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BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against, **DEANNA S. LONG** **3384 La Canada Dr. Apt. 1** **Cameron Park, CA 95682-7982** Polysomnographic Technician License No. PTCN 340, Respondent.	Case No. 800-2020-064962 **DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

1. On or about July 14, 2021, Complainant William Prasifka, in his official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs, filed Accusation No. 800-2020-064962 against Deanna S. Long (Respondent) before the Medical Board of California.

2. On or about January 31, 2013, the Medical Board of California (Board) issued Polysomnographic Technician License No. PTCN 340 to Respondent. The Polysomnographic Technician License expired on January 31, 2021, and has not been renewed. A true and correct

copy of Respondent's certified license history is attached as Exhibit 1 to the accompanying Default Decision Evidence Packet.[1]

3. On or about July 14, 2021, Tara Reasoner, an employee of the Complainant Agency, served by Certified and First Class Mail a copy of the Accusation No. 800-2020-064962, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is 3384 La Canada Dr. Apt. 1, Cameron Park, CA 95682-7982. A copy of the Accusation, the related documents, and Declaration of Service are attached as Exhibit 2, and are incorporated herein by reference.

4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c). On or about July 15, 2021, the U.S. Postal Service delivered the aforementioned documents. A printout of the online U.S. Postal Service delivery is attached as Exhibit 3, and is incorporated herein by reference.

5. On or about July 30, 2021, the Attorney General's Office mailed a Courtesy Notice of Default to Respondent's address of record. A copy of the Courtesy Notice of Default packet is attached as Exhibit 4, and is incorporated herein by reference.

6. On or about August 2, 2021, the U.S. Postal Service attempted delivery of the aforementioned documents and a U.S. Postal Service Notice was left at the Respondent's address of record mentioned above. A printout of the online U.S. Postal Service attempted delivery and notice is attached as Exhibit 5, and is incorporated herein by reference.

7. Government Code section 11506 states, in pertinent part:

> (c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

[1] All exhibits are true and correct copies of the originals, and are attached to the accompanying Default Decision Evidence Packet. The Default Decision Evidence Packet is hereby incorporated by reference, in its entirety, as if fully set forth herein.

8. Respondent failed to file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 800-2020-064962.

9. California Government Code section 11520 states, in pertinent part:

> "(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent."

10. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on Respondent's express admissions by way of default and the evidence before it as contained in the separate accompanying "Default Decision Evidence Packet," finds that the allegations in Accusation No. 800-2020-064962 are true and correct.

JURISDICTION

11. Business and Professions Code section 118 states, in pertinent part:

> (b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the license on any such ground.

12. California Business and Professions Code section 2220 provides, in pertinent part, that the Board may take action against all persons guilty of violating the provisions of Chapter 5 of Division 2 of that Code.

13. Section 2227 of the Code states:

> "(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:
>
> "(1) Have his or her license revoked upon order of the board.
>
> "(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

"(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

"(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

"(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

"(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1."

14. Section 2234 of the Code, states, in pertinent part:

"The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

"(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter. [Chapter 5, the Medical Practice Act].

"...

"(e) The commission of any act involving dishonesty or corruption that is substantially related to the qualifications, functions, or duties of a physician and surgeon.

"(f) Any action or conduct that would have warranted the denial of a certificate.

"..."

15. Section 2236 of the Code states, in pertinent part:

"(a) The conviction of any offense substantially related to the qualifications, functions, or duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred.

"...

"(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to be a conviction within the meaning of this section and Section 2236.1. The record of conviction shall be conclusive evidence of the fact that the conviction occurred."

16. Section 2239 of the Code states:

"(a) The use or prescribing for or administering to himself or herself, of any controlled substance; or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to any other person or to the public, or to the extent that such use impairs the ability of the licensee to practice medicine safely or more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances referred to in this section, or any combination thereof, constitutes unprofessional conduct. The record of the conviction is conclusive evidence of such unprofessional conduct.

"(b) A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section. The Division of Medical Quality[2] may order discipline of the licensee in accordance with Section 2227 or the Division of Licensing may order the denial of the license when the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, complaint, information, or indictment."[3]

17. Section 2529.1 of the Code states:

"(a) The use of any controlled substance or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to the registrant, or to any other person or to the public, or to the extent that this use impairs the ability of the registrant to practice safely or more than one misdemeanor or any felony conviction involving the use, consumption, or self-administration of any of the substances referred to in this section, or any combination thereof, constitutes unprofessional conduct. The record of the conviction is conclusive evidence of this unprofessional conduct.

"(b) A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section. The board may order discipline of the registrant in accordance with Section 2227 or may order the denial of the registration when the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing this person to withdraw his or her plea of guilty and to enter a plea of not guilty, or

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[2] California Business and Professions Code section 2002, as amended and effective January 1, 2008, provides that, unless otherwise expressly provided, the term "board" as used in the State Medical Practice Act (Bus. & Prof. Code, §§ 2000, *et seq.*) means the "Medical Board of California," and references to the "Division of Medical Quality" and "Division of Licensing" in the Act or any other provision of law shall be deemed to refer to the Board.

[3] There is a nexus between a physician's use of alcoholic beverages and his or her fitness to practice medicine, established by the Legislature in section 2239, "in all cases where a licensed physician used alcoholic beverages to the extent or in such a manner as to pose a danger to himself or others." (*Watson v. Superior Court* (*Medical Board*) (2009) 176 Cal.App.4th 1407, 1411.)

setting aside the verdict of guilty, or dismissing the accusation, complaint, information, or indictment."

18. Section 3576 of the Code states, in pertinent part:

"(a) A registration under this chapter may be denied, suspended, revoked, placed on probation, or otherwise subjected to discipline for any of the following by the holder:

"...

"(2) An act of dishonesty or fraud.

