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of the State of California  
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6 Attorneys for Complainant

7  
8 BEFORE THE  
9 EMERGENCY MEDICAL SERVICES AUTHORITY  
10 STATE OF CALIFORNIA  
11

12 In the Matter of the Emergency ) No. 97-029  
Medical Technician - Paramedic )  
13 License Held by: )  
14 JAMES CAMPBELL ) ACCUSATION  
[REDACTED] )  
15 [REDACTED] )  
16 Respondent. )  
17

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

20 1

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

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Pursuant to division 2.5 of the Health and Safety Code<sup>v</sup> (commencing with section 1797) and division 9 of title 22 of the California Code of Regulations (commencing with section 100001), the EMSA is authorized to issue, deny, suspend, or revoke Emergency Medical Technician - Paramedic ("EMT-P") licenses or place licensees on probation.

A. On or about May 17, 1995, respondent submitted to EMSA an application for an EMT-P license. The following directions were included in the application:

"If you have ever had a certification, accreditation or professional license denied, suspended, or revoked or if you are under formal investigation at this time, YOU MUST ENCLOSE with this application a written explanation that describes the action, any corrective action, and/or remediation as a result of the action."

"If you have ever been convicted of any crime other than a minor traffic violation, YOU MUST ENCLOSE a written explanation with this application that describes the conviction, any correction action, and/or remediation as a result of the conviction. You may be required to submit a copy of your DMV, court or police record of the conviction. The EMS Authority will evaluate this information prior to issuing the certification."

"If you are currently or have been previously certified as an EMT-P in ANOTHER State, please list all agencies, locations, dates, and certification numbers."

B. In signing the application, respondent made the following certification:

"I have read and understand Section 1798.200 of the Health and Safety Code . . . . I am not precluded

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

1 from being certified for reasons defined in Section  
2 1798.200, or I have enclosed a complete explanation of  
3 any item that applies to me. I am eighteen (18) years  
4 of age or older. I hereby certify that all information  
5 on this application is true and correct to the best of  
6 my knowledge and belief, and I understand that any  
7 falsification or omission of material facts may cause  
8 forfeiture on my part of all rights to EMT-P  
9 certification in the State of California. . . ."

6 C. Respondent failed to list in the application that  
7 he had been previously certified as a paramedic in the State of  
8 Arizona.

9 D. Respondent failed to provide to EMSA any  
10 information as to the revocation of his Arizona paramedic  
11 certificate; the circumstances of the revocation are described in  
12 paragraph 7, below.

13 E. Respondent failed to provide to EMSA any  
14 information as to his prior convictions; those convictions are  
15 described in paragraph 6, below.

16 F. EMSA issued respondent an EMT-P license for a two  
17 year period ending May 31, 1997. Respondent has not renewed that  
18 license.

19 4

20 Pursuant to section 100166 of title 22, the holder of a  
21 license which has lapsed may renew the license by meeting the  
22 requisite continuing education requirements and/or passing the  
23 written and skills examinations.

24 5

25 An EMT-P license allows the holder thereof to perform  
26 various medical procedures, including advanced life support  
27 procedures, while at the scene of a medical emergency or during

1 transport, or during interfacility transfer. The scope of  
2 practice of an EMT-P is set forth in section 1797.52 and section  
3 100144 of title 22.

4 6

5 A. On or about September 23, 1988, in the Superior  
6 Court of Arizona, Maricopa County, respondent was convicted of  
7 two class 2 felony violations involving fraudulent schemes and  
8 artifices. He was placed on seven years' probation on terms  
9 which included being incarcerated for a period of six months and  
10 paying restitution in the sum of \$8,588.56.

11 B. The facts upon which this conviction were based  
12 are as follows:

13 (1) During 1987 and 1988, while employed as a  
14 paramedic for Southwest Ambulance Company in Maricopa  
15 County, Arizona, respondent obtained control of the wallets  
16 of three patients who were being transported by Southwest  
17 Ambulance Company and removed the Visa credit cards from the  
18 wallets. He converted the Visa cards to his own use and  
19 charged purchases to those credit cards.

20 (2) In or about February 1987, respondent removed a  
21 credit card from a Rural/Metro ambulance which was parked  
22 next to his ambulance. Respondent converted that card to  
23 his own use and charged purchases to that card.

24 C. In or about 1982, in the Arizona Superior Court,  
25 Maricopa County, and while on probation for the offense described  
26 below, respondent was convicted of burglary, a class 3 felony.  
27 He was placed on three years' probation on terms which included

1 being incarcerated for sixty days.

