

Tuolumne County Emergency Medical Services Agency
EMS System Policies and Procedures

Policy: EMS System Misuse

#310.00

Medical Director: _____

Creation Date: 11-28-2018

EMS Coordinator: _____

Revision Date:

Review Date: 11-2023

I. AUTHORITY

Division 2.5, California Health and Safety Code, Sections 1797.220, and 1798

II. PURPOSE

The Tuolumne County EMS system is designed to provide residents and visitors with quality Prehospital care in an efficient and timely manner. There are persons who misuse the EMS system by requesting services when a reasonable person would believe no medical services are required, thereby reducing resources for persons in need of emergency medical services. The purpose of this policy is to identify, counsel and refer the EMS System Misuser to the appropriate services and, if needed, restrict the EMS system Misuser's access to EMS services.

III. DEFINITION

- A. EMS System Misuser: A person who has requested EMS responses for themselves an average two (2) times per month over three (3) months (e.g., six or more responses with in a 90 day period), without any identifiable emergency medical need.
- B. EMS System Misuse Review: A review of available evidence to determine if a person is an EMS System Misuser.
- C. EMS System Use Reduction Program: A program which includes counseling on the appropriate use of the EMS System, referral to appropriate services and, if needed, restriction of access to EMS transportation.
- D. Restricted EMS Access: An identified EMS System Misuser may be refused transport after a medical assessment when, in the opinion of the Paramedic on scene and with concurrence of the Base Hospital Physician, no medical emergency conditions exist.

IV. POLICY

A. Identifying EMS System Misuser

Upon request of EMS providers or Hospitals, the EMS Medical Director shall convene a group composed of the EMS Medical Director, EMS Coordinator and representatives from an EMS Providers, the affected hospitals and any other pertinent agency to determine if a person is an EMS System Misuser. If, upon completion of the review, it is determined the person is an EMS System Misuser, said person shall be placed into an EMS System Use Reduction Program. The appropriate agencies will be requested to assist with the EMS System Use Reduction Program. The agencies may consist of:

- 1. Tuolumne County EMS Agency

2. Tuolumne County Department of Social Services
3. Hospital Social Services
4. Client's Primary Care Physician
5. Tuolumne County Behavioral Health Department
6. Appropriate Law Enforcement Agency
7. Other agency as deemed appropriate

B. EMS System Use Reduction Program

1. The EMS System Misuser will be contacted by at least one of the aforementioned agencies prior to initiating the restriction of EMS access. The contacting agency(ies) will define and educate regarding the appropriate resources to address the EMS System Misuser needs.
2. If, fifteen (15) days after the aforementioned contact, the EMS System Misuser continues his/her inappropriate use of the EMS System, the EMS Agency, or its designee, will counsel the EMS System Misuser on the appropriate use of the EMS system, provide the EMS System Misuser with a copy of this and any other appropriate policies, and answer questions regarding the appropriate use of the EMS system. During counseling the EMS System Misuser will be given a written warning that continued misuse of the EMS system may result in the restriction of EMS access (First Warning).
3. If, fifteen (15) days after the First Warning notice, the EMS System Misuser continues his/her inappropriate use of the EMS System, a second written notice that continued misuse of the EMS system may result in the restriction of EMS access (Second Warning) will be given. The notice shall be mailed by certified mail or be hand delivered.
4. If, fifteen (15) days after the Second Warning notice, the EMS System Misuser continues his/her inappropriate use of the EMS System, a Final Demand notice that continued misuse of the EMS system may result in the restriction of EMS access will be given. The Final Demand shall be hand-delivered.
5. If, after the Third Warning, the EMS System Misuser continues his/her inappropriate use of the EMS System, the EMS Medical Director may restrict the EMS System Misuser's the access to the EMS System.

C. Restricted EMS Access

1. If the EMS Medical Director decides that the EMS System Misuser's access to the EMS System shall be restricted, the EMS Agency shall notify EMS dispatch, ambulance services, first responder agencies, and hospital emergency departments. The notification shall include a photograph (if available), name, date of birth, address and other pertinent information. This information shall not be publicly distributed.
2. Upon contact with an EMS System Misuser, the Paramedic will assess the EMS System Misuser to determine if an identifiable medical emergency exists. If the patient is non-ambulatory, cannot sit unassisted, has been placed on a 5150 hold, meets any Tuolumne

EMS triage criteria or has a medical condition that requires immediate treatment, the patient will be treated and transported to the nearest appropriate facility. If the EMS System Misuser does not have an identifiable medical emergency, the Paramedic shall contact the Base Hospital Physician for concurrence that the EMS System Misuser can safely be refused transportation to a hospital.

3. The Paramedic shall advise the EMS System Misuser of the following: "You have been identified as an EMS System Misuser. The EMS Medical Director has restricted your access to the EMS system. You will need to find alternative transportation. **We are not transporting you to the hospital.** If you feel this is in error, you can contact the Tuolumne County EMS Agency at (209) 533-7460."
4. Upon completing the aforementioned advisory the paramedic shall complete a Patient Care Record (PCR) clearly documenting the patient's ability to ambulate, sit unassisted, mental status, level of or lack of distress, vital signs, the name of Base Hospital Physician contacted, and any other pertinent information.
5. All PCRs for EMS System Misusers shall be reviewed by the Tuolumne County EMS Quality Assurance/Quality Improvement Committee.

D. Appeal of Restricted EMS Access

1. The EMS System Misuser, or his/her representative, may appeal the restriction of EMS Access; the request for appeal must be in writing. The request may be made at any time; however, no more than two (2) requests for appeal will be heard in any six (6) month period.
2. The EMS System Misuser, or his/her representative, must provide evidence that the EMS System Misuser can use the EMS system appropriately for the appeal to be found credible.
3. If the request for appeal is found to be credible by the EMS Medical Director, the EMS Agency will schedule an Appeals Panel conference within 15 days in which the EMS System Misuser, or his/her representative, will present his/her evidence to reinstatement of EMS Access.
4. The EMS Agency shall choose three (3) representatives to comprise an Appeal Panel. Two (2) of the panel members shall have substantial EMS experience and the remaining member shall be from one of the agencies listed in Section IV, A 1-7, and have substantial experience in his/her area. The decision of the appeal panel shall be final.

E. Reinstatement of Full EMS Access.

1. If after a six (6) month period, the EMS System Misuser has shown the ability to use the EMS system appropriately, the EMS Medical Director may reinstate full access to the EMS system.
2. Upon reinstatement of full access to the EMS system, the EMS System Misuser will be placed on a probationary period of six (6) months. If

during this six (6) month period, the EMS System Misuser requests EMS services two (2) times, without any identifiable emergency medical need, the EMS Medical Director may restrict EMS access for additional six (6) month period.

3. After the completion of the probationary period, the EMS System Misuser will have no restriction on his/her access to EMS services. However, the EMS System Misuser will not be exempt from any part of this policy.