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

11
12 In the Matter of the Emergency Medical
13 Technician - Paramedic License Held by:

14 RICHARD CLARENCE BROWN
License No. P03430

15 Respondent.

No. 00-073
ACCUSATION

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17 DANIEL R. SMILEY, complainant herein, as cause for disciplinary action
18 against respondent, alleges as follows:
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21 Complainant is the Chief Deputy Director of the Emergency Medical
22 Services Authority of the State of California ("EMSA" or "Authority") and makes, executes,
23 and files this Accusation in such official capacity and not otherwise.

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25 Pursuant to division 2.5 of the Health and Safety Code¹ (commencing with
26 section 1797) and chapter 4 of division 9 of title 22 of the California Code of Regulations

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28 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 licensees
3 on probation.

4 3

5 At all times relevant herein, Richard Clarence Brown ("respondent") was the
6 holder of EMT-P license No. P03430. Respondent's license lapsed on or about June 30,
7 2002. Pursuant to section 100171 of title 22, the holder of a license which has lapsed may
8 renew the license by meeting the requisite continuing education requirements and/or
9 passing the written and skills examinations.

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11 An EMT-P license allows the holder thereof to perform various medical
12 procedures, including advanced life support procedures, while at the scene of a medical
13 emergency or during transport, or during interfacility transfer. The scope of practice of an
14 EMT-P is set forth in section 1797.52 and section 100145 of title 22.

15 5

16 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
19 probation upon the finding by the director of the occurrence of any of the
20 actions listed in 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,
23 or 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 "....."

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

"(6) Conviction of any crime which is substantially related to the
qualifications, functions, and duties of prehospital personnel. The record of
conviction or a certified copy of the record shall be conclusive evidence of
such conviction."

July 1980 Conviction

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4 A. On or about March 19, 1980, respondent traveled to Oregon with
5 members of a rock band to play in a competition. The members of the band were minors
6 and did not have permission to travel out of state with respondent.

7 B. On or about July 9, 1980, in the Municipal Court of the State of
8 California, San Joaquin County, respondent was convicted of a misdemeanor violation of
9 Penal Code section 272 (contributing to the delinquency of a minor).

November 1980 Conviction

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11 A. On or about September 8, 1980, in Stockton, California, respondent
12 received or purchased a stereo which he knew to be stolen.

13 B. On or about November 13, 1980, in the Municipal Court of the State of
14 California, San Joaquin County, Stockton Judicial District, Case No. F-28343, respondent
15 was convicted, on his plea of guilty, of a misdemeanor violation of Penal Code section 496
16 (receiving stolen property). Imposition of sentence was suspended and respondent was
17 placed on summary probation for two years on terms that he: serve 360 days in jail (with
18 315 days suspended); pay a fine; submit his person, vehicle, etc., to search for and seizure
19 of stolen property or contraband; and obey all laws.

1983 Conviction

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22 A. On or about June 30, 1981, in Stockton, California, while on probation
23 for the offense described in paragraph 7, above, respondent stole a vehicle.

24 B. In or about June and July of 1981, in Stockton, California, while on
25 probation for the offense described in paragraph 7, above, respondent conspired to kidnap a
26 child for ransom.

27 C. On or about August 4, 1983, in the Superior Court of the State of
28 California, County of San Joaquin, Case No. 32646, respondent was convicted, on his plea

1 of nolo contendere, of a felony violation of Penal Code section 182 (conspiracy to commit
2 a violation of section 207, kidnaping) and a felony violation of Penal Code section 10851
3 (vehicle theft). Imposition of sentence was suspended and respondent was placed on
4 formal probation for five years on terms that he: serve one year in jail; and obtain mental
5 health counseling.

6 9

7 **May 1993 Conviction (11/4/90 Offense)**

8 A. On or about November 4, 1990, in the County of Monterey, California,
9 respondent drove a vehicle when his driver's license was suspended for failure to appear.

10 On or about November 13, 1990, respondent was charged in the Municipal Court of the
11 State of California, County of Monterey, Case No. MM041893A, with one count of
12 violating Vehicle Code section 14601.1(a) (driving when driver's license suspended), a
13 misdemeanor, with four prior convictions in 1987 for the same offense.

14 B. On or about May 5, 1993, respondent was convicted, on his plea of guilty,
15 of the charged offense. Respondent admitted the four prior 14601.1 convictions.

16 Imposition of sentence was suspended and respondent was placed on conditional probation
17 for three years on terms that he: serve thirty days in jail; not operate a motor vehicle unless
18 duly licensed and insured; pay a fine; and obey all laws.

