

BEFORE THE
EMERGENCY MEDICAL SERVICES AUTHORITY
STATE OF CALIFORNIA

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

EDWARD CLARK
License Number PO7224

Enforcement Matter No. 10-0265

OAH No. 2010101016

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by
the Emergency Medical Services Auth as its Decision in the above-entitled matter.

This Decision shall become effective MARCH 8, 2011.

IT IS SO ORDERED.

Date: Feb 8, 2011

Daniel R. Smiley
Acting Director

BEFORE THE
EMERGENCY MEDICAL SERVICES AUTHORITY
STATE OF CALIFORNIA

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

EDWARD CLARK
License Number PO7224

Respondent.

Enforcement Matter No. 10-0265

OAH No. 2010101016

PROPOSED DECISION

Robert Walker, Administrative Law Judge, State of California, Office of Administrative Hearings, heard this matter in San Diego, California, on November 8, 2010.

Cynthia L. Curry, Senior Staff Counsel, represented the complainant, Sean Trask, Chief of the Personnel Division of the Emergency Medical Services Authority of the State of California.

The respondent, Edward Clark, appeared in propria persona.

The record was held open to provide respondent with an opportunity to submit records of a diagnosis of posttraumatic stress disorder and a secondary diagnosis of alcohol dependence. Respondent submitted those records, and they were marked as exhibit R5 for identification. Ms. Clark sent a letter in which she advised that she had no response regarding those records. Thereupon, exhibit R5 was received in evidence. Ms. Clark's letter was received on January 5, 2011, and the record was closed on that date.

FACTUAL FINDINGS

BACKGROUND

1. On July 1, 1995, the Emergency Medical Services Authority (EMSA) issued Technician-Paramedic license number PO7224 to the respondent, Edward Clark. For many years, respondent worked as a paramedic for the City of Riverside Fire Department.

2. Respondent had become an emergency medical technician in 1988, when he was a senior in high school. He testified that he has devoted his life to providing emergency medical services.

ALCOHOL ABUSE

3. In 1994, respondent attended to several people who had suffered horrible injuries. He despaired and started binge drinking. From 1996 to 2007, he drank heavily, with periods of sobriety.

4. On November 10, 2007, respondent, while intoxicated, drove a vehicle across his neighbor's yard and damaged a tree. An officer with the San Bernardino Sheriff's Department arrested respondent for vandalism, driving under the influence, public intoxication, and giving false information to a police officer. The latter charge resulted from respondent's denying that he ran over the tree.

5. In November of 2007, respondent was diagnosed with posttraumatic stress disorder, alcohol dependence, and bipolar 1 disorder. Respondent began a treatment regime; he participated in Kaiser's treatment programs for chemical dependency and posttraumatic stress disorder. One of his medications was Paxil, which was prescribed for the posttraumatic stress disorder.

6. On January 29, 2008, in the Superior Court of California for the County of San Bernardino, respondent was convicted of violating Penal Code section 647, subdivision (f), public intoxication. The conviction was on a plea of no contest. The court placed respondent on probation for 24 months. As conditions of probation, the court required respondent to pay restitution, attend Alcoholics Anonymous (AA) meetings twice a week, and see a psychiatrist or psychologist as often as necessary for six months. The crime of which respondent was convicted is one that is substantially related to the qualifications, functions, and duties of the licensed activity.

7. On January 12, 2010, the chief of the personnel division of EMSA filed an accusation seeking the revocation of respondent's license. The parties reached a stipulated settlement in which respondent admitted that, pursuant to Health and Safety Code section 1798.200, EMSA had good cause to revoke his license. The parties stipulated that respondent's license was revoked, the revocation was stayed for three years, and a probationary license would be issued. The probationary license was subject to a number of conditions, including a requirement that respondent abstain from the use of illegal drugs and alcoholic beverages. As part of the stipulation, respondent agreed that, in the event he failed to satisfy the conditions of probation, EMSA could institute a proceeding to suspend or revoke his license based on his failure to satisfy the conditions of probation. The stipulated settlement became effective March 11, 2010.

8. Respondent testified that, from November of 2007 to June of 2010, he did not consume alcohol. In June of 2010, respondent stopped taking the Paxil. He experienced

severe withdrawal symptoms and began drinking again. He testified that he never was in the habit of drinking daily and never was intoxicated while on duty. He said he was a binge drinker.

9. On September 9, 2010, respondent was arrested for driving under the influence. On September 10, 2010, he sent an e-mail and a letter to EMSA advising that he drank a pint of vodka while in his car and was arrested by the California Highway Patrol.

10. On September 10, 2010, complainant admitted himself to Kaiser for a three-day detoxification program. He resumed attending a 12-step program. Also, he resumed his participation in Kaiser's treatment programs for chemical dependency and posttraumatic stress disorder.

