

EMERGENCY MEDICAL SERVICES AUTHORITY

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DATE: September 17, 2014
TO: Commission on EMS
FROM: Howard Backer, MD, MPH, FACEP, Director
PREPARED BY: Steven A. McGee, Administrative Adviser
SUBJECT: Update on Legal Office Activity

RECOMMENDED ACTION:

Receive the Legal Office Report.

FISCAL IMPACT:

None.

DISCUSSION:

From May 9, 2014, to August 15, 2014, the Authority issued twelve new Accusations against existing paramedic licenses, issued four Statement of Issues denying an unrestricted license, issued 119 notices of Administrative Fine, and one Temporary Suspension Order. Of the newly issued actions, six of the Respondents have requested that an administrative hearing be set. The case summaries below include updates of cases reported in the last Legal Office Report, and new case activity since the last report.

ADMINISTRATIVE DISCIPLINARY ACTIVITY:**UPDATES FROM ACIVITY OF LAST REPORT:****Statement Of Issues issued January 30, 2013, EMSA Case No. 12-0169**

Respondent was convicted of two DUI's within five years of his license application. Respondent was denied a license and appealed. License denial pursuant to Health and Safety Code Section 1798.200 (c)(6); conviction of a crime substantially related to the duties and functions of a licensee, and (c)(9); addiction to or misuse of alcohol.

Update Status: Subsequent to a hearing before an administrative law judge, Respondent was issued a license and put on probation with continued substance abuse monitoring.

Accusation issued January 31, 2013, EMSA Case No. 12-0040

Respondent was convicted of felony possession of methamphetamine. Disciplinary action pursuant to Health and Safety Code Section 1798.200 (c)(6); conviction of a crime substantially related to the duties and functions of a licensee, (c)(8), violation of state and federal drug laws.

Update Status: Respondent requested a hearing, hearing continued to October 20, 2014.

Accusation issued June 24, 2013, EMSA Case No. 12-0103

Respondent failed to properly assess and administer treatment to multiple patients.

Disciplinary action pursuant to Health and Safety Code Section 1798.200(c)(3); repeated negligent acts, (c)(7); failure to follow protocol, (c)(10); functioning outside of medical control.

Update Status: Respondent requested a hearing; however Respondent surrendered his license prior to the hearing.

Accusation issued July 25, 2013, EMSA Case No. 12-0356

Respondent failed to properly assess and administer treatment to multiple patients.

Disciplinary action pursuant to Health and Safety Code Section 1798.200(c)(3); repeated negligent acts, (c)(7); failure to follow protocol, (c)(10); functioning outside of medical control.

Update Status: Respondent requested a hearing; hearing continued to December 16, 2014.

Accusation issued January 4, 2014, EMSA Case No. 13-0284

Respondent was convicted of DUI. Disciplinary action pursuant to Health and Safety Code Section 1798.200 (c)(6); conviction of a crime substantially related to the duties and functions of a licensee, and (c)(9); addiction to or misuse of alcohol.

Update Status: Respondent requested a hearing; however Respondent settled the matter prior to hearing with three years of probation.

Accusation issued January 8, 2014, EMSA Case No. 13-0176

Respondent was convicted of DUI. Disciplinary action pursuant to Health and Safety Code Section 1798.200 (c)(6); conviction of a crime substantially related to the duties and functions of a licensee, and (c)(9); addiction to or misuse of alcohol.

Update Status: Respondent requested a hearing; however Respondent settled the matter prior to hearing with three years of probation.

Statement Of Issues issued March 6, 2014, EMSA Case No. 13-0216

Respondent was convicted of two felonies specified as sexual offenses under Penal Code 290. Respondent was denied a license and he appealed. License denial pursuant to Health and Safety Code Section 1798.200 (c)(6); conviction of a crime substantially related to the duties and functions of a licensee, and (c)(12)(C); unprofessional conduct by commission of an offense specified under PC 290.

Update Status: Subsequent to a hearing before an administrative law judge, Respondent was issued a license and put on probation. The Authority adopted the proposed decision.