"(3) Committing any act or being convicted of a crime constituting grounds for denial of licensure or registration under Section 480.

"(4) Violating or attempting to violate this chapter or any regulation adopted under this chapter.

"..."

19. Section 480 of the Code states, pertinent part:

"(a) Notwithstanding any other provision of this code, a board may deny a license regulated by this code on the grounds that the applicant has been convicted of a crime or has been subject to formal discipline only if either of the following conditions are met:

"(1) The applicant has been convicted of a crime within the preceding seven years from the date of application that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, regardless of whether the applicant was incarcerated for that crime, or the applicant has been convicted of a crime that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made and for which the applicant is presently incarcerated or for which the applicant was released from incarceration within the preceding seven years from the date of application..."

COST RECOVERY

20. Section 125.3 of the Code states:

(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department or before the Osteopathic Medical Board, the board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

(b) In the case of a disciplined licentiate that is a corporation or a partnership, the order may be made against the licensed corporate entity or licensed partnership.

(c) A certified copy of the actual costs, or a good faith estimate of costs where actual costs are not available, signed by the entity bringing the proceeding or its designated representative shall be prima facie evidence of reasonable costs of investigation and prosecution of the case. The costs shall include the amount of investigative and

enforcement costs up to the date of the hearing, including, but not limited to, charges imposed by the Attorney General.

(d) The administrative law judge shall make a proposed finding of the amount of reasonable costs of investigation and prosecution of the case when requested pursuant to subdivision (a). The finding of the administrative law judge with regard to costs shall not be reviewable by the board to increase the cost award. The board may reduce or eliminate the cost award, or remand to the administrative law judge where the proposed decision fails to make a finding on costs requested pursuant to subdivision (a).

(e) Where an order for recovery of costs is made and timely payment is not made as directed in the board's decision, the board may enforce the order for repayment in any appropriate court. This right of enforcement shall be in addition to any other rights the board may have as to any licentiate to pay costs.

(f) In any action for recovery of costs, proof of the board's decision shall be conclusive proof of the validity of the order of payment and the terms for payment.

(g)(1) Except as provided in paragraph (2), the board shall not renew or reinstate the license of any licentiate who has failed to pay all of the costs ordered under this section.

(2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally renew or reinstate for a maximum of one year the license of any licentiate who demonstrates financial hardship and who enters into a formal agreement with the board to reimburse the board within that one-year period for the unpaid costs.

(h) All costs recovered under this section shall be considered a reimbursement for costs incurred and shall be deposited in the fund of the board recovering the costs to be available upon appropriation by the Legislature.

(i) Nothing in this section shall preclude a board from including the recovery of the costs of investigation and enforcement of a case in any stipulated settlement.

(j) This section does not apply to any board if a specific statutory provision in that board's licensing act provides for recovery of costs in an administrative disciplinary proceeding.

BUSINESS AND PROFESSIONS CODE VIOLATIONS

Use of Alcoholic Beverages to the Extent, or in a Manner, as to be Dangerous to Respondent, Another Person, or the Public

21. Respondent Deanna S. Long has subjected her Polysomnographic Technician License No. PTCN 340 to disciplinary action under 2227, 2234, and 3576, as defined by sections 480, subdivision (a) sub-paragraph (1); and 2239, subdivision (a), of the Code, in that she has used alcoholic beverages to the extent, or in such a manner, as to be dangerous or injurious to herself, another person, or the public. The facts and circumstances regarding this allegation are as follows (Exhibit 6):

A. On or about February 27, 2011, at approximately 1:54 a.m., San Ramon Police Department Officer C.B. was on routine patrol when he observed a black Toyota passenger vehicle stopped well in front of the crosswalk at a municipal traffic intersection controlled by traffic control signals in all four directions at one of the busiest intersections in the City of San Ramon, California.

B. Officer C.B. noticed that the black Toyota vehicle was positioned halfway past the limit line and into the intersection; a violation of California Vehicle Code §21452, subdivision (a).

C. Once the traffic signal light in the direction of travel of the Toyota vehicle turned green, Officer C.B. observed that the Toyota failed to proceed through the green light and just remained stopped and idle at the intersection for approximately ten to twelve seconds before finally proceeding through the intersection; a violation of California Vehicle Code §21451, subdivision (a).

D. After observing these two traffic violations, Officer C.B. activated his patrol vehicle's overhead emergency lights and conducted a traffic stop of the Toyota vehicle. The Toyota vehicle yielded to the right of the roadway and Officer C.B. exited his patrol vehicle and contacted the driver of the Toyota vehicle, identified as the Respondent.

E. Officer C.B. advised the Respondent as to the nature and circumstances of the traffic stop, and requested Respondent's driver's license, which she provided. While interacting and speaking with Respondent, Officer C.B. observed Respondent displaying objective signs and symptoms of alcohol intoxication, such as slow deliberate speech, bloodshot watery eyes, and a distinct odor of alcohol emanating from Respondent's breath.

F. When Officer C.B. asked Respondent where she was coming from, she admitted she was coming from a bar. When asked if she had consumed any alcoholic beverages at the bar, Respondent told Officer C.B. she had consumed only one martini. Respondent further explained to Officer C.B. that she was the designated driver and was careful not to consume more alcoholic beverages.

G. Officer C.B. then requested Respondent exit the Toyota vehicle and noticed that Respondent's eyes displayed a lack of smooth pursuit and had a distinct continuous bounce at the maximum deviation (angle of onset was at approximately thirty-five degrees), consistent with a Horizontal Gaze Nystagmus (HGN).

H. Officer C.B. asked Respondent a series of preliminary driving while under the influence (DUI) investigative questions and then requested Respondent perform a series of field sobriety tests (FST's) to assess her intoxication level and ability to safely operate a motor vehicle.