19 C. Respondent violated his probation by failing to pay the fine. On or about
20 April 13, 1994, respondent was charged with violating Vehicle Code section 40508(b)
21 (failure to pay fine); a bench warrant was issued.

22 D. On or about November 13, 1996, the court found respondent in violation
23 of his probation. Respondent ultimately paid the fine, and the charge of violating Vehicle
24 Code section 40508(b) was dismissed.

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26 **December 1991 Conviction (11/14/91 Offense)**

27 A. On or about November 14, 1991, in the County of Monterey, California,
28 respondent drove a vehicle when his driver's license was suspended for failure to appear.

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1 On or about December 6, 1991, respondent was charged in the Municipal Court of the State
2 of California, County of Monterey, Case No. MM048957A, with one count of violating
3 Vehicle Code section 14601.1(a) (driving when driver's license suspended), a
4 misdemeanor, with four prior convictions in 1987 for the same offense.

5 B. On or about December 11, 1991, respondent was convicted, on his plea of
6 guilty, of the charged offense. Imposition of sentence was suspended and respondent was
7 placed on conditional probation for three years on terms that he pay a fine or complete 200
8 hours of community service and obey all laws.

9 C. Respondent violated his probation by failing to pay the fine or complete
10 the community service hours. He was charged with violating Vehicle Code section
11 40508(b), a misdemeanor, and a bench warrant was issued. On or about May 5, 1993,
12 respondent admitted the probation violation and pled guilty to violating Vehicle Code
13 section 40508(b). Probation was reinstated and modified. Respondent paid the fine.

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15 1996 Application to EMSA for Renewal of EMT-P License

16 By application dated May 14, 1996, respondent applied to EMSA for renewal of his
17 EMT-P license. The application contained the following question:

18 "Have you ever been convicted of any felony or misdemeanor offense
19 in California or in any other state or place, including entering a plea of nolo
20 contendere or no contest? YES ___ NO ___ If yes, attach a detailed
21 statement describing the crimes(s), date, location, court, sentence served,
and parole if any. Attach any applicable court documents and police reports.
You must disclose any conviction which has been expunged under Penal Code
Section 1203.4."

22 Respondent answered "no" to this question. He failed to provide any information as to his
23 July 1980, November 1980, August 1983, December 1991, and May 1993 convictions.
24 He certified that the information contained in the application was true and correct to the
25 best of his knowledge and belief. In fact, respondent had been convicted of the offenses
26 described in paragraphs 6 through 10, above. EMSA was unaware of respondent's
27 convictions. EMSA renewed respondent's EMT-P license.

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1994 Application to EMSA for Renewal of EMT-P License

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3 By application dated May 21, 1998, respondent applied to EMSA for renewal
4 of his EMT-P license. The application contained the same question posed in the 1996
5 application. Respondent answered "no" to this question. He failed to provide any
6 information as to his convictions. He certified that all information contained in the
7 application was true and correct to the best of his knowledge and belief. EMSA was
8 unaware of respondent's convictions. EMSA renewed respondent's EMT-P license.

1999 Application to DMV for Ambulance Certificate

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11 By application dated January 26, 1999, respondent applied to the Department
12 of Motor Vehicles for a California Ambulance Certificate. The application contained the
13 following question:

14 "Have you ever been convicted of: A felony, a sex crime or any crime
15 other than traffic violations? Yes _____ No _____"

16 Respondent answered "no" to this question. He failed to provide any information as to his
17 July 1980, November 1980, August 1983, November 1990, December 1991, and May
18 1993 convictions. He certified under penalty of perjury that all statements on the
19 application were true.

2000 Application to EMSA for Renewal of EMT-P License

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22 A. By application dated June 7, 2000, respondent applied to EMSA for
23 renewal of his EMT-P license. That application contained the same question posed in the
24 1996 and 1998 applications. Respondent answered "yes" to this question. He disclosed
25 both of the 1980 convictions and 1983 conviction. He did not disclose the December
26 1991 or May 1993 convictions. He certified that all information contained in the
27 application was true and correct to the best of his knowledge and belief.

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1 B. One of the conditions of renewal was the completion of a minimum of 48
2 hours of continuing education ("CE") courses.

