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BEFORE THE
EMERGENCY MEDICAL SERVICES AUTHORITY
STATE OF CALIFORNIA

In the Matter of the Emergency Medical
Technician - Paramedic License Held by:

No. 03-065

ABEL ALVAREZ
License No. P18809

ORDER FOR TEMPORARY
SUSPENSION PENDING
HEARING

Respondent.

TO: RESPONDENT ABEL ALVAREZ

A. I, Richard Watson, Interim Director of the Emergency Medical Services Authority, have been apprised of the facts and circumstances surrounding your submission of a fraudulent Northern California Training Institute (NCTI) paramedic course completion record to the EMS Authority on or about May 23, 2002, in order to obtain your paramedic license which was issued on or about June 21, 2002. I find that:

1. You committed fraud in the procurement of your paramedic license by submitting a fraudulent NCTI course completion certificate in order to receive a paramedic license, in violation of Health and Safety Code Section 1798.200(c)(1).

2. You committed fraudulent, dishonest, or corrupt acts by submitting a fraudulent NCTI course completion certificate in order to receive a paramedic license and then used that paramedic license to obtain employment as a paramedic with the Sycuan Fire Department, in violation of Health and Safety Code Section 1798.200(c)(5).

3. You violated or attempted to violate directly or indirectly regulations adopted by the EMS Authority pertaining to prehospital personnel by failing to comply with title 22 section 100165(a)(1) which requires proof of completion of an approved paramedic training program, in violation of Health and Safety Code Section



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1798.200(e)(7).

4. The failure to demonstrate qualifications from an approved paramedic training program as required by title 22 section 100165(a)(1) represents an imminent threat to the public health or safety.

B. Based on the above, I find that:

1. You have engaged in acts that constitute grounds for revocation of your EMT-P license;

2. Permitting you to continue to engage in the licensed activity, or permitting you to continue in the licensed activity without restriction, would present an imminent threat to the public health or safety.

C. Therefore, it is necessary to issue this Temporary Suspension Order pursuant to Health and Safety Code Section 1798.202.

YOUR EMT-P LICENSE IS SUSPENDED.

D. Pursuant to Health and Safety Code Section 1798.202, a hearing shall be held within 30 days of your filing a Notice of Defense. The temporary suspension will remain in effect through the holding of a hearing on the Accusation and until such time as the Director has made a final determination on the merits. However, the Temporary Suspension Order is deemed vacated if a final determination is not made within 15 days after the administrative law judge renders the proposed decision.

Dated this 14th day of March, 2003.

RICHARD E. WATSON
Interim Director
Emergency Medical Services
Authority
State of California

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Attorney General of the State of California
2 **THOMAS ROBERT YANGER**
Supervising Deputy Attorney General
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Attorneys for Complainant

7
8 **BEFORE THE**
9 **EMERGENCY MEDICAL SERVICES AUTHORITY**
10 **STATE OF CALIFORNIA**

11
12 In the Matter of the Emergency Medical) No. 03-065
13 Technician - Paramedic License Held by:)
14 **ABEL B. ALVAREZ**)
License No. P18809)
15 **Respondent.**)

16
17 **DANIEL R. SMILEY**, complainant herein, as cause for disciplinary action
18 against respondent, alleges as follows:

19 1

20 Complainant is the Chief Deputy Director of the Emergency Medical
21 Services Authority of the State of California ("EMSA" or "Authority") and makes,
22 executes, and files this Accusation in such official capacity and not otherwise.

23 2

24 Pursuant to division 2.5 of the Health and Safety Code^{1/} (commencing with
25 section 1797) and chapter 4 of division 9 of title 22 of the California Code of Regulations

26
27 1. All section references are to the Health and Safety Code, unless otherwise noted.

1 (commencing with section 100135), the EMSA is authorized to issue, deny, suspend, or
2 revoke Emergency Medical Technician - Paramedic ("EMT-P") licenses or place
3 licensees on probation.

4 3

5 Abel B. Alvarez ("respondent") is the holder of EMT-P license No. P18809
6 which is valid until June 30, 2004, or until revoked or suspended as provided by law.
7 Respondent's license allows him to perform various medical procedures, including
8 advanced life support procedures, while at the scene of a medical emergency or during
9 transport, or during interfacility transfer. The scope of practice of an EMT-P is set forth
10 in section 1797.52 and in section 100145 of title 22.

