



## **Paramedic Disciplinary Review Board Meeting Minutes**

Thursday, September 14, 2023  
1:00 P.M. – 4:00 P.M.

Physical Meeting Location:

11120 International Drive, Suite 200  
Rancho Cordova, CA 95670

Alternate Meeting Locations:

1225 Wilshire Blvd,  
Los Angeles, CA 90017

2020 South Central Ave,  
Compton, CA 90220

536 West 11<sup>th</sup> St,  
San Bernardino, CA 92410

1571 Beverly Blvd,  
Los Angeles, CA 90026

## MEETING MINUTES

### BOARD MEMBERS PRESENT:

James De La Torre  
Jane Kang  
David Konieczny  
Kelli Moore  
Richard Ramirez (Present from 2:23 p.m. to 3:41 p.m.)  
Anne Viricel

### BOARD MEMBERS EXCUSED:

Jesse Conner

### EMS AUTHORITY STAFF PRESENT:

Gurdeep Nagi, Project Manager and Advisor  
Katherine Rice, Paramedic Disciplinary Review Board Analyst  
Diane Sabonis, Paramedic Disciplinary Review Board Attorney  
Ashley Williams, Deputy Director of Legislative and External Affairs

### PUBLIC ATTENDEES:

Erin Brennan  
Aaron Doyle  
Kevin Greene  
Benjamin Keizer  
Kim Lew  
Sergio Martinez  
Ryan McElhinnery

### 1. CALL TO ORDER/ROLL CALL/ESTABLISHMENT OF A QUORUM

Ashley Williams called the meeting to order at 1:08 p.m. on September 14, 2023. With no board chairperson elected yet, Ashley Williams served as the meeting facilitator and conducted roll call. Five (5) of the seven (7) board members were present. Quorum was established to conduct business.

### 2. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

There was no public comment.

### 3. REVIEW AND APPROVAL OF JULY 13, 2023, MEETING MINUTES

Jane Kang moved the motion of approval of the July 13, 2023, Paramedic Disciplinary Review Board Meeting Minutes as presented. Kelli Moore seconded the motion. Motion carried out unanimously with no abstentions.

Public Comment

There was no public comment.

**4. ELECTION OF BOARD CHAIRPERSON**

James De La Torre nominated David Konieczny to be the Paramedic Disciplinary Review Board Chairperson. David Konieczny spoke for two minutes introducing himself and speaking about his background. Voting by the board members was carried out unanimously with no abstentions.

Public Comment

There was no public comment.

**5. TRAINING: OVERVIEW OF AB 450 MANDATES, VIOLATIONS SUBJECT TO DISCIPLINE, DISCIPLINARY GUIDELINES**

Diane Sabonis, Paramedic Disciplinary Review Board attorney discussed the AB 450 mandate, the Paramedic Disciplinary Review Board responsibilities, the violations subject to investigation and discipline, the ways in which the cases come to the attention of EMSA, EMSA legal, the Recommended Guidelines for Disciplinary Orders and Conditions of Probation, the Administrative Law Judge hearing process, the ALJ standard of proof, and the board's role in adoption or non-adoption of the ALJ's proposed decision.

Discussion

David Konieczny asked follow-up questions regarding the non-adoption process and if the board is able to ask the respondent questions.

Public Comment

There was no public comment.

**6. CLOSED SESSION**

The Board convened in closed session as authorized by Government Code section 11126(c)(3) to deliberate on proposed disciplinary decisions.

**7. DISCUSSION OF HEALTH AND SAFETY CODE SECTION 1798.200(c) VIOLATIONS**

Diane Sabonis, Paramedic Disciplinary Review Board attorney discussed the current discipline and conditions of probation in the Recommended Guidelines for Disciplinary Orders and Conditions of Probation for HSC 1798.200(c) violations and gave options for the Paramedic Disciplinary Review Board to update the guidelines.

**A. Section 1798.200(c)(12)(C): The commission of any sexually related offense specified under Section 290 of the Penal Code.**

Discussion

James De La Torre moved the motion to keep the disciplinary guidelines for HSC 1798.200(c)(12)(C) the same without any changes. Anne Viricel seconded the motion. Motion carried out unanimously with no abstentions.

Public Comment

There was no public comment.

