

1 ROB BONTA
Attorney General of California
2 STEVEN D. MUNI
Supervising Deputy Attorney General
3 AARON L. LENT
Deputy Attorney General
4 State Bar No. 256857
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 210-7545
Facsimile: (916) 327-2247
7

8 *Attorneys for Complainant*

9
10 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
12

13 In the Matter of the Accusation Against,

Case No. 800-2020-064962

14 **DEANNA S. LONG**
15 **3384 La Canada Dr. Apt. 1**
Cameron Park, CA 95682-7982

DEFAULT DECISION
AND ORDER

16 Polysomnographic Technician License
17 No. PTCN 340,

[Gov. Code, §11520]

18 Respondent.
19

20 **FINDINGS OF FACT**

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

25 2. On or about January 31, 2013, the Medical Board of California (Board) issued
26 Polysomnographic Technician License No. PTCN 340 to Respondent. The Polysomnographic
27 Technician License expired on January 31, 2021, and has not been renewed. A true and correct
28

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

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

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

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

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

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

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

27 ¹ All exhibits are true and correct copies of the originals, and are attached to the
28 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.

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

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

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

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

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

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

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

21 “...

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

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

27 “...”

28 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:

1 “(a) The use or prescribing for or administering to himself or herself, of any
2 controlled substance; or the use of any of the dangerous drugs specified in Section
3 4022, or of alcoholic beverages, to the extent, or in such a manner as to be
4 dangerous or injurious to the licensee, or to any other person or to the public, or to
5 the extent that such use impairs the ability of the licensee to practice medicine
6 safely or more than one misdemeanor or any felony involving the use,
7 consumption, or self-administration of any of the substances referred to in this
8 section, or any combination thereof, constitutes unprofessional conduct. The
9 record of the conviction is conclusive evidence of such unprofessional conduct.

10 “(b) A plea or verdict of guilty or a conviction following a plea of nolo
11 contendere is deemed to be a conviction within the meaning of this section. The
12 Division of Medical Quality² may order discipline of the licensee in accordance
13 with Section 2227 or the Division of Licensing may order the denial of the license
14 when the time for appeal has elapsed or the judgment of conviction has been
15 affirmed on appeal or when an order granting probation is made suspending
16 imposition of sentence, irrespective of a subsequent order under the provisions of
17 Section 1203.4 of the Penal Code allowing such person to withdraw his or her
18 plea of guilty and to enter a plea of not guilty, or setting aside the verdict of
19 guilty, or dismissing the accusation, complaint, information, or indictment.”³

20 17. Section 2529.1 of the Code states:

21 “(a) The use of any controlled substance or the use of any of the dangerous
22 drugs specified in Section 4022, or of alcoholic beverages, to the extent, or in such
23 a manner as to be dangerous or injurious to the registrant, or to any other person or
24 to the public, or to the extent that this use impairs the ability of the registrant to
25 practice safely or more than one misdemeanor or any felony conviction involving
26 the use, consumption, or self-administration of any of the substances referred to in
27 this section, or any combination thereof, constitutes unprofessional conduct. The
28 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

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.)

1 setting aside the verdict of guilty, or dismissing the accusation, complaint,
2 information, or indictment.”

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

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

7 “...

8 “(2) An act of dishonesty or fraud.

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

11 “(4) Violating or attempting to violate this chapter or any regulation adopted
12 under this chapter.

13 “...”

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

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

19 “(1) The applicant has been convicted of a crime within the preceding seven
20 years from the date of application that is substantially related to the qualifications,
21 functions, or duties of the business or profession for which the application is made,
22 regardless of whether the applicant was incarcerated for that crime, or the applicant
23 has been convicted of a crime that is substantially related to the qualifications,
24 functions, or duties of the business or profession for which the application is made
25 and for which the applicant is presently incarcerated or for which the applicant was
26 released from incarceration within the preceding seven years from the date of
27 application...”

28 **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

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

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

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

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

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

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

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

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

26 (j) This section does not apply to any board if a specific statutory provision in that
27 board's licensing act provides for recovery of costs in an administrative disciplinary
28 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 21. Respondent Deanna S. Long has subjected her Polysomnographic Technician License
22 No. PTCN 340 to disciplinary action under 2227, 2234, and 3576, as defined by sections 480,
23 subdivision (a) sub-paragraph (1); and 2239, subdivision (a), of the Code, in that she has used
24 alcoholic beverages to the extent, or in such a manner, as to be dangerous or injurious to herself,
25 another person, or the public. The facts and circumstances regarding this allegation are as follows
26 (Exhibit 6):
27
28

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

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

9 C. Once the traffic signal light in the direction of travel of the Toyota vehicle turned
10 green, Officer C.B. observed that the Toyota failed to proceed through the green light and
11 just remained stopped and idle at the intersection for approximately ten to twelve seconds
12 before finally proceeding through the intersection; a violation of California Vehicle Code
13 §21451, subdivision (a).

