


1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 JOHN H. SANDERS
Supervising Deputy Attorney General
3

4 300 South Spring Street, Suite 500 North
Los Angeles, California 90013
5 Tel: (213)

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. 95-044
Medical Technician - Paramedic)
13 License Held by:)
) ACCUSATION
14 GARY GEORGE MILLER)
)
15 )
)
16 Respondent.)
17

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.

26 ///
27 ///

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

20 ///

21 ///

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.

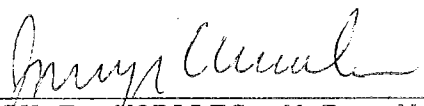
8 D. Respondent assisted in, abetted and/or conspired
9 to violate section 100165, as described in paragraphs 4 and 5,
10 above.

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.

15
16 WHEREFORE, complainant prays that respondent's EMT-P
17 license be revoked.

18 DATED: 8/16/96

19
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
4 300 South Spring Street, Suite 500 North
Los Angeles, California 90013
5 Tel: (213) 897-2458

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)
Medical Technician - Paramedic)
License Held by:)

No. 95-044

13

AMENDED ACCUSATION

14

GARY GEORGE MILLER)
)

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Respondent.)

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19

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

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24

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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1
2 Pursuant to division 2.5 of the Health and Safety
3 Code^{1/} (commencing with section 1797) and division 9 of title 22
4 of the California Code of Regulations (commencing with section
5 100001), the EMSA is authorized to issue, deny, suspend, or
6 revoke Emergency Medical Technician - Paramedic ("EMT-P")
7 licenses^{2/} or place licensees on probation.

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

15
16 A. On or about June 9, 1995, respondent Gary George
17 Miller applied to the Authority for recertification (relicensure)
18 as a paramedic. His then-current certificate was due to expire
19 on August 31, 1995. One of the conditions of renewal was the
20 completion of a minimum of 48 hours of continuing education
21 courses divided into two categories (Category I and Category II);
22 Category II requires 12 hours of an organized field care audit of
23

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

26 2. As of January 1, 1995, EMT-P's are licensed; prior to
27 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.[²] 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

20 ///
21 ///

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
26 requirements:

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

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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.

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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.

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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

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

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

14 FINDINGS OF FACT

15 1

16 Richard E. Watson made the Amended Accusation herein in
17 his official capacity as the Interim Director of the Emergency
18 Medical Services Authority of the State of California
19 ("Authority" or "EMSA").

20 2

21 Respondent is the holder of an EMT-P license valid
22 until August 31, 1997. That license is now, and at all times
23 herein mentioned was, in full force and effect and authorizes
24 respondent to perform various medical procedures, including
25 advanced life support procedures, while at the scene of a medical
26 emergency or during transport, or during interfacility transfer.
27 The scope of practice of an EMT-P is set forth in Health and

1 Safety Code section 1797.52 and section 100144 of title 22 of the
2 California Code of Regulations.

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4 A. On or about June 9, 1995, respondent applied to
5 the Authority for recertification (relicensure) as a paramedic.
6 His then-current certificate was due to expire on August 31,
7 1995. One of the conditions of renewal was the completion of a
8 minimum of 48 hours of continuing education courses divided into
9 two categories (Category I and Category II); Category II requires
10 12 hours of an organized field care audit of actual recorded or
11 written patient care records. (Tit. 22, Cal. Code Regs., §
12 100165.)

13 B. Respondent represented in his application that he
14 had completed 12 hours in Category II. Respondent signed the
15 following statement in the application:

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17 laws of the State of California, that I have success-
18 fully completed the courses and activities listed
19 above, and that the corresponding hours are accurate
20 and meet the continuing education recertification
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22 California Code of Regulations. [v] I understand that
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3 the Authority recertified respondent. His current license is
4 valid through August 31, 1997.

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7 for U.S. Borax, Inc. ("Borax"). As part of his duties at Borax
8 he was responsible for providing continuing education instruction
9 for paramedics employed by Borax.^{2/}

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11 certificates for himself and three other Borax employees for
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16 instructor. Each of the certificates represented two hours of
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19 above purported classes. Further, he had each of the other three
20 Borax employees sign the class roster for each of the non-
21 existent classes.

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

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27 2. A paramedic who provides continuing education courses
qualifies for credit for those courses towards his continuing
education requirements.

1 E. The continuing education courses also met the
2 requirements for renewal of accreditation^{3/} with the local
3 emergency services medical authority (Kern County). Respondent
4 submitted the fraudulent continuing education units to Kern
5 County on behalf of himself and the three other Borax employees
6 for the purpose of accreditation renewal.

7 DETERMINATION OF ISSUES

8 1

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

15 2

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

18 "(b) The authority may deny, suspend, or revoke
19 any EMT-P license issued under this division, . . . or
may place any EMT-P licenseholder on probation upon the

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21 3. A local EMS agency may require additional training or
22 qualifications for the use of drugs, devices or skills in either
23 the standard scope of practice or a local EMS agency optional
24 scope of practice, which are greater than those provided as a
25 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.

26 Section 100164 of title 22 of the California Code of
27 Regulations sets forth the criteria for being eligible for
accreditation. Subdivision (c) of that section provides that the
local EMS agency may require as a condition for continuing
accreditation continuing education coursework.

1 finding by the director of the occurrence of any of the
2 actions listed in subdivision (c).

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

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

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

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17 "(7) Violating or attempting to violate directly
18 or indirectly, or assisting in or abetting the
19 violation of, or conspiring to violate, any provision
20 of this division or the regulations adopted by the
21 authority pertaining to prehospital personnel."

22 3

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

26 B. Respondent committed fraudulent, dishonest, or
27 corrupt acts which are substantially related to the
28 qualifications, functions, and duties of prehospital personnel,
29 as described in paragraphs 3 and 4 of the Findings of Fact.

30 C. Respondent violated a regulation adopted by the
31 EMSA pertaining to prehospital personnel (tit. 22, Cal. Code
32 Regs., § 100165), as described in paragraphs 3 and 4 of the
33 Findings of Fact.

34 D. Respondent assisted in, abetted and/or conspired

1 to violate section 100165, as described in paragraphs 3 and 4 of
2 the Findings of Fact.

3 4

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

8 ORDER

9 The EMT-P license issued to respondent Gary George
10 Miller is hereby revoked.

11 This decision shall become effective August 27, 1997.
12 IT IS SO ORDERED this 20th day of August, 1997.

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14 RICHARD E. WATSON
15 Interim Director
16 Emergency Medical Services
17 Authority
18 State of California

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