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2 BEFORE THE
3 EMERGENCY MEDICAL SERVICES AUTHORITY
4 STATE OF CALIFORNIA

5 In the Matter of the Emergency Medical)
6 Technician- Paramedic License Held by:) Enforcement Matter No.: 05-0319
7 **DAVID LANNING**)
8 License No. P22967) **DECISION AND ORDER**
9 Respondent)

10 **DECISION**

11 This matter is decided without a hearing and in accordance with the default provisions of
12 Government Code section 11520. The contents of official files and records of the Emergency
13 Medical Services Authority ("Authority"), along with records of other public agencies, were
14 considered in rendering this decision.

15 PROCEDURAL FINDINGS

16 Pursuant to Government Code section 11505, a cover letter, Statement to Respondent,
17 Accusation and Temporary Suspension Order, Government Code sections 11507.5, 11507.6, and
18 11507.7, a Request for Discovery, and two copies of the form Notice of Defense, and two copies
19 of a Stipulate Settlement Agreement for the revocation of his EMT-P license, were offered for
20 service upon David Lanning ("Respondent") by U.S. mail, postage prepaid, on December 23,
21 2005. A true and correct copy of the Declaration of Service by Certified mail is attached as
22 Exhibit A.

23 Respondent contacted the Authority in late December, after he received the
24 Accusation packet and asked if he was required to take any action in response to the Accusation
25 and Order for Temporary Suspension Pending Hearing. No further communication was received
from Respondent and to ensure he intended not to respond to the accusation, the same documents
were sent to Respondent by certified mail on February 1, 2006, at the last address on file with the

1 Authority. A true and correct copy of the Declaration of Service by Certified mail is attached as
2 Exhibit B.

3 Service was effected by mail pursuant to Government Code section 11505(c), based on
4 the requirement of section 100165(g) of Title 22 of the California Code of Regulations that
5 Respondent notify the Authority of his current mailing address and notify the Authority of any
6 change of address.¹

7 Respondent failed to file a Notice of Defense pursuant to Government Code section
8 11506. It is deemed that Respondent knowingly and voluntarily waived his right to a hearing on
9 the merits of the Accusation and Petition to Terminate Probation.

10 FACTUAL FINDINGS

11 1. Cesar A. Aristeiguieta, M.D. made the Accusation and Order for Temporary
12 Suspension Pending Hearing herein in his official capacity as the Director of the Authority.

13 2. Respondent holds Emergency Medical Technician-Paramedic ("EMT-P") license
14 number P22967 which is in effect through November 30, 2007, at which time it would lapse but
15 may be renewed, unless it is revoked or suspended as provided by law. (Regulation §100166.)

16 3. An EMT-P license would allow Respondent to perform various medical procedures,
17 including advanced life support procedures, while at the scene of a medical emergency or during
18 transport, or during interfacility transfer. The scope of practice of an EMT-P is set forth in
19 section 1797.52 and regulation 100145.

20 4. On or about June 2004 through July 2004, Respondent purposely submitted fraudulent
21 clinical rotation forms to the North Coast Paramedic Program with the desire to obtain a course
22 completion certificate. Said certificate was issued to Respondent on or about June 30, 2005.

23 Respondent's submission of the fraudulent document constituted fraud in the
24 procurement of a certificate or license under Division 2.5 of the Health and Safety Code.

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¹ Further section references are to sections of the Health and Safety Code and references to regulation are to sections of title 22 of the California Code of Regulations.

1 Respondent's submission of the fraudulent document constituted a fraudulent, dishonest,
2 or corrupt act which is substantially related to the qualifications, functions and duties of
3 prehospital personnel.

4 5. On or about November 7, 2005, Respondent submitted his fraudulently obtained
5 paramedic course completion certificate to the Authority to obtain his EMT-P license.

6 Respondent's submission of the fraudulent paramedic course completion certificate
7 constituted fraud in the procurement of a certificate or license under Division 2.5 of the Health
8 and Safety Code.

9 Respondent's submission of the fraudulent paramedic course completion certificate
10 constituted a fraudulent, dishonest, or corrupt act which is substantially related to the
11 qualifications, functions and duties of prehospital personnel.

12 6. On or about November 8, 2005, Respondent submitted his fraudulently obtained
13 EMT-P license to the North Coast EMS Agency with the intent to procure accreditation to work
14 as a paramedic in that area.

15 Respondent's submission of the fraudulent EMT-P license constituted fraud in the
16 procurement of a certificate or license under Division 2.5 of the Health and Safety Code.

17 Respondent's submission of the fraudulent EMT-P license constituted a fraudulent,
18 dishonest, or corrupt act which is substantially related to the qualifications, functions and duties
19 of prehospital personnel.

20 DETERMINATION OF ISSUES

21 7. The Director may take disciplinary action, including but not limited to, the denial,
22 suspension, or revocation of an EMT-P license, if he determines, after appropriate notice and
23 opportunity to be heard, that the licensee committed fraud in the procurement of any certificate
24 or license under this division, or if the licensee committed a fraudulent, dishonest, or corrupt act
25 which is substantially related to the qualifications, functions and duties of prehospital personnel
(Health & Saf. Code §1798.200, subd. (c)(1)/(5).)


1 8. Regulation 100174(a) provides that, for the purposes of denial, placement on
2 probation, suspension, or revocation of a license pursuant to Health and Safety Code section
3 1798.200, "... an act shall be considered to be substantially related to the qualifications,
4 functions, or duties of a paramedic if to a substantial degree it evidences present or potential
5 unfitness of a paramedic to perform the functions authorized by his license in a manner
6 consistent with the public health and safety."

7 9. Cause to revoke Respondent's EMT-P license exists under Health and Safety Code
8 section 1798.200, subdivision (c)(1)/(5) by reason of the matters set forth in Factual Findings 4
9 through 6.

10 **ORDER**

11 Emergency Medical-Technician-Paramedic license number P22967 issued to Respondent
12 David Lanning is hereby revoked. This decision shall become effective immediately.

13 IT IS SO ORDERED this 13th day of June 2006.

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16 CESAR A. ARISTEIGIETA, M.D.
17 Director
18 Emergency Medical Services Authority
19 State of California
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