**B. Section 1798.200(c)(12)(A): The mistreatment or physical abuse of any patient resulting from force in excess of what a reasonable and prudent person trained and acting in a similar capacity while engaged in the performance of their duties would use if confronted with a similar circumstance.**

Discussion

James De La Torre recommended adding additional coursework as outlined in Optional Conditions #5. James De La Torre moved the motion to add Optional Conditions #5, #6, #8, #9, and #11 to HSC 1798.200(c)(12)(A). David Konieczny seconded the motion. Motion carried out unanimously with no abstentions.

Public Comment

There was no public comment.

**C. Section 1798.200(c)(12)(B): The failure to maintain confidentiality of patient medical information, except as disclosure is otherwise permitted or required by law in Part 2.6 (commencing with Section 56) of Division 1 of the Civil Code.**

Discussion

Anne Viricel recommended adding additional coursework as outlined in Optional Conditions #5. James De La Torre moved the motion to add Optional Condition #5 to HSC 1798.200(c)(12)(B). Anne Viricel seconded the motion. Motion carried out unanimously with no abstentions.

Public Comment

There was no public comment.

**D. Section 1798.200(c)(11): Demonstration of irrational behavior or occurrence of a physical disability to the extent that a reasonable and prudent person would have reasonable cause to believe that the ability to perform the duties normally expected may be impaired.**

Discussion

James De La Torre discussed the extent to which alcohol and/or drugs might have a physical disability or contribution, and suggested adding Optional Conditions #1, #2, and #4 if applicable. James De La Torre moved the motion to add Optional Condition #1, #2 and #4 to HSC 1798.200(c)(11). David Konieczny seconded the motion. Motion carried out unanimously with no abstentions.

Public Comment

There was no public comment.

**E. Section 1798.200(c)(1): Fraud**

Discussion

James De La Torre questioned if the board should consider a suspension or revocation with a possible stay as the minimum discipline. Board attorney Diane Sabonis advised that fraud per case law is specifically defined by elements such as intent, willful, or intentional acts, willful misconduct, and/or dishonesty, from which the public is entitled protection. The board asked Ms. Sabonis what disciplinary options the board has. She advised the regulations allow the board to revoke, suspend, and/or place a probationary period on the license/licensee.

David Konieczny agreed with James De La Torre and public commentor Aaron Doyle whose comments are below that the board should consider a suspension or revocation with a possible stay as the minimum discipline.

James De La Torre moved the motion to adopt the minimum discipline as revocation stayed, three-year probation, with standard conditions and optional condition #6 to HSC 1798.200(c)(1). Anne Viricel seconded the motion. Motion carried out unanimously with no abstentions.

Public Comment

Aaron Doyle added to James De La Torre's comments that the board should change the minimum discipline to something other than Revocation/Denial to allow the individuals with extenuating circumstances a chance at consideration.

**F. Section 1798.200(c)(2): Gross Negligence**

Discussion

James De La Torre moved the motion to keep the discipline for HSC 1798.200(c)(2) the same. Kelli Moore seconded the motion. Motion carried out unanimously with no abstentions.

Public Comment

There was no public comment.

**G. Section 1798.200(c)(3): Repeated Negligent Acts**

Discussion

David Konieczny discussed changing the Recommended Discipline from a 30-day suspension to a 60-day suspension to keep the discipline consistent to HSC 1798.200(c)(2). James De La Torre and Anne Viricel agreed. Anne Viricel moved the motion to change the Recommended Discipline for HSC 1798.200(c)(3) to revocation stayed, 60-day suspension, and 3-year probation with terms and conditions. James De La Torre seconded the motion. Motion carried out unanimously with no abstentions.

David Konieczny reopened after consideration of the public comments and moved a motion to change the Minimum Discipline for HSC 1798.200(c)(3) to revocation stayed, and a 3-year probation with terms and conditions. Jane Kang seconded the motion. Motion carried out unanimously with no abstentions.

Public Comment

Benjamin Keizer urged the board to consider changing the Minimum Discipline as well from a one-year probation to a three-year probation to also align with HSC 1798.200(c)(2).

**H. Section 1798.200(c)(4): Incompetence**

Discussion

David Konieczny and James De La Torre discussed increasing the 30-day suspension to a 60-day suspension. There was further discussion regarding the public comment on whether a suspension is rehabilitative, and although the suspension and probationary period seemed punitive, public's best interest would be that the paramedic does not return back to the field until they have demonstrated proficiency. James De La Torre moved the motion to table the discussion of HSC 1798.200(c)(4) until the next meeting. David Konieczny seconded the motion. Motion carried out unanimously with no abstentions.