3 C. Respondent represented in his application that he had completed courses
4 for 49.5 hours. Respondent signed the following statement in the application:

5 "I hereby certify that all information on this page and on the CE
6 statement is true and correct to the best of my knowledge and belief, and I
7 understand that any falsification or omission of material facts may cause
8 forfeiture on my part of all rights to EMT-P licensure in the State of
9 California. I understand all information on this application is subject to
10 verification or audit and I hereby give my express permission for the EMS
11 Authority to contact my employer, agency, or training program for
12 information related to my role and function as an EMT-P in California."

14 **Continuing Education Courses**

15 A. On or about July 2, 2001, pursuant to section 100168 of title 22,² EMSA
16 requested that respondent submit copies of the continuing education certificates for each
17 of the courses listed on his application. On or about July 19, 2001, respondent sent
18 purported CE certificates to EMSA.

19 B. Respondent's representations as to the continuing education courses were
20 fraudulent. The certificates respondent submitted to EMSA for these courses were
21 fraudulent. In fact, respondent had not taken the following claimed courses:

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23 2. Section 100168 of title 22 provides in pertinent part as follows:

24 "(a) In order for CE to satisfy the requirements for license renewal, CE shall
25 be completed during the current licensure cycle and shall be submitted to the EMS
26 Authority. . .with the application for license renewal.

27 ".....
28 "(c) CE certificates may be audited for cause by the EMS Authority or as part
of the Authority's continuing education verification process."

Date	Course Title	Provider Name	Hours
11/24/98	EMT-P Preceptor	AMR	4 ^{3/}
3/15/99	PALS Re-Recognition	NCTI	5
1/26/99 & 1/27/99	PHTLS Provider	NCTI	16
5/30/00	Field Care Audits of PCR's	AMR	12
Total			37

C. Respondent did not meet the requirements for renewal in that he did not have a minimum of 48 hours of continuing education coursework.

16
A. Respondent committed fraud in the procurement of his EMT-P license, as described in paragraphs 11, 12, 14; and 15 above.

B. Respondent committed fraudulent, dishonest, and corrupt acts which are substantially related to the qualifications, functions, and duties of prehospital personnel, as described in paragraphs 6 through 15, above.

C. Respondent was convicted of crimes which are substantially related to the qualifications, functions, and duties of prehospital personnel, as described in paragraphs 7 through 10 above.

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

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3. Respondent claimed 8 CE hours for this course. He only qualified to claim 4 hours.


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

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revoked.

DATED:

8/26/02


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:

RICHARD CLARENCE BROWN
License No. P03430

Respondent.

No. 00-073

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, along with records of judicial and other public agencies, were considered in rendering this decision.

Pursuant to Government Code section 11505, the Statement to Respondent, Accusation, Government Code sections 11507.5, 11507.6, and 11507.7, and form Notice of Defense were served upon respondent by certified mail on September 4, 2002, at the last address on file with the Emergency Medical Services Authority. A copy of the Declaration of Service by Certified Mail is attached hereto as Exhibit A and a copy of the signed return receipt card is attached hereto as Exhibit B.

1 Service was effected by mail pursuant to Government Code section 11505(c)
2 based on the requirement of section 100165(g) of title 22 of the California Code of Regulations
3 that respondent notify the Emergency Medical Services Authority of his current mailing address
4 and notify the Authority of any change.

5 Respondent failed to file a Notice of Defense pursuant to Government Code
6 section 11506. It is determined that respondent knowingly and voluntarily waived his right to a
7 hearing on the merits of the Accusation.

8 FINDINGS OF FACT

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

13 2

14 At all times relevant herein, Richard Clarence Brown (respondent) was the holder
15 of EMT-P license No. P03430. Respondent's license lapsed on or about June 30, 2002.
16 Pursuant to section 100171 of title 22, the holder of a license which has lapsed may renew the
17 license by meeting the requisite continuing education requirements and/or passing the written and
18 skills examinations.

19 An EMT-P license allows the holder thereof to perform various medical
20 procedures, including advanced life support procedures, while at the scene of a medical
21 emergency or during transport, or during interfacility transfer. The scope of practice of an
22 EMT-P is set forth in section 1797.52 and section 100145 of title 22.

23 3

24 A. On or about March 19, 1980, respondent traveled to Oregon with members
25 of a rock band to play in a competition. The members of the band were minors and did not have
26 permission to travel out of state with respondent.

27 B. On or about July 9, 1980, in the Municipal Court of the State of California,
28 San Joaquin County, respondent was convicted of a misdemeanor violation of Penal Code section

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1 272 (contributing to the delinquency of a minor).

2 4

3 A. On or about September 8, 1980, in Stockton, California, respondent received
4 or purchased a stereo which he knew to be stolen.

