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of the State of California
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6 Attorneys for Complainant

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

12 In the Matter of the Emergency) No. 95-044
Medical Technician - Paramedic)
13 License Held by:)
) ACCUSATION
14 GARY GEORGE MILLER)
)
15 )
)
16 Respondent.)
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18 JOSEPH E. MORALES, M.D., M.P.A., complainant herein, as
19 cause for disciplinary action against respondent, alleges as
20 follows:

21 1.

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

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Pursuant to division 2.5 of the Health and Safety Code^{1/} (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^{2/} or place licensees on probation.

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

A. On or about June 9, 1995, respondent Gary George Miller applied to the Authority for recertification (relicensure) as a paramedic. His then-current certificate was due to expire on August 31, 1995. One of the conditions of renewal was the completion of a minimum of 48 hours of continuing education courses divided into two categories (Category I and Category II); Category II requires 12 hours of an organized field care audit of

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

2. As of January 1, 1995, EMT-P's are licensed; prior to that date, they were certified. Section 1797.194(a) provides that "Any reference to EMT-P certification pursuant to this division shall be equivalent to EMT-P licensure pursuant to this division,"

1 actual recorded or written patient care records. (Tit. 22, Cal.
2 Code Regs., § 100165.)

3 B. Respondent represented in his application that he
4 had completed 12 hours in Category II. Respondent signed the
5 following statement in the application:

6 "I certify under penalty of perjury, under the
7 laws of the State of California, that I have success-
8 fully completed the courses and activities listed
9 above, and that the corresponding hours are accurate
10 and meet the continuing education recertification
11 requirements of Section 100166, Title 22 of the
12 California Code of Regulations. [3] I understand that
falsification of records will result in immediate
revocation or denial of my EMT-P certification under
Health and Safety Code section 1798.200. I also
understand that the State of California EMS Authority
may audit the information given above to certify its
accuracy."

13 Based on the information contained in respondent's application,
14 the Authority recertified respondent. His current license is
15 valid through August 31, 1997.

16 5

17 A. At all times relevant herein, respondent worked
18 for U.S. Borax, Inc. ("Borax"). As part of his duties at Borax
19 he was responsible for providing continuing education instruction

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22

23 3. Section 100166 provides in pertinent part as follows:

24 "In order to be eligible for recertification an
25 individual shall comply with the following
requirements:

26 ".

27 "(3) Complete all continuing education
requirements pursuant to Section 100165."

1 for paramedics employed by Borax.^{4/}

2 B. Respondent issued fraudulent continuing education
3 certificates for himself and three other Borax employees for
4 classes he supposedly taught on:

5 December 28, 1994	March 29, 1995
January 25, 1995	April 12, 1995
6 February 22, 1995	May 17, 1995

7 None of these classes was given by respondent or any other
8 instructor. Each of the certificates represented two hours of
9 Category II continuing education.

10 C. Respondent signed the class roster for each of the
11 above purported classes. Further, he had each of the other three
12 Borax employees sign the class roster for each of the non-
13 existent classes.

14 D. Respondent represented in his application for
15 recertification that he had the requisite 12 Category II hours by
16 claiming each of the above courses. In fact, respondent did not
17 have any Category II hours.

18 E. The continuing education courses also met the
19 requirements for renewal of accreditation^{5/} with the local

20
21 4. A paramedic who provides continuing education courses
22 qualifies for credit for those courses towards his continuing
education requirements.

23 5. A local EMS agency may require additional training or
24 qualifications for the use of drugs, devices or skills in either
25 the standard scope of practice or a local EMS agency optional
26 scope of practice, which are greater than those provided as a
27 condition precedent for practice within such EMS area in an
advanced life support or limited advanced life support
prehospital care system consistent with standards adopted
pursuant to division 2.5. (Health & Saf. Code § 1797.214.) This
oversight by the local EMS agency is known as accreditation.

Section 100164 of title 22 of the California Code of

1 emergency services medical authority (Kern County). Respondent
2 submitted the fraudulent continuing education units to Kern
3 County on behalf of himself and the three other Borax employees
4 for the purpose of accreditation renewal.

5 6

6 Section 1798.200 provides in pertinent part as follows:

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

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

25 ".

26 "(7) Violating or attempting to violate directly
27 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."

7

23 A. Respondent committed fraud in the procurement of
24 his EMT-P license, as described in paragraphs 4 and 5, above.
25

26 Regulations sets forth the criteria for being eligible for
27 accreditation. Subdivision (c) of that section provides that the
local EMS agency may require as a condition for continuing
accreditation continuing education coursework.

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

5 C. Respondent violated a regulation adopted by the
6 EMSA pertaining to prehospital personnel (tit. 22, Cal. Code
7 Regs., § 100165), as described in paragraphs 4 and 5, above.

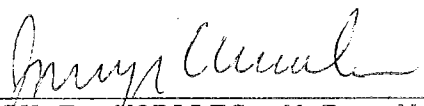
8 D. Respondent assisted in, abetted and/or conspired
9 to violate section 100165, as described in paragraphs 4 and 5,
10 above.

11 8

12 Good cause exists for revocation of respondent's EMT-P
13 license pursuant to section 1798.200, as described in paragraphs
14 4 and 5, above.

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

18 DATED: 8/16/96

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20 
21 _____
22 JOSEPH E. MORALES, M.D., M.P.A.
23 Director
24 Emergency Medical Services
25 Authority
26 State of California
27 Complainant

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 JOHN H. SANDERS
Supervising Deputy Attorney General
3 JAMES F. AHERN, State Bar No. 147620
Deputy Attorney General
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BEFORE THE

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EMERGENCY MEDICAL SERVICES AUTHORITY

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STATE OF CALIFORNIA

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12

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

No. 95-044

13

AMENDED ACCUSATION

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GARY GEORGE MILLER)
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Respondent.)

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RICHARD E. WATSON, complainant herein, as cause for
disciplinary action against respondent, alleges as follows:

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

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B. Respondent committed fraudulent, dishonest, or corrupt acts which are substantially related to the qualifications, functions, and duties of prehospital personnel, as described in paragraphs 4 and 5, above.

C. Respondent violated a regulation adopted by the EMSA pertaining to prehospital personnel (tit. 22, Cal. Code Regs., § 100165), as described in paragraphs 4 and 5, above.


D. Respondent assisted in, abetted and/or conspired to violate section 100165, as described in paragraphs 4 and 5, above.

8

Good cause exists for revocation of respondent's EMT-P license pursuant to section 1798.200, as described in paragraphs 4 and 5, above.

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

DATED: May 15, 1997




RICHARD E. WATSON
Interim 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) No. 95-044
Medical Technician - Paramedic)
License Held by:)
) DECISION AND ORDER
)
) GARY GEORGE MILLER)
) )
) 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, the Kern County Emergency Medical Services Department, and U.S. Borax were considered in rendering this decision.

Pursuant to Government Code section 11505, the Statement to Respondent, Amended Accusation, Government Code sections 11507.5, 11507.6, and 11507.7, Request for Discovery, and form Notice of Defense were served upon respondent Gary George Miller by certified mail on May 22, 1997, at the last