I. After performing poorly on the FST's, Respondent was administered a preliminary alcohol screening (PAS) test in which Respondent's two breath samples yielded the results of 0.134% and 0.129% blood alcohol content (BAC).

J. Based on Respondent's objective signs of intoxication, driving, admission of alcoholic beverage consumption and poor performance on the FST's, Officer C.B. formed the opinion that she was operating a motor vehicle while under the influence of an alcoholic beverage.

K. Respondent was placed under arrest for violations of California Vehicle Code §23152, subdivisions (a) and (b), and was transported to the San Ramon Police Department station where she provided two evidentiary breath samples which yielded BAC levels of 0.11 % and 0.11%. Respondent declined to take an additional blood test for alcohol content.

L. On or about May 2, 2011, the Contra Costa County District Attorney filed a criminal complaint against the Respondent in the matter entitled, *The People of the State of California v. Deanna Summer Long*, Contra Costa County Superior Court Case No. 153598-8, for violations of California Vehicle Code §23152, subdivisions (a) and (b) in two separate counts.

M. On or about June 20, 2011, Respondent was convicted upon her plea of *nolo contendere* to count two of the criminal complaint in the matter entitled, *The People of the State of California v. Deanna Summer Long*, Contra Costa County Superior Court Case No. 153598-8, i.e. driving a motor vehicle with a blood alcohol content at or above 0.08% in

violation of California Vehicle Code §23152, subdivisions (b). Respondent was sentenced to three years' probation and was subject to various terms and conditions, such as forty hours of community service in lieu of custody time in jail, first offender alcohol program, fines and fees.

N. On or about February 15, 2020, at approximately 8:49 p.m., Pleasanton Police Department Officer A.K. was on routine patrol when he was dispatched to the 580 Interstate (I-580) overpass regarding a white vehicle that was stalled or involved in a solo vehicle collision.

O. When Officer A.K. arrived at the I-580 overpass, he observed a white Nissan vehicle stopped in the southbound direction along the south side of the overpass interstate freeway with both front wheels facing outward in opposite directions, a broken front axle to the Nissan vehicle, and that the vehicle was resting along a concrete curb on the interstate overpass. Officer A.K. also noticed that the passenger side airbags of the Nissan vehicle had been deployed, that the engine was still running with the vehicle in drive, and the driver had her foot on the brake pedal.

P. Officer A.K. contacted the person positioned in the driver-seat of the Nissan vehicle, identified as the Respondent, who was the sole occupant of the vehicle, and requested she turn the vehicle off, which she did.

Q. Respondent told Officer A.K. that she was fine and that she had just left work at Great Clips and was driving to her second job at Sleep Diagnostic in Fremont, California, when her car suddenly stopped moving for "some reason." Respondent did not recall colliding with anything and appeared confused as to why her vehicle had stopped moving. When Officer A.K. informed her that it appeared she had struck the concrete curb on the interstate overpass with her vehicle with enough force that it caused her airbags to deploy and her front axle to break, Respondent appeared shocked and in disbelief.

R. Livermore-Pleasanton Fire Department arrived at the scene and determined that Respondent had no immediate medical needs.

S. Simultaneously, Sergeant B. of the Pleasanton Police Department, spoke with a civilian witness, T.M., at the scene who stated that he was stopped at a red light when he observed the white Nissan vehicle travelling southbound on the 1-580 overpass and appeared to strike the concrete curb. T.M. stated that he then drove to the stopped Nissan vehicle to contact the driver. T.M. observed the driver (Respondent) to have slurred speech and he believed she might be intoxicated. T.M. called emergency 911 and stayed with the driver (Respondent) until law enforcement arrived.

T. During Officer A.K.'s interactions with Respondent he observed the distinct odor of alcohol emanating from her breath, that Respondent had bloodshot and watery eyes, as well as very slurred and at times incoherent speech. Based on the totality of circumstances, Officer A.K. requested Respondent perform Standardized Field Sobriety Tests (SFST's). In response to Officer A.K.'s request, Respondent adamantly denied drinking any alcoholic beverages or taking any drugs or medication, but agreed to perform the SFST's.

U. As the Respondent exited her vehicle, she was very unsteady on her feet and had to use her open driver's side car door to assist her to regain her balance. She then walked to the nearby sidewalk with a slow and staggered gait.

V. Officer A.K. administered SFST's with the following results:

i. HGN – lack of smooth pursuit in both Respondent's eyes with a sustained and distinct equal horizontal nystagmus in both eyes prior to forty-five degrees and nystagmus at the maximum deviation;

ii. Romberg – Respondent estimated the passing of thirty seconds as seven actual seconds. During the test, Respondent swayed side to side and front to back in a continuous manner;

iii. Walk and Turn – Respondent was unable to maintain a balanced stance while being given instructions for the test. She also had difficulty walking in a straight line and missed her heel-to-toe on each step. She took only three steps and stopped. Respondent was asked if she completed the nine steps and she stated she did.

Respondent then turned around without pivoting as instructed to do so and took only four steps before stopping the test;

iv. One Leg Stand – Respondent was too unsteady to safely complete this test;

v. Finger to Nose – Respondent was too unsteady to safely complete this test; and

vi. PAS – Respondent appeared unable to provide a long steady breath into the PAS device that necessitated a manual mode capture of two breaths which yielded 0.174% and 0.162% BAC.

W. Based on Respondent's objective signs of intoxication, driving, and poor performance on the SFST's, Officer A.K. formed the opinion that she was operating a motor vehicle while under the influence of an alcoholic beverage.

X. Respondent was placed under arrest for violations of California Vehicle Code §23152, subdivisions (a) and (b), and was transported to a certified phlebotomist who conducted a blood sample withdrawal of Respondent in a medically approved manner, which later yielded the result of 0.19% ethanol.