11. On September 20, 2010, complainant initiated the present proceeding. Complainant seeks a termination of respondent's probation and imposition of the license revocation that was stayed. Also on September 20, 2010, complainant issued an order for temporary suspension, which prohibited respondent from working in a licensed capacity until after the present matter is concluded. Respondent has not worked since September of 2010.

12. Respondent testified that he continues to have some of the symptoms he experienced when he stopped taking Paxil. He has insomnia, nightmares, and headaches.

MATTERS IN MITIGATION

13. Respondent submitted annual performance evaluations for his work as a paramedic with the Riverside Fire Department. He submitted six annual evaluations, which cover the periods of April of 2002 through April of 2006 and April of 2008 through April of 2010. The evaluations were excellent. He regularly was rated as "exceeds standards" in numerous categories and regularly received high praise in special comments.

14. As noted above, in November of 2007, respondent was diagnosed with posttraumatic stress disorder, alcohol dependence, and bipolar 1 disorder.

REHABILITATION

15. As noted above, respondent has been in various rehabilitation programs. At times, he has kept his alcoholism under control.

16. Currently, respondent attends an AA meeting once a day, and he attends group therapy once a week at Kaiser.

17. Recently, respondent completed a bachelor of arts degree in psychology and plans to enter a physician assistant program. He said he will take two years of prerequisite courses and then spend two years in a physician assistant program. Respondent believes his alcohol abuse has been caused, in part, by his inability to cope with the stress that has

resulted from treating patients who have suffered horrible injuries. He believes that, as a physician's assistant, he will be able to carve out a career that will not require him to confront patients who have suffered so horribly.

18. Respondent testified that he successfully completed his criminal probation.

STABILITY OF RELATIONSHIPS

19. Respondent is married. He and his wife have twin sons, who are 16 years old, and they have a six-year-old daughter. For 11 years, respondent's wife has been a respiratory therapist. Respondent testified that his wife will be able to support the family while he continues his education.

20. Respondent's mother and father and his wife's mother and father live near respondent.

21. Respondent said his wife now monitors his medications to be certain he is compliant with his doctor's orders.

22. Respondent coached little league baseball for his sons' teams when they were younger and currently coaches soccer for his daughter's team.

23. For three years, respondent has played softball in a church league.

LEGAL CONCLUSIONS

GROUND TO IMPOSE DISCIPLINE

1. By reason of the matters set forth in Finding 6, it is determined that respondent was convicted of a crime that is substantially related to the qualifications, functions, and duties of a paramedic. Thus, pursuant to Health and Safety Code section 1798.200, subdivision (b) and subdivision (c)(6), there are grounds to suspend or revoke his license.

2. By reason of the matters set forth in Findings 3 through 10, it is determined that, both before and after entering into the Stipulated Settlement Agreement, respondent misused alcoholic beverages. Thus, pursuant to Health and Safety Code section 1798.200, subdivision (b) and subdivision (c)(9), there are grounds to suspend or revoke his license.

3. By reason of the matters set forth in Findings 7 and 8, it is determined that respondent failed to satisfy a condition of his administrative probation. Thus, pursuant to the terms of the stipulated settlement and disciplinary order, there are grounds to lift the stay of the revocation and revoke respondent's license pursuant to the stipulation for revocation.

WHAT DISCIPLINE SHOULD BE IMPOSED?

4. Alcoholism is a terrible disease. Some alcoholics are able to live alcohol-free lives, but many are not able to do that. One must admire respondent for his determination and for his efforts. He has a particularly daunting task because of his dual diagnosis, which includes posttraumatic stress disorder and bipolar 1 disorder. One hopes he will succeed in leading an alcohol-free life.

5. But EMSA must discharge its obligation to protect public safety.

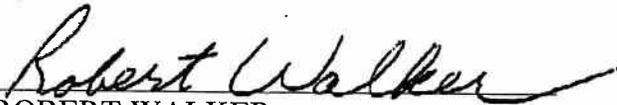
6. From 1996 to 2007, respondent drank heavily. From November of 2007 to June of 2010, he did not drink. Respondent's administrative probation, pursuant to which he was required not to drink, became effective in March of 2010. Thus, less than four months after his probation went into effect, he began drinking again. And that relapse was only eight months ago.

7. On this record, it cannot be determined that it would be in the public interest for respondent to continue to be licensed as a technician and paramedic.

ORDER

The stay that was imposed pursuant to the Stipulated Settlement Agreement and Disciplinary Order that became effective March 11, 2010, is lifted, and the license revocation that was stayed is imposed. Respondent's license is revoked.

DATED: February 3, 2011


ROBERT WALKER
Administrative Law Judge
Office of Administrative Hearings