

EMERGENCY MEDICAL SERVICES AUTHORITY

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DATE: March 19, 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 October 31, 2013, to February 14, 2014, the Authority issued eleven new Accusations against existing paramedic licenses, issued four Statement of Issues denying an unrestricted license, seven notices of Administrative Fine, and one Temporary Suspension Order. Of the newly issued actions, four 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 25, 2013, EMSA Case No. 12-0065**

Respondent performed procedures on a patient that were not within the local scope of practice or the paramedic scope of practice. Disciplinary action pursuant to Health and Safety Code Section 1798.200(c)(7); failure to follow protocol, (c)(10); functioning outside of medical control.

Update Status: Respondent settled the matter prior to hearing with an administrative fine.

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

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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 and is setting the matter for written hearing.

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 and is setting the matter for written hearing.

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 March 27, 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 March 4, 2013, EMSA Case No. 11-0226

Respondent was convicted of possessing a controlled substance. 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), violating state of federal drug laws; and (c)(9); addiction to or misuse of dangerous drugs.

Update Status: Respondent surrendered his license prior to hearing.

Accusation issued March 14, 2013, EMSA Case No. 12-0114

Respondent failed to properly administer treatment to a patient and dissuaded the patient from being transported to the hospital. Disciplinary action pursuant to Health and Safety Code Section 1798.200(c)(2); gross negligence, (c)(7); failure to follow protocol, (c)(10); functioning outside of medical control.

Update Status: Respondent settled the matter prior to hearing with an administrative fine.

Accusation issued June 6, 2013, EMSA Case No. 13-0153

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 never responded to the Accusation, license revocation by default.

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, hearing set for March 10, 2014.

Accusation issued August 29, 2013, EMSA Case No. 13-0169

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 surrendered his license prior to hearing.

Accusation issued September 13, 2013, EMSA Case No. 13-0048

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 for three years of probation.

Administrative Fine issued September 18, 2013, EMSA Case No. 12-0387

Respondent performed ALS procedures while not authorized and outside of local medical control. 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, 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 or federal drug laws; and (c)(9); addiction to or misuse of dangerous drugs.

Update Status: Respondent has requested a hearing; hearing set for March 24, 2014.

Administrative Fine issued October 15, 2013, EMSA Case No. 13-0261

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 October 15, 2013, EMSA Case No. 13-0262

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.

NEW ADMINISTRATIVE DISCIPLINARY ACTIVITY:

Accusation issued November 1, 2013, EMSA Case No. 13-0124

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.

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

Administrative Fine issued November 1, 2013, EMSA Case No. 12-0357

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 November 26, 2013, EMSA Case No. 13-0211

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.

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

Administrative Fine issued December 3, 2013, EMSA Case No. 12-0391

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; matter closed.

Administrative Fine issued December 18, 2013, EMSA Case No. 13-0353

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.

Statement Of Issues issued December 23, 2013, EMSA Case No. 13-0233

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 December 23, 2013, EMSA Case No. 13-0202

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 December 30, 2013, EMSA Case No. 13-0292

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 has not yet responded to the notice.

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.

Status: Respondent requested a hearing and a hearing was held on January 27 and February 10, 2014; awaiting ALJ proposed decision.

Accusation issued January 3, 2014, EMSA Case No. 13-0177

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.

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

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.

Status: Respondent has not yet responded to the notice.

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.

Status: Respondent has not yet responded to the notice.

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.

Status: Respondent requested a hearing; hearing set for June 17, 2014.

Accusation issued January 7, 2014, EMSA Case No. 13-0252

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.

Status: Respondent never responded to the accusation; license revocation by default.

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.

Status: Respondent has not yet responded to the notice.

Statement Of Issues issued January 7, 2014, EMSA Case No. 13-0339

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 January 7, 2014, EMSA Case No. 13-0137

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 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.

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

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.

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

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.

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

Accusation issued January 15, 2014, EMSA Case No. 13-0003

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.

Status: Respondent surrendered his license.

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Accusation issued January 31, 2014, EMSA Case No. 12-0395

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.

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

LITIGATION:

The Authority is not currently involved in any litigation.