Y. On or about May 21, 2020, the Alameda County District Attorney filed a criminal complaint against the Respondent in the matter entitled, *The People of the State of California v. Deanna Summer Long*, Alameda County Superior Court Case No. 20-CR-007522, for violations of California Vehicle Code §23152, subdivisions (a) and (b) in two separate counts; with the special allegation of count two in that Respondent's blood alcohol content was at or above 0.15% in violation of Cal. Vehicle Code §23578. The criminal complaint also alleged Respondent's prior Contra Costa County 2011 misdemeanor DUI conviction pursuant to Cal. Vehicle Code §23540 and §23546.

Z. On or about February 2, 2021, Respondent was convicted upon her plea of *nolo contendere* to count two of the criminal complaint in the matter entitled, *The People of the State of California v. Deanna Summer Long*, Alameda County Superior Court Case No. 20-CR-007522, i.e. driving a motor vehicle with a blood alcohol content at or above 0.08% in violation of California Vehicle Code §23152, subdivisions (b). Respondent was sentenced to three years' probation and was subject to various terms and conditions such as two days

of custody time in jail, attend and complete an eighteen-month drunk driver multiple offender program, not to drive a motor vehicle with any measurable amount of alcohol, fines and fees.

More than One Misdemeanor Conviction Involving the Use of Alcohol

22. Respondent Deanna S. Long has further subjected her Polysomnographic Technician License No. PTCN 340 to disciplinary action under 2227, 2234, and 3576, as defined by sections 480, subdivision (a) sub-paragraph (1); and 2239, subdivision (a), of the Code, in that she has suffered more than one misdemeanor conviction involving the use of alcohol, as more particularly alleged hereinafter in paragraph 21, above, and is hereby incorporated by reference and re-alleged as if fully set forth herein.

Conviction of a Crime Substantially Related to the Qualifications, Functions, or Duties of a Polysomnographic Technician

23. Respondent Deanna S. Long has subjected her Polysomnographic Technician License No. PTCN 340 to disciplinary action under 2227, 2234 and 3576, as defined by sections 480, subdivision (a) sub-paragraph (1); and 2236, subdivision (a), of the Code, in that she has been convicted of a crime substantially related to the qualifications, functions, or duties of a polysomnographic technician, as more particularly alleged hereinafter in paragraph 21, above, and is hereby incorporated by reference and re-alleged as if fully set forth herein.

Commission of Acts of Dishonesty

24. Respondent Deanna S. Long has subjected her Polysomnographic Technician License No. PTCN 340 to disciplinary action under 2234 and 3576, as defined by sections 2234 and 3576, subdivision (a), sub-paragraph (2), in that she made statements containing false, misleading or deceptive information, as more particularly alleged hereafter:

25. On or about March 5, 2021, Respondent was interviewed by an investigator for the Board. During the interview (Exhibit 7):

A. Respondent denied being arrested prior to February 15, 2020, contrary to her arrest on February 27, 2011;

B. Respondent admitted consuming two glasses of wine prior to driving on February 15, 2020, contradicting her previous statements to Officer A.K.; and

C. Respondent claimed she "fell asleep at wheel" on February 15, 2020, despite no evidence to suggest Respondent was asleep at the time and contrary to Respondent's statements to Officer A.K.

26. Paragraph 21, above, is hereby incorporated by reference and re-alleged as if fully set forth herein.

General Unprofessional Conduct

27. Respondent Deanna S. Long has subjected her Polysomnographic Technician License No. PTCN 340 to disciplinary action under 2234, in that she has committed acts or engaged in conduct which breaches the rules or ethical code of the medical profession, or conduct which is unbecoming to a member in good standing of the medical profession, and which demonstrates an unfitness as a polysomnographic technician.[4] The totality of the circumstances surrounding the conduct are described in paragraphs 21 through 26 above, which are incorporated by reference and re-alleged as if fully set forth herein.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Deanna S. Long has subjected her Polysomnographic Technician License No. PTCN 340 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. Pursuant to its authority under California Government Code section 11520, and on the evidence before it, the Medical Board of California hereby finds that the charges and allegations contained in the Accusation Case No. 800-2020-064962, and the Findings of Fact contained in paragraphs 1 through 27, above, are true and correct.

4. Pursuant to its authority under California Government Code section 11520, and by reason of the Findings of Fact contained in paragraphs 1 through 27, above, and the Determination of Issues 1, 2, and 3 above, the Medical Board of California hereby finds that Respondent Deanna S. Long has subjected her Polysomnographic Technician License No. PTCN

[4] *Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564, 575.

340 to discipline under sections 2234, 3576, 2236, subdivision (a), 2239, subdivision (a), and 480 subdivision (a), sub-paragraph (1), of the Code, in that she has:

(a) Used alcoholic beverages to the extent, or in a manner, as to be dangerous to Respondent, another person, or the public, referenced above, in that she was arrested on or about February 27, 2011 and thereafter convicted of violating California Vehicle Code §23152, subdivision (b) on or about June 20, 2011 in the case entitled *The People of the State of California v. Deanna Summer Long*, Contra Costa County Superior Court Case No. 153598-8;

(b) Used alcoholic beverages to the extent, or in a manner, as to be dangerous to Respondent, another person, or the public, referenced above, in that she was arrested on or about February 15, 2020 and thereafter convicted of violating California Vehicle Code §23152, subdivision (b) on or about February 2, 2021 in the case entitled *The People of the State of California v. Deanna Summer Long*, Alameda County Superior Court Case No. 20-CR-007522;

(c) Been convicted of more than one misdemeanor involving the use of alcohol, referenced above, in that she was convicted of violating California Vehicle Code §23152, subdivisions (b) on two separate occasions on or about June 20, 2011 in the case entitled *The People of the State of California v. Deanna Summer Long*, Contra Costa County Superior Court Case No. 153598-8, and again on or about February 2, 2021 in the case entitled *The People of the State of California v. Deanna Summer Long*, Alameda County Superior Court Case No. 20-CR-007522;