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

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

23 F. When Officer C.B. asked Respondent where she was coming from, she admitted she
24 was coming from a bar. When asked if she had consumed any alcoholic beverages at the
25 bar, Respondent told Officer C.B. she had consumed only one martini. Respondent further
26 explained to Officer C.B. that she was the designated driver and was careful not to consume
27 more alcoholic beverages.
28

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

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

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

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

16 K. Respondent was placed under arrest for violations of California Vehicle Code
17 §23152, subdivisions (a) and (b), and was transported to the San Ramon Police Department
18 station where she provided two evidentiary breath samples which yielded BAC levels of
19 0.11 % and 0.11%. Respondent declined to take an additional blood test for alcohol content.

20 L. On or about May 2, 2011, the Contra Costa County District Attorney filed a criminal
21 complaint against the Respondent in the matter entitled, *The People of the State of*
22 *California v. Deanna Summer Long*, Contra Costa County Superior Court Case No.
23 153598-8, for violations of California Vehicle Code §23152, subdivisions (a) and (b) in two
24 separate counts.

25 M. On or about June 20, 2011, Respondent was convicted upon her plea of *nolo*
26 *contendere* to count two of the criminal complaint in the matter entitled, *The People of the*
27 *State of California v. Deanna Summer Long*, Contra Costa County Superior Court Case No.
28 153598-8, i.e. driving a motor vehicle with a blood alcohol content at or above 0.08% in

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

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

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

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

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

26 R. Livermore-Pleasanton Fire Department arrived at the scene and determined that
27 Respondent had no immediate medical needs.
28

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

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

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

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

- 18 i. HGN – lack of smooth pursuit in both Respondent's eyes with a sustained and
19 distinct equal horizontal nystagmus in both eyes prior to forty-five degrees and
20 nystagmus at the maximum deviation;
- 21 ii. Romberg – Respondent estimated the passing of thirty seconds as seven actual
22 seconds. During the test, Respondent swayed side to side and front to back in a
23 continuous manner;
- 24 iii. Walk and Turn – Respondent was unable to maintain a balanced stance while
25 being given instructions for the test. She also had difficulty walking in a straight line
26 and missed her heel-to-toe on each step. She took only three steps and stopped.
27 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

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

4 **More than One Misdemeanor Conviction Involving the Use of Alcohol**

5 22. Respondent Deanna S. Long has further subjected her Polysomnographic Technician
6 License No. PTCN 340 to disciplinary action under 2227, 2234, and 3576, as defined by sections
7 480, subdivision (a) sub-paragraph (1); and 2239, subdivision (a), of the Code, in that she has
8 suffered more than one misdemeanor conviction involving the use of alcohol, as more particularly
9 alleged hereinafter in paragraph 21, above, and is hereby incorporated by reference and re-alleged
10 as if fully set forth herein.

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

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

19 **Commission of Acts of Dishonesty**

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

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

26 A. Respondent denied being arrested prior to February 15, 2020, contrary to her arrest on
27 February 27, 2011;
28

1 B. Respondent admitted consuming two glasses of wine prior to driving on February 15,
2 2020, contradicting her previous statements to Officer A.K.; and

3 C. Respondent claimed she “fell asleep at wheel” on February 15, 2020, despite no
4 evidence to suggest Respondent was asleep at the time and contrary to Respondent’s
5 statements to Officer A.K.

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

8 **General Unprofessional Conduct**

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

16 **DETERMINATION OF ISSUES**

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

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

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

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

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

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

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

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

13 (c) Been convicted of more than one misdemeanor involving the use of alcohol,
14 referenced above, in that she was convicted of violating California Vehicle Code §23152,
15 subdivisions (b) on two separate occasions on or about June 20, 2011 in the case entitled *The*
16 *People of the State of California v. Deanna Summer Long*, Contra Costa County Superior Court
17 Case No. 153598-8, and again on or about February 2, 2021 in the case entitled *The People of the*
18 *State of California v. Deanna Summer Long*, Alameda County Superior Court Case No. 20-CR-
19 007522;

20 (d) Been convicted of crimes substantially related to the qualifications, functions, or
21 duties of a polysomnographic technician, referenced above, in that she was convicted of violating
22 California Vehicle Code §23152, subdivision (b) on two separate occasions on or about June 20,
23 2011 in the case entitled *The People of the State of California v. Deanna Summer Long*, Contra
24 Costa County Superior Court Case No. 153598-8, and again on or about February 2, 2021 in the
25 case entitled *The People of the State of California v. Deanna Summer Long*, Alameda County
26 Superior Court Case No. 20-CR-007522;

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

1 as she denied being arrested prior to February 15, 2020, admitted to consuming two glasses of
2 wine prior to driving on February 15, 2020, and claimed she “fell asleep at wheel” on February
3 15, 2020, despite all other evidence presented by law enforcement to the contrary; and

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

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

13 6. Revocation is the appropriate discipline based on Determination of Issues 1 through
14 5.