2 D. In or about 1981, in the Arizona Superior Court,  
3 Maricopa County, respondent was convicted of theft, a class 3  
4 felony. He was placed on five years' probation and ordered to  
5 pay restitution.

6 7

7 Respondent was the holder of a paramedic certificate  
8 issued by the State of Arizona, Department of Health Services.  
9 On or about July 28, 1989, after an administrative hearing,  
10 respondent's paramedic certificate was revoked. That revocation  
11 action was based on the above convictions, the facts relating to  
12 those convictions, and the fact that when respondent applied for  
13 certification as a paramedic with the State of Arizona, he failed  
14 to disclose the 1981 and 1982 convictions described in paragraphs  
15 6-C and 6-D, above.

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17 Section 1798.200 provides in pertinent part as follows:

18 "(b) The authority may deny, suspend, or revoke  
19 any EMT-P license issued under this division, . . . or  
20 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).

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

25 "(1) Fraud in the procurement of any certification  
under this division.

26 ". . . . .

27 "(5) The commission of any fraudulent, dishonest,  
or corrupt act which is substantially related to the

1 qualifications, functions, and duties of prehospital  
2 personnel.

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

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9 A. Respondent committed fraud in the procurement of  
10 his EMT-P license, as described in paragraphs 3 and 6, above.

11 B. Respondent committed fraudulent, dishonest, or  
12 corrupt acts which are substantially related to the  
13 qualifications, functions, and duties of prehospital personnel,  
14 as described in paragraphs 3, 6 and 7, above.

15 C. Respondent was convicted of crimes which are  
16 substantially related to the qualifications, functions, and  
17 duties of prehospital personnel, as described in paragraph 6,  
18 above.

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20 Good cause exists for revocation of respondent's EMT-P  
21 license pursuant to section 1798.200, as described in paragraphs  
22 3, 6 and 7, above.

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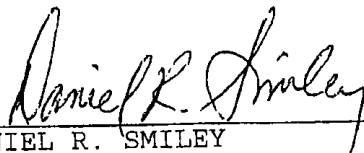
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WHEREFORE, complainant prays that respondent's EMT-P

license be revoked.

DATED: September 26, 1997



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

Complainant



1 certified mail on October 14, 1997, at the last address on file  
2 with the Emergency Medical Services Authority. Service was  
3 effected by mail pursuant to Government Code section 11505(c)  
4 based on the requirement of section 100163(g) of title 22 of the  
5 California Code of Regulations that respondent notify the  
6 Emergency Medical Services Authority of his current mailing  
7 address and notify the Authority of any change. A copy of the  
8 Declaration of Service by Certified Mail is attached as Exhibit  
9 A. A copy of the signed return receipt card is attached as  
10 Exhibit B.

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

15 FINDINGS OF FACT

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17 Daniel R. Smiley made the Accusation herein in his  
18 official capacity as the Chief Deputy Director of the Emergency  
19 Medical Services Authority of the State of California  
20 ("Authority" or "EMSA").

21 2

22 A. On or about May 17, 1995, respondent submitted to  
23 EMSA an application for an EMT-P license. The following  
24 directions were included in the application:

25 "If you have ever had a certification,  
26 accreditation or professional license denied,  
27 suspended, or revoked or if you are under formal  
investigation at this time, YOU MUST ENCLOSE with this  
application a written explanation that describes the  
action, any corrective action, and/or remediation as a

1 result of the action."

2 "If you have ever been convicted of any crime  
3 other than a minor traffic violation, YOU MUST ENCLOSE  
4 a written explanation with this application that  
5 describes the conviction, any correction action, and/or  
6 remediation as a result of the conviction. You may be  
7 required to submit a copy of your DMV, court or police  
8 record of the conviction. The EMS Authority will  
9 evaluate this information prior to issuing the  
10 certification."

11 "If you are currently or have been previously  
12 certified as an EMT-P in ANOTHER State, please list all  
13 agencies, locations, dates, and certification numbers."

14 B. In signing the application, respondent made the  
15 following certification:

16 "I have read and understand Section 1798.200 of  
17 the Health and Safety Code . . . . I am not precluded  
18 from being certified for reasons defined in Section  
19 1798.200, or I have enclosed a complete explanation of  
20 any item that applies to me. I am eighteen (18) years  
21 of age or older. I hereby certify that all information  
22 on this application is true and correct to the best of  
23 my knowledge and belief, and I understand that any  
24 falsification or omission of material facts may cause  
25 forfeiture on my part of all rights to EMT-P  
26 certification in the State of California. . . ."

27 C. Respondent failed to list in the application that  
he had been previously certified as a paramedic in the State of  
Arizona.