Accusation issued March 7, 2014, EMSA Case No. 13-0336

Respondent was intoxicated while at work. Respondent was also convicted of battery.

Disciplinary action pursuant to Health and Safety Code Section 1798.200 (c)(6); conviction of a crime substantially related to the duties and functions of a licensee, and (c)(9); addiction to or misuse of dangerous drugs.

Update Status: Respondent requested a hearing; however Respondent surrendered his license prior to the hearing.

Accusation issued March 10, 2014, EMSA Case No. 13-0297

Respondent was convicted of DUI. License discipline pursuant to Health and Safety Code Section 1798.200 (c)(6); conviction of a crime substantially related to the duties and functions of a licensee, and (c)(9); addiction to or misuse of alcohol.

Update Status: Respondent has requested a hearing, waiting for hearing date from OAH.

Statement Of Issues issued March 14, 2014, EMSA Case No. 14-0020

Respondent was convicted of two felonies for forgery and auto theft, and a misdemeanor conviction for illegal drug possession. Respondent was denied a license and she appealed. License denial pursuant to Health and Safety Code Section 1798.200 (c)(6); conviction of a crimes substantially related to the duties and functions of a licensee, and (c)(8); violation of state and federal drug laws.

Update Status: Respondent requested a hearing; hearing set for September 25, 2014.

Accusation and Petition to terminate Probation, issued March 21, 2014, EMSA Case No. 13-0412

Respondent, while already on probation with the Authority for a DUI offense, was convicted of another DUI related offense. License discipline pursuant to Health and Safety Code Section 1798.200 (c)(6); conviction of a crime substantially related to the duties and functions of a licensee, and (c)(9); addiction to or misuse of alcohol.

Update Status: Respondent has requested a hearing, hearing set for November 6, 2014.

Accusation issued April 4, 2014, EMSA Case No. 12-0307

Respondent failed to perform an intubation correctly, placing the tube into the patient's esophagus. Respondent failed to verify that the airway was correctly placed. Respondent then falsified the PCR to cover up the improper airway placement. Disciplinary action pursuant to Health and Safety Code Section 1798.200(c)(2); gross negligence, (c)(5); fraudulent or dishonest act, (c)(7); failure to follow local protocol, (c)(10); functioning outside of medical control.

Update Status: Respondent has requested a hearing, hearing set for November 20, 2014.

Temporary Suspension Order and Accusation issued, April 23, 2013, EMSA Case No. 14-0103

Respondent was convicted of possessing child pornography. Action pursuant to Health and Safety Code Section 1798.200 (c)(12)(C); unprofessional conduct for commission of an offense specified under Penal Code Section 290.

Update Status: Respondent never responded to the Accusation, license revocation by default.

Temporary Suspension Order and Accusation issued April 29, 2014, EMSA Case No. 14-0134

Respondent took morphine from her employer that was to be wasted and kept it for her own use. Disciplinary action pursuant to Health and Safety Code Section 1798.200 (c)(5); fraudulent, dishonest or corrupt act, (c)(8); violation of state and federal drug laws.

Update Status: Respondent has requested a hearing, hearing set for September 8, 2014.

Accusation issued May 5, 2014, EMSA Case No. 13-0304

Respondent failed to properly assess and provided no treatment to an elderly patient he was transporting that was experiencing chest pains. Respondent also allowed his EMT partner to

perform ALS procedures on the patient. Disciplinary action pursuant to Health and Safety Code Section 1798.200(c)(5); fraudulent or dishonest conduct, (c)(7); failure to follow local protocol, (c)(10); functioning outside of medical control.

Update Status: Respondent has requested a hearing, hearing set for January 15, 2015.

Accusation issued May 5, 2014, EMSA Case No. 13-0236

Respondent was arrested for battery. During a search of his person, Police found methamphetamine. Disciplinary action pursuant to Health and Safety Code Section 1798.200 (c)(8); unlawful possession of dangerous drugs.

Update Status: Respondent surrendered his license.