11 4

12 Section 1798.200 provides in pertinent part as follows:

13 "(b) The authority may deny, suspend, or revoke any EMT-P
14 license issued under this division, or may place any EMT-P licenseholder
15 on probation upon the finding by the director of the occurrence of any of
16 the actions listed in subdivision (c). . . .

17 "(c) Any of the following actions shall be considered evidence of a
18 threat to the public health and safety and may result in the denial,
19 suspension, or revocation of a certificate or license issued under this
20 division, or in the placement on probation of a certificate or licenseholder
21 under this division:

22 "(1) Fraud in the procurement of any certificate or license under
23 this division.

24 "

25 "(5) The commission of any fraudulent, dishonest, or corrupt act
26 which is substantially related to the qualifications, functions, and duties of
27 prehospital personnel."

"

"(7) Violating or attempting to violate directly or indirectly, or
assisting in or abetting the violation of, or conspiring to violate, any
provision of this division or the regulations adopted by the authority
pertaining to prehospital personnel.

Section 100165(a)(1) of title 22 provides that in order to be eligible for licensure an individual shall have a paramedic course completion record or other documented proof of successful completion of an approved paramedic training program.

EMSA Application

A. By application dated on or about May 20, 2002, respondent applied to the EMSA for licensure as a paramedic.

B. The application directed respondent to provide documentation of his paramedic course completion certificate or to check a box on the front of the application indicating that the applicant will submit a copy when the course is completed. In response to this direction, respondent submitted a certificate from the Northern California Training Institute (NCTI) which purportedly reflected that respondent successfully completed the prescribed course of instruction for Mobile Intensive Care Paramedic. This certificate was purportedly dated January 11, 2002 and was purportedly signed by NCTI Director, Lawson Stewart.

C. Respondent certified under penalty of perjury that the information in the application was true and correct to the best of his knowledge and belief. In fact, the information in the application was not true and correct, and respondent knew that the information was not true and correct.

D. Respondent did not successfully complete, nor did he receive a valid certification of completion from NCTI as referred to in paragraph 6-B, above, for a Mobile Intensive Care Paramedic. Respondent fabricated it.

E. EMSA was unaware of respondent's fabrications, and on or about June 21, 2002, it issued respondent EMT-P license No. P18809.

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A. Respondent committed fraud in the procurement of his California EMT-P license, as described in paragraph 6, above.

B. Respondent violated or attempted to violate directly or indirectly, or assisted in or abetted the violation of, or conspired to violate title 22 section 100165 in that he failed to submit a valid paramedic course completion record or other documented proof of successful completion of an approved paramedic training program, as described in paragraph 6, above.

C. Respondent committed fraudulent, dishonest and/or corrupt acts which are substantially related to the qualifications, functions, and duties of prehospital personnel, as described in paragraph 6, above.

8


The failure to demonstrate qualifications from an approved paramedic training program as required by title 22 section 100165(a)(1) represents an imminent threat to the public health or safety.

9

Good cause exists for revocation of respondent's EMT-P license pursuant to section 1798.200.

WHEREFORE, complainant prays that respondent's EMT-P license be revoked.

DATED: 3/14/03


for DANIEL R. SMILEY
Chief Deputy Director
Emergency Medical Services
Authority
State of California

Complainant

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BEFORE THE
EMERGENCY MEDICAL SERVICES AUTHORITY
STATE OF CALIFORNIA

In the Matter of the Emergency Medical Technician -
Paramedic License Held by:

ABEL B. ALVAREZ
License No. P18809

Respondent.

No. 03-065

DECISION AND ORDER

DECISION

This matter is decided without a hearing and in accordance with the default provisions of Government Code section 11520. The contents of official files and records of the Emergency Medical Services Authority were considered in rendering this decision.

Pursuant to Government Code section 11505, the Order for Temporary Suspension Pending Hearing, Statement to Respondent, Accusation, Government Code sections 11507.5, 11507.6, and 11507.7, and form Notice of Defense were personally served upon respondent Daniel Briceno on March 14, 2003. A copy of the Declaration of Service is attached hereto as Exhibit A.

Respondent filed a Notice of Defense on or about March 15, 2003. By letter dated June 15, 2003, a copy of which is attached hereto as Exhibit B, respondent withdrew his

1 Notice of Defense. It is determined that respondent knowingly and voluntarily waived his right
2 to a hearing on the merits of the Accusation.

3 FINDINGS OF FACT

4 1

5 Daniel Smiley made the Accusation herein in his official capacity as the Chief
6 Deputy Director of the Emergency Medical Services Authority of the State of California
7 (Authority or EMSA).