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

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1 ROB BONTA
Attorney General of California
2 STEVEN D. MUNI
Supervising Deputy Attorney General
3 AARON L. LENT
Deputy Attorney General
4 State Bar No. 256857
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 210-7545
Facsimile: (916) 327-2247
7

8 *Attorneys for Complainant*

9
10 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 800-2020-064962

14 **Deanna S. Long**
3384 La Canada Dr., Apt. 1
15 **Cameron Park, CA 95682-7982**

A C C U S A T I O N

16 **Polysomnographic Technician License**
17 **No. PTCN 340**

18 Respondent.

19
20 **PARTIES**

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

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

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3. This Accusation is brought before the Board, under the authority of the following

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

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

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

8 “...

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

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

14 “...”

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

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

21 “...

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

26 7. Section 2239 of the Code states:

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

1 4022, or of alcoholic beverages, to the extent, or in such a manner as to be
2 dangerous or injurious to the licensee, or to any other person or to the public, or to
3 the extent that such use impairs the ability of the licensee to practice medicine
4 safely or more than one misdemeanor or any felony involving the use,
5 consumption, or self-administration of any of the substances referred to in this
6 section, or any combination thereof, constitutes unprofessional conduct. The
7 record of the conviction is conclusive evidence of such unprofessional conduct.

8 “(b) A plea or verdict of guilty or a conviction following a plea of nolo
9 contendere is deemed to be a conviction within the meaning of this section. The
10 Division of Medical Quality¹ may order discipline of the licensee in accordance
11 with Section 2227 or the Division of Licensing may order the denial of the license
12 when the time for appeal has elapsed or the judgment of conviction has been
13 affirmed on appeal or when an order granting probation is made suspending
14 imposition of sentence, irrespective of a subsequent order under the provisions of
15 Section 1203.4 of the Penal Code allowing such person to withdraw his or her
16 plea of guilty and to enter a plea of not guilty, or setting aside the verdict of
17 guilty, or dismissing the accusation, complaint, information, or indictment.”²

18 8. Section 2529.1 of the Code states:

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

23
24 ¹ California Business and Professions Code section 2002, as amended and effective January 1,
25 2008, provides that, unless otherwise expressly provided, the term “board” as used in the State Medical
26 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.

27 ² There is a nexus between a physician’s use of alcoholic beverages and his or her fitness to
28 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.)

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

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

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

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

19 “...

20 “(2) An act of dishonesty or fraud.

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

23 “(4) Violating or attempting to violate this chapter or any regulation adopted
24 under this chapter.

25 “...”

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

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

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

3 “(1) The applicant has been convicted of a crime within the preceding seven
4 years from the date of application that is substantially related to the qualifications,
5 functions, or duties of the business or profession for which the application is made,
6 regardless of whether the applicant was incarcerated for that crime, or the applicant
7 has been convicted of a crime that is substantially related to the qualifications,
8 functions, or duties of the business or profession for which the application is made
9 and for which the applicant is presently incarcerated or for which the applicant was
10 released from incarceration within the preceding seven years from the date of
11 application...”

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

16 **COST RECOVERY**

17 12. Section 125.3 of the Code states:

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

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

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

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

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

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

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

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

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

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

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

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

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

5 **FIRST CAUSE FOR DISCIPLINE**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 24. Respondent was placed under arrest for violations of California Vehicle Code
28 §23152, subdivisions (a) and (b), and was transported to the San Ramon Police Department

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 A. HGN – lack of smooth pursuit in both Respondent's eyes with a sustained and
26 distinct equal horizontal nystagmus in both eyes prior to forty-five degrees and nystagmus
27 at the maximum deviation;
28

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

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

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

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

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

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

17 37. Respondent was placed under arrest for violations of California Vehicle Code
18 §23152, subdivisions (a) and (b), and was transported to a certified phlebotomist who conducted a
19 blood sample withdrawal of Respondent in a medically approved manner, which later yielded the
20 result of 0.19% ethanol.

21 38. On or about May 21, 2020, the Alameda County District Attorney filed a criminal
22 complaint against the Respondent in the matter entitled, *The People of the State of California v.*
23 *Deanna Summer Long*, Alameda County Superior Court Case No. 20-CR-007522, for violations
24 of California Vehicle Code §23152, subdivisions (a) and (b) in two separate counts; with the
25 special allegation of count two in that Respondent's blood alcohol content was at or above 0.15%
26 in violation of Cal. Vehicle Code §23578. The criminal complaint also alleged Respondent's prior
27 Contra Costa County 2011 misdemeanor DUI conviction pursuant to Cal. Vehicle Code §23540
28 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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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Commission of Acts of Dishonesty)**

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

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

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

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

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

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

18 **FIFTH CAUSE FOR DISCIPLINE**

19 **(General Unprofessional Conduct)**

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

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PRAYER

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

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

(DEANNA S. LONG) ACCUSATION NO. 800-2020-064962