NEW ADMINISTRATIVE DISCIPLINARY ACTIVITY:

Statement Of Issues issued May 23, 2014, EMSA Case No. 14-0087

Respondent was convicted of DUI. License denial pursuant to Health and Safety Code Section 1798.200 (c)(6); conviction of a crime substantially related to the duties and functions of a licensee, and (c)(9); addiction to or misuse of alcohol.

Status: The matter was settled prior to hearing with the issuance of a provisional license and three years of license probation.

Accusation issued May 21, 2014, EMSA Case No. 13-0244

Respondent was convicted of DUI. License discipline pursuant to Health and Safety Code Section 1798.200 (c)(6); conviction of a crime substantially related to the duties and functions of a licensee, and (c)(9); addiction to or misuse of alcohol.

Status: Respondent surrendered his license.

Accusation issued May 21, 2014, EMSA Case No. 12-0364

Respondent was convicted of DUI. License discipline pursuant to Health and Safety Code Section 1798.200 (c)(6); conviction of a crime substantially related to the duties and functions of a licensee, and (c)(9); addiction to or misuse of alcohol.

Status: Respondent requested a hearing, hearing set for October 10, 2014.

Statement Of Issues issued May 21, 2014, EMSA Case No. 13-0329

Respondent was convicted of DUI. License denial pursuant to Health and Safety Code Section 1798.200 (c)(6); conviction of a crime substantially related to the duties and functions of a licensee, and (c)(9); addiction to or misuse of alcohol.

Status: The matter was settled prior to hearing with the issuance of a provisional license and three years of license probation.

Administrative Fine issued May 27, 2014, EMSA Case No. 14-0049

Respondent obtained a CPR card without actually taking a course or performing any required skills. Disciplinary action pursuant to Health and Safety Code Section 1798.200(c)(7); violating regulations pertaining to pre-hospital care.

Status: Respondent never responded to the fine, fine assessed by default.

Administrative Fines issued May 27, 2014, EMSA Case No. 14-0037

Respondents (approximately 115 individuals) obtained CPR cards without actually taking a course or performing any required skills. Disciplinary action pursuant to Health and Safety Code Section 1798.200(c)(7); violating regulations pertaining to pre-hospital care.

Status: Some Respondents paid the fine, and some never responded to the fine, in which case the fine was assessed by default.

Accusation issued June 13, 2014, EMSA Case No. 13-0423

Respondent was convicted of DUI. License discipline pursuant to Health and Safety Code Section 1798.200 (c)(6); conviction of a crime substantially related to the duties and functions of a licensee, and (c)(9); addiction to or misuse of alcohol.

Status: Respondent settled the matter prior to hearing with three years of probation.

Accusation and Petition to terminate Probation, issued June 16, 2014, EMSA Case No. 12-0214

Respondent, while already on probation with the Authority for a DUI offense, was convicted of another DUI related offense. License discipline pursuant to Health and Safety Code Section 1798.200 (c)(6); conviction of a crime substantially related to the duties and functions of a licensee, and (c)(9); addiction to or misuse of alcohol.

Status: Respondent never responded to the Accusation, license revocation by default.

Accusation issued June 16, 2014, EMSA Case No. 13-0388

Respondent was convicted of DUI. License discipline pursuant to Health and Safety Code Section 1798.200 (c)(6); conviction of a crime substantially related to the duties and functions of a licensee, and (c)(9); addiction to or misuse of alcohol.

Status: Respondent settled the matter prior to hearing with three years of probation.

Statement Of Issues issued June 16, 2014, EMSA Case No. 14-0068

Respondent was convicted of DUI. License denial pursuant to Health and Safety Code Section 1798.200 (c)(6); conviction of a crime substantially related to the duties and functions of a licensee, and (c)(9); addiction to or misuse of alcohol.

Status: The matter was settled prior to hearing with the issuance of a provisional license and three years of license probation.

