the Board. However, they may be present after the decision is reached and the Board's recommendations are announced, if the decision can be reached immediately.
6. **Times when witnesses may be present:** 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 witnesses.
7. **Confidentiality of Board proceedings:** All information relating to the Board, except final decisions, shall be afforded the same status as is provided information concerning medical studies in Article VIII, Part 21 of the Code of Civil Procedure. Disclosure of such information to IDPH pursuant to the EMS Act shall not be considered a violation of Article VIII, Part 21 of the Code of Civil Procedure.

**E. TIMELY, FAIR DECISION BASED ON THE EVIDENCE**

*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 individual, individual provider or other participant who requested the hearing within five business days after the conclusion of the hearing detailing the Board's findings for each charge or issue and citing the evidence to support their decision.*

**F. BINDING NATURE OF BOARD'S DECISIONS:** *The System shall implement a decision of the Local System Review Board unless that decision has been appealed to the State EMS Disciplinary Review Board in accordance with the EMS Act and the Rules (Section 3.40(e) of the Act.*

**G. NOTICE to IDPH:** *The EMS MD shall notify IDPH, in writing, within five business days after the board's decision to uphold, modify or reverse the EMS MD's suspension order of an individual, individual provider or participant has been received. The notice shall include a statement detailing the duration and grounds for the suspension.*

**H. APPEAL**

1. *If the Local System Review Board affirms or modifies the EMS MD's suspension order, the individual, individual provider or other participant shall have the opportunity for a review of the Local Board's decision by the State EMS Disciplinary Review Board pursuant to Section 3.40(b)(1) of the Act.*
2. *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 the local Board's decision by the State EMS Disciplinary Review Board, pursuant to Section 3.40(b)(2) of the EMS Act.*
3. *Requests for review by the State EMS Disciplinary Review Board shall be submitted in writing to the Chief of the IDPH Division of EMS and HW Safety, within 10 days after receiving the Local Board's decision or the EMS MD's suspension order, whichever is applicable. A copy of the Board's decision or the suspension order shall be enclosed (Section 3.45(h) of the Act.*

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**III. A suspension (other than an immediate suspension) shall commence only upon the occurrence of one of the following:**

- A. The System member or provider has waived the opportunity for a hearing before the local system review Board; or
- B. The suspension order has been affirmed or modified by the local Board and the individual or individual provider has waived the opportunity for review by the State Disciplinary Review Board; or
- C. 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.

*Note:* A recommendation to the Department by the EMS MD to deny, suspend, or revoke the license of a participant within the NWC EMSS is not subject to the provisions of the Suspension subpart of the Rules unless such recommendation forms the basis for suspension pursuant to the EMS Rules.

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Matthew T. Jordan, M.D., FACEP  
EMS Medical Director

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Connie J. Mattera, M.S., R.N., EMT-P  
EMS Administrative Director

# Northwest Community EMS System Local System Review Board List 2-1-2018

*The Resource Hospital shall designate the Local System Review Board, consisting of at least three members, one of whom is an emergency department physician with knowledge of EMS and two who are of the same professional category as the individual, individual provider or other participant requesting the hearing. (Section 3.40(e) of the Act) The EMS MD shall prepare and post, in a 24-hour accessible location at the Resource Hospital, the System Review Board List.*

STANDING MEMBER	
<b>Emergency Department Physician</b>	Dr. John Ortinau - Alternate EMS MD If a possible conflict of interest exists for Dr. Ortinau or he is unable to serve, Dr. C. Grant Van Hazebroeck (ABMC) will be asked to participate.

The System shall select one member and the individual, individual provider or other participant requesting the hearing shall select the second member from the same professional category.

Professional category representatives shall be selected from current members/alternates of the System Advisory Board or a designated representative if Board members/alternates do not have at least three options from that constituency. No one is allowed to serve on a Review Board hearing if they have a conflict of interest.	
<b>Provider Agency</b>	Chief John Malcolm (LZRFD) Chief Alan Wax (DPFD) Jim Arie (BFD) Tom Krueger (LRWFPD)
<b>Hospital</b>	Kim Nagy, RN (NCH) Julie Sloncen, R.N. (ABMC) Georgene Fabsits, R.N. (ABMC) Virginia Logan, RN (RES)
<b>Paramedic</b>	BC. Nathan Gac, EMT-P (EGFD) DC Ed Rogers, EMT-P (DPFD) BC Michael Sharp, EM-P (EGFD) AC Scott Motisi, EMT-P (BCFPD) Jeff Hall, EMT-P (LZFR) Aharon, Losoff, EMT-P (MPFD) Ron Swidler, EMT-P (LRWFPD) John Figliuolo, EMT-P (ADV) Kelly Seiler, EMT-P (SUP)
<b>ECRNs</b>	Melissa Housam, RN, ECRN (ABMC) Amy Crane (AGSH) Karin Buchanan, RN, ECRN (SAMC)
<b>EMT-B</b>	TBD
<b>PHRN</b>	Colin Finlay, RN, EMT-P (RMFD) Lukasz Szerlag, RN, EMT-P (DPFD)

Note: The NWC EMSS does not currently have any EMTs or AEMTs/EMT-Is on the Advisory Board. If one is needed for a review board, the requestor shall be given a list of those System members who hold that credential from which to select.

Northwest Community EMS System				POLICY	MANUAL
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