(d) Been convicted of crimes substantially related to the qualifications, functions, or duties of a polysomnographic technician, referenced above, in that she was convicted of violating California Vehicle Code §23152, subdivision (b) on two separate occasions on or about June 20, 2011 in the case entitled *The People of the State of California v. Deanna Summer Long*, Contra Costa County Superior Court Case No. 153598-8, and again on or about February 2, 2021 in the case entitled *The People of the State of California v. Deanna Summer Long*, Alameda County Superior Court Case No. 20-CR-007522;

(e) Made statements containing false, misleading or deceptive information, as referenced above, during her interview with the investigator for the Board on or about March 5, 2021, insofar

as she denied being arrested prior to February 15, 2020, admitted to consuming two glasses of wine prior to driving on February 15, 2020, and claimed she "fell asleep at wheel" on February 15, 2020, despite all other evidence presented by law enforcement to the contrary; and

(f) Committed unprofessional conduct, referenced above, in that she was arrested and convicted of violating California Vehicle Code §23152, subdivisions (b) on two separate occasions on or about June 20, 2011 in the case entitled *The People of the State of California v. Deanna Summer Long*, Contra Costa County Superior Court Case No. 153598-8, and again on or about February 2, 2021 in the case entitled *The People of the State of California v. Deanna Summer Long*, Alameda County Superior Court Case No. 20-CR-007522.

5. The Medical Board of California is authorized to revoke Respondent's Polysomnographic Technician License based upon Findings of Fact 1 through 27 and Determination of Issues 1 through 5.

6. Revocation is the appropriate discipline based on Determination of Issues 1 through 5.

7. Respondent is liable to the Board the costs of investigation and enforcement, in the total amount of $13,566.25.

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ORDER

IT IS ORDERED that Polysomnographic Technician License No. PTCN 340, heretofore issued to Respondent Deanna S. Long, is hereby revoked. For each of the violations, separately and severally, of the California Business and Professions Code found in the Determination of Issues, above.

If Respondent ever files an application for relicensure or reinstatement in the State of California, the Board shall treat it as a petition for reinstatement of a revoked license. Respondent must comply with all laws, regulations, and procedures for reinstatement of a revoked license in effect at the time the petition for reinstatement is filed.

Respondent is ordered to reimburse the Medical Board the amount of $13,566.25 for its investigative and enforcement costs in Case No. 800-2020-064962. The filing of bankruptcy by Respondent shall not relieve Respondent of her responsibility to reimburse the Board for its costs. Respondent's Polysomnographic Technician License may not be renewed or reinstated unless all costs ordered under Business and Professions Code section 125.3 have been paid.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective at 5:00 p.m. on September, 24, 2021.

It is so ORDERED August 25, 2021.

WILLIAM PRASIFKA
EXECUTIVE DIRECTOR
FOR THE MEDICAL BOARD OF
CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

Attachment: Default Decision Evidence Packet

SA2021301983 / 35376544.docx

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Attorneys for Complainant

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:	Case No. 800-2020-064962
Deanna S. Long **3384 La Canada Dr., Apt. 1** **Cameron Park, CA 95682-7982** **Polysomnographic Technician License No. PTCN 340** Respondent.	**ACCUSATION**

PARTIES

1. William Prasifka (Complainant) brings this Accusation solely in his official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On or about January 31, 2013, the Medical Board issued Polysomnographic Technician License No. PTCN 340 to Deanna S. Long (Respondent). The Polysomnographic Technician License expired on January 31, 2021, and has not been renewed.

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JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2227 of the Code states:

"(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

"(1) Have his or her license revoked upon order of the board.

"(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

"(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

"(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

"(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

"(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1."

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5. Section 2234 of the Code, states, in pertinent part:

"The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

"(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter. [Chapter 5, the Medical Practice Act].

"...

"(e) The commission of any act involving dishonesty or corruption that is substantially related to the qualifications, functions, or duties of a physician and surgeon.

"(f) Any action or conduct that would have warranted the denial of a certificate.

"..."

6. Section 2236 of the Code states, in pertinent part:

"(a) The conviction of any offense substantially related to the qualifications, functions, or duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred.

"...

"(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to be a conviction within the meaning of this section and Section 2236.1. The record of conviction shall be conclusive evidence of the fact that the conviction occurred."

7. Section 2239 of the Code states:

"(a) The use or prescribing for or administering to himself or herself, of any controlled substance; or the use of any of the dangerous drugs specified in Section

4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to any other person or to the public, or to the extent that such use impairs the ability of the licensee to practice medicine safely or more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances referred to in this section, or any combination thereof, constitutes unprofessional conduct. The record of the conviction is conclusive evidence of such unprofessional conduct.

"(b) A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section. The Division of Medical Quality[1] may order discipline of the licensee in accordance with Section 2227 or the Division of Licensing may order the denial of the license when the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, complaint, information, or indictment."[2]

8. Section 2529.1 of the Code states:

"(a) The use of any controlled substance or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to the registrant, or to any other person or to the public, or to the extent that this use impairs the ability of the registrant to

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[1] California Business and Professions Code section 2002, as amended and effective January 1, 2008, provides that, unless otherwise expressly provided, the term "board" as used in the State Medical Practice Act (Bus. & Prof. Code, §§ 2000, *et seq.*) means the "Medical Board of California," and references to the "Division of Medical Quality" and "Division of Licensing" in the Act or any other provision of law shall be deemed to refer to the Board.

[2] There is a nexus between a physician's use of alcoholic beverages and his or her fitness to practice medicine, established by the Legislature in section 2239, "in all cases where a licensed physician used alcoholic beverages to the extent or in such a manner as to pose a danger to himself or others." (*Watson v. Superior Court* (*Medical Board*) (2009) 176 Cal.App.4th 1407, 1411.)

practice safely or more than one misdemeanor or any felony conviction involving the use, consumption, or self-administration of any of the substances referred to in this section, or any combination thereof, constitutes unprofessional conduct. The record of the conviction is conclusive evidence of this unprofessional conduct.

