

1 1798.200(c)(7).

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

5 B. Based on the above, I find that:

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

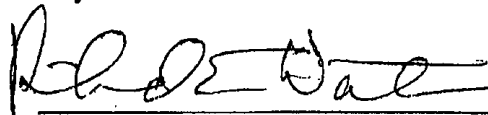
8 2. Permitting you to continue to engage in the licensed activity, or permitting
9 you to continue in the licensed activity without restriction, would present an imminent
10 threat to the public health or safety.

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

13 YOUR EMT-P LICENSE IS SUSPENDED.

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

20 Dated this 21st day of February 2003.

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22 RICHARD E. WATSON
23 Interim Director
24 Emergency Medical Services
25 Authority
26 State of California
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BEFORE THE
EMERGENCY MEDICAL SERVICES AUTHORITY
STATE OF CALIFORNIA

In the Matter of the Emergency Medical Technician -)	No. 03-041
Paramedic License Held by:)	
DANIEL BRICENO)	DECISION AND ORDER
License No. P19440)	
Respondent.)	

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 February 21, 2003. A copy of the Declaration of Diligence attesting to the personal service is attached hereto as Exhibit A.

Respondent, through his attorney of record Matthew Freeman, filed a Notice of Defense on or about March 6, 2003. Respondent subsequently withdrew his Notice of Defense.

1 A copy of Mr. Freeman's letter of June 26, 2003, regarding the withdrawal is attached hereto as
2 Exhibit B. It is determined that respondent knowingly and voluntarily waived his right to a
3 hearing on the merits of the Accusation.

4 FINDINGS OF FACT

5 1

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

9 2

10 Respondent is the holder of EMT-P license No. P19440 which is valid until
11 December 31, 2004, or until revoked or suspended as provided by law. Respondent's license
12 allows him to perform various medical procedures, including advanced life support procedures,
13 while at the scene of a medical emergency or during transport, or during interfacility transfer.
14 The scope of practice of an EMT-P is set forth in Health and Safety Code section 1797.52 and
15 section 100145 of title 22 of the California Code of Regulations.

16 3

17 A. By application dated on or about November 22, 2002, respondent applied
18 to the EMSA for licensure as a paramedic.

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

26 C. Respondent certified under penalty of perjury that the information in the
27 application was true and correct to the best of his knowledge and belief. In fact, the information

1 in the application was not true and correct, and respondent knew that the information was not
2 true and correct.

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

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

8 F. EMSA was unaware of respondent's fabrications, and on or about
9 December 13, 2002, it issued respondent EMT-P license No. P19440.

10 4

11 On or about February 19, 2003, respondent faxed a NCTI certificate to American
12 Medical Response (AMR), a paramedic service provider in Livermore, California, which
13 purportedly reflected that respondent successfully completed the prescribed course of instruction
14 for Mobile Intensive Care Paramedic. Submitting this certificate to AMR was an attempt by
15 respondent to secure a position as a paramedic with AMR. Such certificate was materially
16 different from the certificate which he had submitted to the EMSA on or about November 25,
17 2002, as part of his initial paramedic licensure application, and was fraudulent.

18 DETERMINATION OF ISSUES

19 1

20 Pursuant to division 2.5 of the Health and Safety Code (commencing with section
21 1797) and division 9 of title 22 of the California Code of Regulations (commencing with section
22 100135), the EMSA is authorized to issue, deny, suspend, or revoke Emergency Medical
23 Technician - Paramedic ("EMT-P") licenses or place licensees on probation.

24 2

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

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

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

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

.....

(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 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.

3

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.

4

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

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 3 of the Findings of Fact.

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 paragraphs 3 and 4 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 Daniel Briceno 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



Freeman & Freeman
Law Offices

350 E Street, Third Floor
Santa Rosa, CA 95404
707•575-7141

June 26, 2003

Michael V. Hammang
Deputy Attorney General
1300 I Street, Suite 125
P. O. Box 944255
Sacramento, CA 94244-2550

Re: Our Client: Daniel Briceno
Case No.: 03-041

Dear Mr. Hammang:

Mr. Briceno realizes that his actions were inexcusable, and he has withdrawn his Notice of Defense. He has asked that I forward to you his enclosed letter to the Authority, as well as the enclosed character letters, so that they may be considered and made a part Mr. Briceno's file in this matter.

Thank you for your continued cooperation in this matter.

Very truly yours,

Law Offices of
Freeman & Freeman

Matthew C. Freeman,
Attorney at Law

MCF/nh
Cc: Daniel Briceno
Enc.

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EXHIBIT B