

**EMERGENCY MEDICAL SERVICES AUTHORITY**

10901 GOLD CENTER DRIVE, SUITE 400  
RANCHO CORDOVA, CA 95670  
(916) 322-4336 FAX (916) 324-2875



**DATE:** June 18, 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 February 14, 2014, to May 9, 2014, the Authority issued thirteen new Accusations against existing paramedic licenses, issued four Statement of Issues denying an unrestricted license, two notices of Administrative Fine, and two Temporary Suspension Orders. Of the newly issued actions, seven of the Respondents have requested that an administrative hearing be set. There are currently no investigation cases that are waiting to be reviewed in the Authority's legal office; all open files have been acted upon and are pending legal action. 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:****Accusation issued January 28, 2013, EMSA Case No. 12-0061**

Respondent and his paramedic partner failed to assess and provided no treatment to an elderly patient with Alzheimer's and congestive heart failure who had been lying on the floor for several days refusing to move. Disciplinary action pursuant to Health and Safety Code Section 1798.200(c)(2); gross negligence, (c)(7); failure to follow local protocol, (c)(10); functioning outside of medical control.

**Update Status:** A hearing was held on August 6, 2013; however the Authority did not adopt the ALJ's proposed decision. After written hearing, Respondent was placed on probation for three years and ordered to take additional CE classes.

**Accusation issued January 28, 2013, EMSA Case No. 12-0062**

Respondent and his paramedic partner failed to assess and provided no treatment to an elderly patient with Alzheimer's and congestive heart failure who had been lying on the floor for several days refusing to move. Disciplinary action pursuant to Health and Safety Code Section 1798.200(c)(2); gross negligence, (c)(7); failure to follow local protocol, (c)(10); functioning outside of medical control.

**Update Status:** A hearing was held on August 6, 2013; however the Authority did not adopt the ALJ's proposed decision. After written hearing, Respondent was placed on probation for three years and ordered to take additional CE classes.

**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:** Respondent requested a hearing; hearing continued to May 12, 2014.

**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 July 30, 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; hearing continued to August 25, 2014.

**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 June 4, 2014.

**Accusation issued August 29, 2013, EMSA Case No. 13-0053**

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 the matter was settled prior to hearing with three years of probation.

**Accusation issued, September 18, 2013, EMSA Case No. 12-0048**

Respondent stole morphine from her employer for her own use. Disciplinary action pursuant to Health and Safety Code Section 1798.200 (c)(5); fraudulent, dishonest or corrupt act; (c)(8), violating state of federal drug laws; and (c)(9); addiction to or misuse of dangerous drugs.

**Update Status:** Respondent requested a hearing; however subsequently Respondent surrendered her license.

**Temporary Suspension Order issued December 31, 2013, Accusation issued, December 31, 2013, EMSA Case No. 13-0408**

Respondent physically abused 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.

**Update Status:** Respondent requested a hearing and a hearing was held on January 27 and February 10, 2014. The ALJ recommended license revocation, and the Authority adopted the decision.

**Administrative Fine issued January 3, 2014, EMSA Case No. 13-0338**

Respondent failed to properly treat a patient according to local protocol. Disciplinary action pursuant to Health and Safety Code Section 1798.200(c)(10); functioning outside of medical control.

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

**Administrative Fine issued January 3, 2014, EMSA Case No. 13-0090**

Respondent failed to properly treat a patient according to local protocol. Disciplinary action pursuant to Health and Safety Code Section 1798.200(c)(10); functioning outside of medical control.

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

**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; hearing set for June 17, 2014.

**Administrative Fine issued January 7, 2014, EMSA Case No. 13-0025**

Respondent failed to properly treat a patient according to local protocol. Disciplinary action pursuant to Health and Safety Code Section 1798.200(c)(10); functioning outside of medical control.

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

**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; hearing set for August 7, 2014.

**Accusation issued January 8, 2014, EMSA Case No. 13-0378**

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 9, 2014, EMSA Case No. 12-0222**

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.

**NEW ADMINISTRATIVE DISCIPLINARY ACTIVITY:**

**Accusation issued February 7, 2014, EMSA Case No. 13-0204**

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:** The matter was settled prior to hearing with three years of probation.

**Administrative Fine issued February 28, 2014, EMSA Case No. 12-0393**

Respondent failed to properly treat a patient according to local protocol. Disciplinary action pursuant to Health and Safety Code Section 1798.200(c)(10); functioning outside of medical control.

**Status:** Respondent paid the fine and the matter was closed.

**Accusation issued March 3, 2014, EMSA Case No. 13-0007**

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:** The matter was settled prior to hearing with three years of probation.

**Accusation issued March 3, 2014, EMSA Case No. 13-0407**

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:** The matter was settled prior to hearing with three years of probation.

**Statement Of Issues issued March 5, 2014, EMSA Case No. 13-0129**

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.

**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.

**Status:** Respondent requested a hearing; hearing set for May 13, 2014.

**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.

**Status:** Respondent requested a hearing; hearing set for August 13, 2014.

**Accusation issued March 7, 2014, EMSA Case No. 13-0064**

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:** The matter was settled prior to hearing with three years of probation.

**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.

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

**Administrative Fine issued March 10, 2014, EMSA Case No. 14-0026**

Respondent failed to properly treat a patient according to local protocol. Disciplinary action pursuant to Health and Safety Code Section 1798.200(c)(10); functioning outside of medical control.

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

**Accusation issued March 14, 2014, EMSA Case No. 13-0239**

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:** The matter was settled prior to hearing with three years of probation.

**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.

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

**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.

**Status:** Respondent has requested a hearing.

**Accusation issued March 21, 2014, EMSA Case No. 13-0298**

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:** The matter was settled prior to hearing with three years of probation.

**Statement Of Issues issued April 3, 2014, EMSA Case No. 14-0073**

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 April 4, 2014, EMSA Case No. 12-0307**

Respondent was convicted of misdemeanor battery, for inappropriately touching a CE instructor. 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.

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

**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.

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

**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.

**Status:** Newly issued Accusation, Respondent has not yet responded.

**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.

**Status:** Newly issued Accusation, Respondent has not yet responded.

**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.

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

**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.

**Status:** Newly issued accusation, Respondent has not yet responded.

**LITIGATION:**

The Authority is not currently involved in any litigation.