Public Comment

Aaron Doyle commented that incompetence is not usually a choice and suspending the paramedic because they are incompetent seems punitive and not rehabilitative.

**I. Section 1798.200(c)(5): The commission of any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications, functions, and duties of prehospital personnel.**

Discussion

The board discussed changing the discipline to mirror HSC 1798.200(c)(1), Fraud. Anne Viricel moved the motion to change the Recommended Discipline for HSC 1798.200(c)(5) to revocation. David Konieczny seconded. Motion carried out unanimously with no abstentions.

Public Comment

Aaron Doyle suggested looking at the discipline for HSC 1798.200(c)(1) as it makes sense to have similar discipline for similar conduct.

**J. Section 1798.200(c)(6): The conviction of any crime that is substantially related to the qualifications, functions, and duties, of prehospital personnel.**

Discussion

Diane Sabonis discussed crimes being fact based and each are thus different. For example, battery and sexually battery are different. This is why the discipline for this violation reads differently than the other violations allowing for consideration of differences in crimes. Anne Viricel moved the motion to keep the discipline for HSC 1798.200(c)(6) the same. David Konieczny seconded. Motion carried out unanimously with no abstentions.

Public Comment

There was no public comment.

**K. Section 1798.200(c)(7): Violating or attempting to violate directly 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.**

Discussion

Anne Viricel moved the motion to keep the discipline for HSC 1798.200(c)(7) the same. David Konieczny seconded. Motion carried out unanimously with no abstentions.

Public Comment

There was no public comment.

**L. Section 1798.200(c)(8): Violating or attempting to violate any federal or state statute or regulation that regulates narcotics, dangerous drugs, or controlled substances.**

Discussion

David Konieczny questioned how addiction is determined versus the misuse of drugs and alcohol. Diane Sabonis discussed how these types of violations are fact based therefore it is hard to say. Kelli Moore suggested adding in optional condition #7 in terms of stress management. David Konieczny and Anne Viricel agreed with Kelli Moore. Jane Kang moved the motion to table the discussion of HSC 1798.200(c)(8) until the next meeting. David Konieczny seconded the motion. Motion carried out unanimously with no abstentions.

Public Comment

Benjamin Keizer discussed having consistent discipline with HSC 1798.200(c)(8) and HSC 1798.200(c)(9) as they are both very similar.

**M. Section 1798.200(c)(9): Addiction to, the excessive use of, or the misuse of, alcoholic beverages, narcotics, dangerous drugs, or controlled substances.**

Discussion

David Konieczny discussed tabling this violation until more information is reviewed on the two violations, HSC 1798.200 (c)(8) and HSC 1798.200(c)(9). Anne Viricel agreed. David Konieczny moved the motion to table the discussion of HSC 1798.200(c)(9) until the next meeting. Jane Kang seconded the motion. Motion carried out unanimously with no abstentions.

Public Comment

There was no public comment.

**N. Section 1798.200(c)(10): Functioning outside the supervision of medical control in the field care system operating at the local level, except as authorized by any other license or certification.**

Discussion

David Konieczny discussed adding Optional Conditions #9 and #11. David Konieczny moved the motion to table the discussion of HSC 1798.200(c)(10) until the next meeting. Jane Kang seconded the motion. Motion carried out unanimously with no abstentions.

Public Comment

Benjamin Keizer asked the board to consider the 15-day suspension as it seems arbitrary when all the other violations have 30 or 60-day suspensions.



### **8. TOPICS FOR DECEMBER 7, 2023 MEETING AGENDA**

Diane Sabonis discussed that the four HSC 1798.200(c) violations that were tabled in this meeting will be discussed further at the December meeting. Diane Sabonis stated the fine structure outlined in the Recommended Guidelines for Disciplinary Orders and Conditions of Probation will be discussed at the December meeting.

#### Public Comment

There was no public comment.

### **9. ADJOURNMENT**

Kelli Moore moved the motion to adjourn the meeting. David Konieczny seconded the motion. Diane Sabonis adjourned the meeting at 3:41 p.m. on September 14, 2023.