Accusation issued June 18, 2014, EMSA Case No. 13-0387

Respondent was convicted of DUI. License discipline pursuant to Health and Safety Code Section 1798.200 (c)(6); conviction of a crime substantially related to the duties and functions of a licensee, and (c)(9); addiction to or misuse of alcohol.

Status: Respondent settled the matter prior to hearing with three years of probation.

Accusation issued June 24, 2014, EMSA Case No. 14-0064

Respondent was convicted of DUI. License discipline pursuant to Health and Safety Code Section 1798.200 (c)(6); conviction of a crime substantially related to the duties and functions of a licensee, and (c)(9); addiction to or misuse of alcohol.

Status: Respondent settled the matter prior to hearing with three years of probation.

Administrative Fine issued June 25, 2014, EMSA Case No. 13-0026

Respondent failed to properly assess a patient or document the call on a PCR. Disciplinary action pursuant to Health and Safety Code Section 1798.200(c)(7); violating regulations pertaining to pre-hospital care.

Status: Respondent has not yet responded to the notice of fine.

Temporary Suspension Order issued June 26, 2014, Accusation issued, June 26, 2014, EMSA Case No. 14-0133

Respondent physically struck and kicked a patient who was restrained on a gurney. Disciplinary action pursuant to Health and Safety Code Section 1798.200 (c)(12)(A); unprofessional conduct for mistreatment of a patient by using excessive force.

Status: Respondent requested a hearing and a hearing was held on August 5, 2014. Awaiting ALJ's proposed decision.

Accusation issued June 30, 2014, EMSA Case No. 13-0073

Respondent was convicted of a DUI related offense. License discipline pursuant to Health and Safety Code Section 1798.200 (c)(6); conviction of a crime substantially related to the duties and functions of a licensee, and (c)(9); addiction to or misuse of alcohol.

Status: Respondent never responded to the Accusation, license revocation by default.

Accusation issued June 30, 2014, EMSA Case No. 13-0347

Respondent was convicted of DUI. License discipline pursuant to Health and Safety Code Section 1798.200 (c)(6); conviction of a crime substantially related to the duties and functions of a licensee, and (c)(9); addiction to or misuse of alcohol.

Status: Respondent settled the matter prior to hearing with three years of probation.

Accusation issued July 15, 2014, EMSA Case No. 12-0279

Respondent was convicted of DUI. License discipline pursuant to Health and Safety Code Section 1798.200 (c)(6); conviction of a crime substantially related to the duties and functions of a licensee, and (c)(9); addiction to or misuse of alcohol.

Status: Respondent requested a hearing, waiting for a hearing date from OAH.

Statement Of Issues issued July 22, 2014, EMSA Case No. 14-0173

Respondent was convicted of DUI. License denial pursuant to Health and Safety Code Section 1798.200 (c)(6); conviction of a crime substantially related to the duties and functions of a licensee, and (c)(9); addiction to or misuse of alcohol.

Status: The matter was settled prior to hearing with the issuance of a provisional license and three years of license probation.

Accusation issued July 23, 2014, EMSA Case No. 13-0123

Respondent was convicted of DUI. License discipline pursuant to Health and Safety Code Section 1798.200 (c)(6); conviction of a crime substantially related to the duties and functions of a licensee, and (c)(9); addiction to or misuse of alcohol.

Status: Respondent settled the matter prior to hearing with three years of probation.

Accusation issued August 5, 2014, EMSA Case No. 14-0047

Respondent was convicted of DUI. License discipline pursuant to Health and Safety Code Section 1798.200 (c)(6); conviction of a crime substantially related to the duties and functions of a licensee, and (c)(9); addiction to or misuse of alcohol.

Status: Respondent settled the matter prior to hearing with three years of probation.

Administrative Fine issued August 8, 2014, EMSA Case No. 14-0053

Respondent failed to properly document the treatment provided to the patient on the PCR. Disciplinary action pursuant to Health and Safety Code Section 1798.200(c)(7); violating regulations pertaining to pre-hospital care.

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Status: Respondent has not yet responded to the notice of fine.

LITIGATION:

The Authority is not currently involved in any litigation.