D. Respondent failed to provide to EMSA any  
information as to the revocation of his Arizona paramedic  
certificate; the circumstances of the revocation are described in  
paragraph 4, below.

E. Respondent failed to provide to EMSA any  
information as to his prior convictions; those convictions are  
described in paragraph 3, below.

F. EMSA issued respondent an EMT-P license for a two

1 year period ending May 31, 1997. Respondent has not renewed that  
2 license.

3 3

4 A. On or about September 23, 1988, in the Superior  
5 Court of Arizona, Maricopa County, respondent was convicted of  
6 two class 2 felony violations involving fraudulent schemes and  
7 artifices. He was placed on seven years' probation on terms  
8 which included being incarcerated for a period of six months and  
9 paying restitution in the sum of \$8,588.56.

10 B. The facts upon which this conviction were based  
11 are as follows:

12 (1) During 1987 and 1988, while employed as a  
13 paramedic for Southwest Ambulance Company in Maricopa  
14 County, Arizona, respondent obtained control of the wallets  
15 of three patients who were being transported by Southwest  
16 Ambulance Company and removed the Visa credit cards from the  
17 wallets. He converted the Visa cards to his own use and  
18 charged purchases to those credit cards.

19 (2) In or about February 1987, respondent removed a  
20 credit card from a Rural/Metro ambulance which was parked  
21 next to his ambulance. Respondent converted that card to  
22 his own use and charged purchases to that card.

23 C. In or about 1982, in the Arizona Superior Court,  
24 Maricopa County, and while on probation for the offense described  
25 below, respondent was convicted of burglary, a class 3 felony.  
26 He was placed on three years' probation on terms which included  
27 being incarcerated for sixty days.

1 D. In or about 1981, in the Arizona Superior Court,  
2 Maricopa County, respondent was convicted of theft, a class 3  
3 felony. He was placed on five years' probation and ordered to  
4 pay restitution.

5 4

6 Respondent was the holder of a paramedic certificate  
7 issued by the State of Arizona, Department of Health Services.  
8 On or about July 28, 1989, after an administrative hearing,  
9 respondent's paramedic certificate was revoked. That revocation  
10 action was based on the above convictions, the facts relating to  
11 those convictions, and the fact that when respondent applied for  
12 certification as a paramedic with the State of Arizona, he failed  
13 to disclose the 1981 and 1982 convictions described in paragraphs  
14 3-C and 3-D, above.

15  
16 DETERMINATION OF ISSUES

17 1

18 Pursuant to division 2.5 of the Health and Safety Code  
19 (commencing with section 1797) and division 9 of title 22 of the  
20 California Code of Regulations (commencing with section 100001),  
21 the EMSA is authorized to issue, deny, suspend, or revoke  
22 Emergency Medical Technician - Paramedic ("EMT-P") licenses or  
23 place licensees on probation.

24 2

25 Pursuant to section 100166 of title 22, the holder of a  
26 license which has lapsed may renew the license by meeting the  
27 requisite continuing education requirements and/or passing the

1 written and skills examinations.

2 3

3 An EMT-P license allows the holder thereof to perform  
4 various medical procedures, including advanced life support  
5 procedures, while at the scene of a medical emergency or during  
6 transport, or during interfacility transfer. The scope of  
7 practice of an EMT-P is set forth in section 1797.52 and section  
8 100144 of title 22.

9 4

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

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

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

18 "(1) Fraud in the procurement of any certification  
19 under this division.

20 ". . . . .

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

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

27 ///

1  
2 A. Respondent committed fraud in the procurement of  
3 his EMT-P license, as described in paragraphs 2 and 3 of the  
4 Findings of Fact.

5 B. Respondent committed fraudulent, dishonest, or  
6 corrupt acts which are substantially related to the  
7 qualifications, functions, and duties of prehospital personnel,  
8 as described in paragraphs 2, 3 and 4 of the Findings of Fact.

9 C. Respondent was convicted of crimes which are  
10 substantially related to the qualifications, functions, and  
11 duties of prehospital personnel, as described in paragraph 3 of  
12 the Findings of Fact.


13  
14 The determinations set forth in paragraph 5 of the  
15 Determination of Issues constitute grounds for revocation of  
16 respondent's EMT-P license pursuant to Health and Safety Code  
17 section 1798.200.

18 ORDER

19 The EMT-P license issued to respondent James Campbell  
20 is hereby revoked.

21 This decision shall become effective Nov. 21, 1997.

22 IT IS SO ORDERED this 21<sup>st</sup> day of November, 1997.

23  
24   
25 RICHARD E. WATSON  
26 Interim Director  
27 Emergency Medical Services  
Authority  
State of California