8 2

9 Respondent is the holder of EMT-P license No. P18809 which is valid until June
10 30, 2004, or until revoked or suspended as provided by law. Respondent's license allows him to
11 perform various medical procedures, including advanced life support procedures, while at the
12 scene of a medical emergency or during transport, or during interfacility transfer. The scope of
13 practice of an EMT-P is set forth in Health and Safety Code section 1797.52 and section 100145
14 of title 22 of the California Code of Regulations.

15 3

16 A. By application dated on or about May 20, 2002, respondent applied to the
17 EMSA for licensure as a paramedic.

18 B. The application directed respondent to provide documentation of his
19 paramedic course completion certificate or to check a box on the front of the application
20 indicating that the applicant will submit a copy when the course is completed. In response to this
21 direction, respondent submitted a certificate from the Northern California Training Institute
22 (NCTI) which purportedly reflected that respondent successfully completed the prescribed course
23 of instruction for Mobile Intensive Care Paramedic. This certificate was dated January 11, 2002,
24 and was purportedly signed by NCTI Director Lawson Stewart.

25 C. Respondent certified under penalty of perjury that the information in the
26 application was true and correct to the best of his knowledge and belief. In fact, the information
27 in the application was not true and correct, and respondent knew that the information was not

1 true and correct.

2 D. Respondent did not successfully complete the NCTI Mobile Intensive
3 Care Paramedic course.

4 E. Respondent did not receive a valid certification of completion from NCTI
5 for the Mobile Intensive Care Paramedic course. Respondent fabricated the certificate referred to
6 in paragraph 3-B, above.

7 F. EMSA was unaware of respondent's fabrications, and on or about June 21,
8 2002, it issued respondent EMT-P license No. P18809.

9 DETERMINATION OF ISSUES

10 1

11 Pursuant to division 2.5 of the Health and Safety Code (commencing with section
12 1797) and division 9 of title 22 of the California Code of Regulations (commencing with section
13 100135), the EMSA is authorized to issue, deny, suspend, or revoke Emergency Medical
14 Technician - Paramedic ("EMT-P") licenses or place licensees on probation.

15 2

16 Health and Safety Code section 1798.200 provides in pertinent part as follows:

17 (b) The authority may deny, suspend, or revoke any EMT-P license
18 issued under this division, or may place any EMT-P licenseholder on probation
19 upon the finding by the director of the occurrence of any of the actions listed in
20 subdivision (c). . . .

21 (c) Any of the following actions shall be considered evidence of a
22 threat to the public health and safety and may result in the denial, suspension, or
23 revocation of a certificate or license issued under this division, or in the
24 placement on probation of a certificate or licenseholder under this division:

25 (1) Fraud in the procurement of any certificate or license under this
26 division.

27

(5) The commission of any fraudulent, dishonest, or corrupt act which
is substantially related to the qualifications, functions, and duties of prehospital
personnel.

.....

(7) Violating or attempting to violate directly or indirectly, or

1 assisting in or abetting the violation of, or conspiring to violate, any provision of
2 this division or the regulations adopted by the authority pertaining to prehospital
3 personnel.

3

4 Section 100165(a)(1) of title 22 provides that in order to be eligible for licensure
5 an individual shall have a paramedic course completion record or other documented proof of
6 successful completion of an approved paramedic training program.

7 4

8 A. Respondent committed fraud in the procurement of his California EMT-P
9 license, as described in paragraph 3 of the Findings of Fact.

10 B. Respondent violated or attempted to violate directly or indirectly, or
11 assisted in or abetted the violation of, or conspired to violate title 22 section 100165 in that he
12 failed to submit a valid paramedic course completion record or other documented proof of
13 successful completion of an approved paramedic training program, as described in paragraph 3 of
14 the Findings of Fact.

15 C. Respondent committed fraudulent, dishonest and/or corrupt acts which are
16 substantially related to the qualifications, functions, and duties of prehospital personnel, as
17 described in paragraph 3 of the Findings of Fact.

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The determinations set forth in paragraph 3 of the Determination of Issues constitute grounds for revocation of respondent's EMT-P license pursuant to Health and Safety Code section 1798.200.

ORDER

The EMT-P license issued to respondent Abel B. Alvarez is hereby revoked.

This decision shall become effective SEPTEMBER 26, 2003.

IT IS SO ORDERED this 27th day of AUGUST, 2003.


RICHARD E. WATSON
Interim Director
Emergency Medical Services
Authority
State of California