5 B. On or about November 13, 1980, in the Municipal Court of the State of
6 California, San Joaquin County, Stockton Judicial District, Case No. F-28343, respondent was
7 convicted, on his plea of guilty, of a misdemeanor violation of Penal Code section 496 (receiving
8 stolen property). Imposition of sentence was suspended and respondent was placed on summary
9 probation for two years on terms that he: serve 360 days in jail (with 315 days suspended); pay a
10 fine; submit his person, vehicle, etc., to search for and seizure of stolen property or contraband;
11 and obey all laws.

12 5

13 A. On or about June 30, 1981, in Stockton, California, while on probation for the
14 offense described in paragraph 4, above, respondent stole a vehicle.

15 B. In or about June and July of 1981, in Stockton, California, while on probation
16 for the offense described in paragraph 4, above, respondent conspired to kidnap a child for
17 ransom.

18 C. On or about August 4, 1983, in the Superior Court of the State of California,
19 County of San Joaquin, Case No. 32646, respondent was convicted, on his plea of nolo
20 contendere, of a felony violation of Penal Code section 182 (conspiracy to commit a violation of §
21 207, kidnaping) and a felony violation of Penal Code section 10851 (vehicle theft). Imposition of
22 sentence was suspended and respondent was placed on formal probation for five years on terms
23 that he: serve one year in jail; and obtain mental health counseling.

24 6

25 A. On or about November 4, 1990, in the County of Monterey, California,
26 respondent drove a vehicle when his driver's license was suspended for failure to appear. On or
27 about November 13, 1990, respondent was charged in the Municipal Court of the State of
28 California, County of Monterey, Case No. MM041893A, with one count of violating Vehicle

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1 Code section 14601.1(a) (driving when driver's license suspended), a misdemeanor, with four
2 prior convictions in 1987 for the same offense.

3 B. On or about May 5, 1993, respondent was convicted, on his plea of guilty, of
4 the charged offense. Respondent admitted the four prior 14601.1 convictions. Imposition of
5 sentence was suspended and respondent was placed on conditional probation for three years on
6 terms that he: serve thirty days in jail; not operate a motor vehicle unless duly licensed and insured;
7 pay a fine; and obey all laws.

8 C. Respondent violated his probation by failing to pay the fine. On or about April
9 13, 1994, respondent was charged with violating Vehicle Code section 40508(b) (failure to pay
10 fine); a bench warrant was issued.

11 D. On or about November 13, 1996, the court found respondent in violation of
12 his probation. Respondent ultimately paid the fine, and the charge of violating Vehicle Code
13 section 40508(b) was dismissed.

14 7

15 A. On or about November 14, 1991, in the County of Monterey, California,
16 respondent drove a vehicle when his driver's license was suspended for failure to appear. On or
17 about December 6, 1991, respondent was charged in the Municipal Court of the State of
18 California, County of Monterey, Case No. MM048957A, with one count of violating Vehicle
19 Code section 14601.1(a) (driving when driver's license suspended), a misdemeanor, with four
20 prior convictions in 1987 for the same offense.

21 B. On or about December 11, 1991, respondent was convicted, on his plea of
22 guilty, of the charged offense. Imposition of sentence was suspended and respondent was placed
23 on conditional probation for three years on terms that he pay a fine or complete 200 hours of
24 community service and obey all laws.

25 C. Respondent violated his probation by failing to pay the fine or completing the
26 community service hours. He was charged with violating Vehicle Code section 40508(b), a
27 misdemeanor, and a bench warrant was issued. On or about May 5, 1993, respondent admitted
28 the probation violation and pled guilty to violating Vehicle Code section 40508(b). Probation was

1 reinstated and modified. Respondent paid the fine.

2 8

3 By application dated May 14, 1996, respondent applied to EMSA for renewal of
4 his EMT-P license. The application contained the following question:

5 Have you ever been convicted of any felony or misdemeanor offense in
6 California or in any other state or place, including entering a plea of nolo
7 contendere or no contest? YES___ NO___ If yes, attach a detailed
8 statement describing the crimes(s), date, location, court, sentence served, and
parole if any. Attach any applicable court documents and police reports. You
must disclose any conviction which has been expunged under Penal Code Section
1203.4.

9 Respondent answered "no" to this question. He failed to provide any information as to his July
10 1980, November 1980, August 1983, December 1991, and May 1993 convictions. He certified
11 that the information contained in the application was true and correct to the best of his knowledge
12 and belief. In fact, respondent had been convicted of the offenses described in paragraphs 3
13 through 7, above. EMSA was unaware of respondent's convictions. EMSA renewed
14 respondent's EMT-P license.