"(b) A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section. The board may order discipline of the registrant in accordance with Section 2227 or may order the denial of the registration when the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing this person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, complaint, information, or indictment."

9. Section 3576 of the Code states, in pertinent part:

"(a) A registration under this chapter may be denied, suspended, revoked, placed on probation, or otherwise subjected to discipline for any of the following by the holder:

"...

"(2) An act of dishonesty or fraud.

"(3) Committing any act or being convicted of a crime constituting grounds for denial of licensure or registration under Section 480.

"(4) Violating or attempting to violate this chapter or any regulation adopted under this chapter.

"..."

10. Section 480 of the Code states, pertinent part:

"(a) Notwithstanding any other provision of this code, a board may deny a license regulated by this code on the grounds that the applicant has been

convicted of a crime or has been subject to formal discipline only if either of the following conditions are met:

"(1) The applicant has been convicted of a crime within the preceding seven years from the date of application that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, regardless of whether the applicant was incarcerated for that crime, or the applicant has been convicted of a crime that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made and for which the applicant is presently incarcerated or for which the applicant was released from incarceration within the preceding seven years from the date of application..."

11. Section 118, subdivision (b), of the Code provides that the suspension/expiration/surrender/cancellation of a license shall not deprive the Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

COST RECOVERY

12. Section 125.3 of the Code states:

(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department or before the Osteopathic Medical Board, the board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

(b) In the case of a disciplined licentiate that is a corporation or a partnership, the order may be made against the licensed corporate entity or licensed partnership.

(c) A certified copy of the actual costs, or a good faith estimate of costs where actual costs are not available, signed by the entity bringing the proceeding or its designated representative shall be prima facie evidence of reasonable costs of

investigation and prosecution of the case. The costs shall include the amount of investigative and enforcement costs up to the date of the hearing, including, but not limited to, charges imposed by the Attorney General.

(d) The administrative law judge shall make a proposed finding of the amount of reasonable costs of investigation and prosecution of the case when requested pursuant to subdivision (a). The finding of the administrative law judge with regard to costs shall not be reviewable by the board to increase the cost award. The board may reduce or eliminate the cost award, or remand to the administrative law judge where the proposed decision fails to make a finding on costs requested pursuant to subdivision (a).

(e) Where an order for recovery of costs is made and timely payment is not made as directed in the board's decision, the board may enforce the order for repayment in any appropriate court. This right of enforcement shall be in addition to any other rights the board may have as to any licentiate to pay costs.

(f) In any action for recovery of costs, proof of the board's decision shall be conclusive proof of the validity of the order of payment and the terms for payment.

(g)(1) Except as provided in paragraph (2), the board shall not renew or reinstate the license of any licentiate who has failed to pay all of the costs ordered under this section.

(2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally renew or reinstate for a maximum of one year the license of any licentiate who demonstrates financial hardship and who enters into a formal agreement with the board to reimburse the board within that one-year period for the unpaid costs.

(h) All costs recovered under this section shall be considered a reimbursement for costs incurred and shall be deposited in the fund of the board recovering the costs to be available upon appropriation by the Legislature.

(i) Nothing in this section shall preclude a board from including the recovery

of the costs of investigation and enforcement of a case in any stipulated settlement.

(j) This section does not apply to any board if a specific statutory provision in that board's licensing act provides for recovery of costs in an administrative disciplinary proceeding.

FIRST CAUSE FOR DISCIPLINE

(Use of Alcoholic Beverages to the Extent, or in a Manner, as to be Dangerous to Respondent, Another Person, or the Public)

13. Respondent Deanna S. Long has subjected her Polysomnographic Technician License No. PTCN 340 to disciplinary action under 2227, 2234, and 3576, as defined by sections 480, subdivision (a) sub-paragraph (1); and 2239, subdivision (a), of the Code, in that she has used alcoholic beverages to the extent, or in such a manner, as to be dangerous or injurious to herself, another person, or the public, as more particularly alleged hereinafter:

June 20, 2011 Conviction of Cal. Vehicle Code §23152(b)

14. On or about February 27, 2011, at approximately 1:54 a.m., San Ramon Police Department Officer C.B. was on routine patrol when he observed a black Toyota passenger vehicle stopped well in front of the crosswalk at a municipal traffic intersection controlled by traffic control signals in all four directions at one of the busiest intersections in the City of San Ramon, California.

15. Officer C.B. noticed that the black Toyota vehicle was positioned halfway past the limit line and into the intersection; a violation of California Vehicle Code §21452, subdivision (a).

16. Once the traffic signal light in the direction of travel of the Toyota vehicle turned green, Officer C.B. observed that the Toyota failed to proceed through the green light and just remained stopped and idle at the intersection for approximately ten to twelve seconds before finally proceeding through the intersection; a violation of California Vehicle Code §21451, subdivision (a).

17. After observing these two traffic violations, Officer C.B. activated his patrol vehicle's overhead emergency lights and conducted a traffic stop of the Toyota vehicle. The Toyota vehicle

yielded to the right of the roadway and Officer C.B. exited his patrol vehicle and contacted the driver of the Toyota vehicle, identified as the Respondent.

18. Officer C.B. advised the Respondent as to the nature and circumstances of the traffic stop, and requested Respondent's driver's license, which she provided. While interacting and speaking with Respondent, Officer C.B. observed Respondent displaying objective signs and symptoms of alcohol intoxication, such as slow deliberate speech, bloodshot watery eyes, and a distinct odor of alcohol emanating from Respondent's breath.

19. When Officer C.B. asked Respondent where she was coming from, she admitted she was coming from a bar. When asked if she had consumed any alcoholic beverages at the bar, Respondent told Officer C.B. she had consumed only one martini. Respondent further explained to Officer C.B. that she was the designated driver and was careful not to consume more alcoholic beverages.

20. Officer C.B. then requested Respondent exit the Toyota vehicle and noticed that Respondent's eyes displayed a lack of smooth pursuit and had a distinct continuous bounce at the maximum deviation (angle of onset was at approximately thirty-five degrees), consistent with a Horizontal Gaze Nystagmus (HGN).

21. Officer C.B. asked Respondent a series of preliminary driving while under the influence (DUI) investigative questions and then requested Respondent perform a series of field sobriety tests (FST's) to assess her intoxication level and ability to safely operate a motor vehicle.

22. After performing poorly on the FST's, Respondent was administered a preliminary alcohol screening (PAS) test in which Respondent's two breath samples yielded the results of 0.134% and 0.129% blood alcohol content (BAC).

23. Based on Respondent's objective signs of intoxication, driving, admission of alcoholic beverage consumption and poor performance on the FST's, Officer C.B. formed the opinion that she was operating a motor vehicle while under the influence of an alcoholic beverage.

24. Respondent was placed under arrest for violations of California Vehicle Code §23152, subdivisions (a) and (b), and was transported to the San Ramon Police Department

station where she provided two evidentiary breath samples which yielded BAC levels of 0.11% and 0.11%. Respondent declined to take an additional blood test for alcohol content.

25. On or about May 2, 2011, the Contra Costa County District Attorney filed a criminal complaint against the Respondent in the matter entitled, *The People of the State of California v. Deanna Summer Long*, Contra Costa County Superior Court Case No. 153598-8, for violations of California Vehicle Code §23152, subdivisions (a) and (b) in two separate counts.

26. On or about June 20, 2011, Respondent was convicted upon her plea of *nolo contendere* to count two of the criminal complaint in the matter entitled, *The People of the State of California v. Deanna Summer Long*, Contra Costa County Superior Court Case No. 153598-8, i.e. driving a motor vehicle with a blood alcohol content at or above 0.08% in violation of California Vehicle Code §23152, subdivisions (b). Respondent was sentenced to three years' probation and was subject to various terms and conditions, such as forty hours of community service in lieu of custody time in jail, first offender alcohol program, fines and fees.

February 2, 2021 Conviction of Cal. Vehicle Code §23152(b)

27. On or about February 15, 2020, at approximately 8:49 p.m., Pleasanton Police Department Officer A.K. was on routine patrol when he was dispatched to the 580 Interstate (I-580) overpass regarding a white vehicle that was stalled or involved in a solo vehicle collision.

28. When Officer A.K. arrived at the I-580 overpass, he observed a white Nissan vehicle stopped in the southbound direction along the south side of the overpass interstate freeway with both front wheels facing outward in opposite directions, a broken front axle to the Nissan vehicle, and that the vehicle was resting along a concrete curb on the interstate overpass. Officer A.K. also noticed that the passenger side airbags of the Nissan vehicle had been deployed, that the engine was still running with the vehicle in drive, and the driver had her foot on the brake pedal.

29. Officer A.K. contacted the person positioned in the driver-seat of the Nissan vehicle, identified as the Respondent, who was the sole occupant of the vehicle, and requested she turn the vehicle off, which she did.

30. Respondent told Officer A.K. that she was fine and that she had just left work at Great Clips and was driving to her second job at Sleep Diagnostic in Fremont, California, when

her car suddenly stopped moving for "some reason." Respondent did not recall colliding with anything and appeared confused as to why her vehicle had stopped moving. When Officer A.K. informed her that it appeared she had struck the concrete curb on the interstate overpass with her vehicle with enough force that it caused her airbags to deploy and her front axle to break, Respondent appeared shocked and in disbelief.

31. Livermore-Pleasanton Fire Department arrived at the scene and determined that Respondent had no immediate medical needs.

32. Simultaneously, Sergeant B. of Pleasanton Police Department, spoke with a civilian witness, T.M., at the scene who stated that he was stopped at a red light when he observed the white Nissan vehicle travelling southbound on the I-580 overpass and appeared to strike the concrete curb. T.M. stated that he then drove to the stopped Nissan vehicle to contact the driver. T.M. observed the driver (Respondent) to have slurred speech and he believed she might be intoxicated. T.M. called emergency 911 and stayed with the driver (Respondent) until law enforcement arrived.

33. During Officer A.K.'s interactions with Respondent he observed the distinct odor of alcohol emanating from her breath, that Respondent had bloodshot and watery eyes, as well as very slurred and at times incoherent speech. Based on the totality of circumstances, Officer A.K. requested Respondent perform Standardized Field Sobriety Tests (SFST's). In response to Officer A.K.'s request, Respondent adamantly denied drinking any alcoholic beverages or taking any drugs or medication, but agreed to perform the SFST's.

34. As the Respondent exited her vehicle, she was very unsteady on her feet and had to use her open driver's side car door to assist her to regain her balance. She then walked to the nearby sidewalk with a slow and staggered gait.

35. Officer A.K. administered SFST's with the following results:

A. HGN – lack of smooth pursuit in both Respondent's eyes with a sustained and distinct equal horizontal nystagmus in both eyes prior to forty-five degrees and nystagmus at the maximum deviation;

B. Romberg – Respondent estimated the passing of thirty seconds as seven actual seconds. During the test, Respondent swayed side to side and front to back in a continuous manner;

C. Walk and Turn – Respondent was unable to maintain a balanced stance while being given instructions for the test. She also had difficulty walking in a straight line and missed her heel-to-toe on each step. She took only three steps and stopped. Respondent was asked if she completed the nine steps and she stated she did. Respondent then turned around without pivoting as instructed to do so and took only four steps before stopping the test;

D. One Leg Stand – Respondent was too unsteady to safely complete this test;

E. Finger to Nose – Respondent was too unsteady to safely complete this test; and

F PAS – Respondent appeared unable to provide a long steady breath into the PAS device that necessitated a manual mode capture of two breaths which yielded 0.174% and 0.162% BAC.