15 9

16 By application dated May 21, 1998, respondent applied to EMSA for renewal of
17 his EMT-P license. The application contained the same question posed in the 1996 application.
18 Respondent answered "no" to this question. He failed to provide any information as to his
19 convictions. He certified that all information contained in the application was true and correct to
20 the best of his knowledge and belief. EMSA was unaware of respondent's convictions. EMSA
21 renewed respondent's EMT-P license.

22 10

23 By application dated January 26, 1999, respondent applied to the Department of
24 Motor Vehicles for a California Ambulance Certificate. The application contained the following
25 question:

26 Have you ever been convicted of: A felony, a sex crime or any crime
27 other than traffic violations? Yes___ No___.

28 Respondent answered "no" to this question. He failed to provide any information as to his July

5

1 1980, November 1980, August 1983, December 1991, and May 1993 convictions. He certified
2 under penalty of perjury that all statements on the application were true.

3 11

4 A. By application dated June 7, 2000, respondent applied to EMSA for renewal
5 of his EMT-P license. That application contained the same question posed in the 1996 and 1998
6 applications. Respondent answered "yes" to this question. He disclosed both of the 1980
7 convictions and 1983 conviction. He did not disclose the December 1991 or May 1993
8 convictions. He certified that all information contained in the application was true and correct to
9 the best of his knowledge and belief.

10 B. One of the conditions of renewal was the completion of a minimum of 48 hours
11 of continuing education ("CE") courses.

12 C. Respondent represented in his application that he had completed courses for
13 49.5 hours. Respondent signed the following statement in the application:

14 I hereby certify that all information on this page and on the CE statement is
15 true and correct to the best of my knowledge and belief, and I understand that any
16 falsification or omission of material facts may cause forfeiture on my part of all
17 rights to EMT-P licensure in the State of California. I understand all information
18 on this application is subject to verification or audit and I hereby give my express
19 permission for the EMS Authority to contact my employer, agency, or training
20 program for information related to my role and function as an EMT-P in California.

18 12

19 A. On or about July 2, 2001, pursuant to section 100168 of title 22,^{1/} EMSA
20 requested that respondent submit copies of the continuing education certificates for each of the
21 courses listed on his application. On or about July 19, 2001, respondent sent purported CE
22 certificates to EMSA.

23
24 1. Section 100168 of title 22 provides in pertinent part as follows:

25 (a) In order for CE to satisfy the requirements for license renewal, CE shall be
26 completed during the current licensure cycle and shall be submitted to the EMS
27 Authority. . .with the application for license renewal.

28 (c) CE certificates may be audited for cause by the EMS Authority or as part of the
Authority's continuing education verification process.

1 B. Respondent's representations as to the continuing education courses were
2 fraudulent. The certificates respondent submitted to EMSA for these courses were fraudulent. In
3 fact, respondent had not taken the following claimed courses:
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Date	Course Title	Provider Name	Hours
11/24/98	EMT-P Preceptor	AMR	4 ²
3/15/99	PALS Re-Recognition	NCTI	5
1/26/99 & 1/27/99	PHTLS Provider	NCTI	16
5/30/00	Field Care Audits of PCR's	AMR	12
Total			37

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11
12 C. Respondent did not meet the requirements for renewal in that he did not have a
13 minimum of 48 hours of continuing education coursework.

14 DETERMINATION OF ISSUES

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

20 2

21 Section 1798.200 provides in pertinent part as follows:

22 (b) The authority may deny, suspend, or revoke any EMT-P license
23 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). . . .

24 (c) Any of the following actions shall be considered evidence of a threat to
25 the public health and safety and may result in the denial, suspension, or revocation
26 of a certificate or license issued under this division, or in the placement on
probation of a certificate or licenseholder under this division:
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28 2. Respondent claimed 8 CE hours for this course. He only qualified to claim 4 hours.

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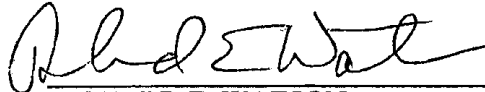
The determinations set forth in paragraph 3 of the Determination of Issues constitute grounds for revocation of respondent's EMT-P license pursuant to Health and Safety Code section 1798.200.

ORDER

The EMT-P license issued to respondent Richard Clarence Brown is hereby revoked.

This decision shall become effective JANUARY 16th, 2003.

IT IS SO ORDERED this 17th day of DECEMBER, 2002.



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