36. Based on Respondent's objective signs of intoxication, driving, and poor performance on the SFST's, Officer A.K. formed the opinion that she was operating a motor vehicle while under the influence of an alcoholic beverage.

37. Respondent was placed under arrest for violations of California Vehicle Code §23152, subdivisions (a) and (b), and was transported to a certified phlebotomist who conducted a blood sample withdrawal of Respondent in a medically approved manner, which later yielded the result of 0.19% ethanol.

38. On or about May 21, 2020, the Alameda County District Attorney filed a criminal complaint against the Respondent in the matter entitled, *The People of the State of California v. Deanna Summer Long*, Alameda County Superior Court Case No. 20-CR-007522, for violations of California Vehicle Code §23152, subdivisions (a) and (b) in two separate counts; with the special allegation of count two in that Respondent's blood alcohol content was at or above 0.15% in violation of Cal. Vehicle Code §23578. The criminal complaint also alleged Respondent's prior Contra Costa County 2011 misdemeanor DUI conviction pursuant to Cal. Vehicle Code §23540 and §23546.

39. On or about February 2, 2021, Respondent was convicted upon her plea of *nolo contendere* to count two of the criminal complaint in the matter entitled, *The People of the State of California v. Deanna Summer Long*, Alameda County Superior Court Case No. 20-CR-007522, i.e. driving a motor vehicle with a blood alcohol content at or above 0.08% in violation of California Vehicle Code §23152, subdivisions (b). Respondent was sentenced to three years' probation and was subject to various terms and conditions such as two days of custody time in jail, attend and complete an eighteen-month drunk driver multiple offender program, not to drive a motor vehicle with any measurable amount of alcohol, fines and fees.

SECOND CAUSE FOR DISCIPLINE

(More than One Misdemeanor Conviction Involving the Use of Alcohol)

40. Respondent Deanna S. Long has subjected her Polysomnographic Technician License No. PTCN 340 to disciplinary action under 2227, 2234, and 3576, as defined by sections 480, subdivision (a) sub-paragraph (1); and 2239, subdivision (a), of the Code, in that she has suffered more than one misdemeanor conviction involving the use of alcohol, as more particularly alleged in paragraphs 13 through 39, above, which are hereby incorporated by reference as if fully set forth herein.

THIRD CAUSE FOR DISCIPLINE

(Conviction of a Crime Substantially Related to the Qualifications, Functions, or Duties of a Polysomnographic Technician)

41. Respondent Deanna S. Long has subjected her Polysomnographic Technician License No. PTCN 340 to disciplinary action under 2227, 2234 and 3576, as defined by sections 480, subdivision (a) sub-paragraph (1); and 2236, subdivision (a), of the Code, in that she has been convicted of a crime substantially related to the qualifications, functions, or duties of a polysomnographic technician, as more particularly alleged in paragraphs 13 through 39, above, which are hereby incorporated by reference as if fully set forth herein.

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FOURTH CAUSE FOR DISCIPLINE

(Commission of Acts of Dishonesty)

42. Respondent Deanna S. Long has subjected her Polysomnographic Technician License No. PTCN 340 to disciplinary action under 2234 and 3576, as defined by sections 2234 and 3576, subdivision (a), sub-paragraph (2), in that she made statements containing false, misleading or deceptive information, as more particularly alleged hereafter:

43. On or about March 5, 2021, Respondent was interviewed by an investigator for the Board. During the interview:

A. Respondent denied being arrested prior to February 15, 2020, contrary to her arrest on February 27, 2011;

B. Respondent admitted consuming two glasses of wine prior to driving on February 15, 2020, contradicting her previous statements to Officer A.K.; and

C. Respondent claimed she "fell asleep at wheel" on February 15, 2020, despite no evidence to suggest Respondent was asleep at the time and contrary to Respondent's statements to Officer A.K.

44. Complainant realleges paragraphs 13 through 39, and those paragraphs are incorporated by reference as if fully set forth herein.

FIFTH CAUSE FOR DISCIPLINE

(General Unprofessional Conduct)

45. Respondent Deanna S. Long has subjected her Polysomnographic Technician License No. PTCN 340 to disciplinary action under 2234, as defined by section 2234, in that she has committed acts or engaged in conduct which breaches the rules or ethical code of the medical profession, or conduct which is unbecoming to a member in good standing of the medical profession, and which demonstrates an unfitness as a polysomnographic technician. The totality of the circumstances surrounding the conduct are described in paragraphs 13 through 44 above, which is incorporated by reference as if fully set forth herein.

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DISCIPLINARY CONSIDERATIONS

46. To determine the degree of discipline, if any, to be imposed on Respondent Deanna S. Long, Complainant alleges that on or about June 20, 2011, in a prior criminal proceeding entitled *The People of the State of California v. Deanna Summer Long* in Contra Costa Superior Court, Case Number 153598-8, Respondent was convicted for violating Cal. Vehicle Code §23152, subdivision (b), driving a motor vehicle with a blood alcohol content at or above 0.08%, a misdemeanor and was ordered to serve three years' probation and was subject to various terms and conditions. The record of the criminal proceeding is incorporated as if fully set forth herein.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Polysomnographic Technician License No. PTCN 340, issued to Deanna S. Long;

2. Ordering Respondent to pay the Board the costs of the investigation and enforcement of this case, and if placed on probation, to pay the Board the costs of probation monitoring; and

3. Taking such other and further action as deemed necessary and proper.

DATED: JUL 14 2021

WILLIAM PRASIFKA
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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