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BEFORE THE  
EMERGENCY MEDICAL SERVICES AUTHORITY  
STATE OF CALIFORNIA


In the Matter of the Emergency Medical Technician- Paramedic License Held by: ) Enforcement Matter No.: 15-0013  
) OAH No.: 2015050568  
)  
6 **CHRISTOPHER E. RAMOS** ) **DECISION AND ORDER**  
License No. P33120 )  
)  
Respondent. )

The attached Proposed Decision and order dated December 15, 2015, is hereby adopted by the Emergency Medical Services Authority as its Decision in this matter. The decision shall become effective 30 days after the date of signature.

It is so ordered.

DATED:

*December 17, 2015*

  
Howard Backer, MD, MPH, FACEP  
Director  
Emergency Medical Services Authority

BEFORE THE  
EMERGENCY MEDICAL SERVICES AUTHORITY  
STATE OF CALIFORNIA

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

CHRISTOPHER E. RAMOS,  
License No. P33120,

Respondent.

Case No. 15-0013

OAH No. 2015050568

**PROPOSED DECISION**

This matter was heard before Tiffany L. King, Administrative Law Judge, Office of Administrative Hearings, State of California, on November 12, 2015, in Sacramento, California.

Craig L. Stevenson, Senior Staff Counsel, represented Sean Trask (complainant), Chief of EMS Personnel Division for the Emergency Medical Services Authority (EMSA).

Christina A. Roberson, Attorney at Law, of Hammerschmidt Broughton Law Corporation represented Christopher E. Ramos (respondent).

Evidence was received and the case was submitted for decision on November 12, 2015. The record was held open until November 19, 2015, for complainant to file a certified copy of Exhibit 6 (Fresno County Superior Court conviction records). Complainant submitted said certified copy on November 16, 2015. No objection or additional evidence was received and the record was closed on November 19, 2015.

**FACTUAL FINDINGS**

1. On April 20, 2015, complainant, in his official capacity, issued and served the instant Accusation on respondent. Respondent timely requested a hearing pursuant to Government Code section 11505.

2. On January 22, 2014, the EMSA issued respondent an Emergency Medical Technician-Paramedic (EMT-P) license, number P33120. The license is valid through

January 31, 2016. Complainant seeks to revoke respondent's license based upon the alcohol-related convictions described below.

3. Respondent's license allows him to perform various medical procedures, including advanced life support procedures, while at the scene of a medical emergency, during transport of an injured or ill person to a medical facility, or during transfer of a patient between medical facilities. Respondent held his license at the time he committed the criminal offenses set forth below.

#### *Respondent's Conviction*

4. On January 5, 2015, in the Fresno County Superior Court, in Case Number M14929781, respondent pled guilty to, and was convicted of, violating Penal Code section 23152, subdivision (b), driving with blood alcohol content (BAC) of .08 percent or more, (DUI), a misdemeanor, and Penal Code section 273a, subdivision (b), child endangerment, a misdemeanor. The court suspended sentencing and placed respondent on formal probation for four years. Respondent was ordered to serve 15 days in the Fresno County Jail followed by 105 days on house arrest with an electronic alcohol monitoring ankle device and home detention monitor. He was further ordered to pay fines and fees, to refrain from operating a motor vehicle with any measurable amount of alcohol, and to submit to chemical testing of blood, breath, or urine upon request of any peace officer. Finally, respondent was ordered to complete a nine-month first offender alcohol program, a four-hour "Decisions for Life" program, and six parenting classes.

5. The circumstances surrounding respondent's convictions occurred on September 13, 2014. In response to a citizen's complaint regarding a reckless driver, Fresno police officers located respondent standing outside of his vehicle in a convenience store parking lot. Respondent's four-year-old son was asleep in the vehicle's backseat. The officers noted a strong alcohol odor emitting from respondent's breath, his extremely slurred speech, and unsteadiness on his feet. Respondent told the officers he had driven from San Jose and stopped at the Love's Truck Stop en route. There, respondent purchased six rum (60 proof) drinks and consumed all six drinks outside of the store before continuing the drive to Fresno. Respondent was "barely coherent" and had to be reminded "multiple times to not touch [the officer] while he was speaking with [the officer]." The officers asked respondent a series of questions and administered a field sobriety test, which respondent failed. Throughout his interaction with the police, respondent was leaning against the building for support and could not stand independently without losing his balance. Respondent agreed to a breathalyzer test, blew two times, and had a registered BAC of .36 and .35 percent, respectively.

6. Respondent was released from house arrest on May 11, 2015. He completed a nine-month first offender alcohol program on September 11, 2015, and a twelve-week parenting program on October 14, 2015. Respondent remains on formal probation for approximately three more years.

### *Evidence of Rehabilitation*

7. Respondent is 26 years old. He is married and has a five-year-old son. He presently works as a paramedic for American Ambulance of Fresno in Fresno, California.

8. In July 2007, respondent entered the United States Marine Corps where he served on active duty through December 2011. In 2009, he served eight months in Iraq as a participant in Operation Iraqi Freedom. While in the Marine Corps, respondent was an integrated maintenance specialist, combat life saver, and a black belt martial arts instructor. Respondent was honorably discharged from active duty on December 15, 2011. Prior to his discharge, respondent earned his EMT-P certificate and enrolled in the fire academy.

9. In September 2012, respondent was hired by the Coalinga Fire Department as an EMT reserve and firefighter paramedic. At the same time, respondent moonlighted as a paramedic for American Ambulance of Visalia in Visalia, California. In February 2014, respondent accepted a full-time paramedic position with American Ambulance of Visalia. In September 2014, respondent was offered a firefighter/paramedic position with the San Jose Fire Department. However, the offer was withdrawn following respondent's DUI incident.

10. Thereafter, respondent continued his employment with American Ambulance of Visalia. Respondent was promoted to Field Training Officer and received good performance reports. On September 28, 2015, respondent transferred to American Ambulance of Fresno because it was a bigger unit and offered more opportunities for career advancement.

11. Respondent testified credibly that, at the time of the DUI incident, he had a "toxic" relationship with alcohol, and that he "drank heavily" whenever he was not working. In September 2014, respondent and his wife were in the final stages of getting divorced. Respondent's drinking was, ostensibly, a contributing factor. On the evening of the incident, respondent was driving home from San Jose to Fresno. He had recently received the job offer from the San Jose Fire Department; he had been celebrating and overconsumed alcohol. Respondent testified that he is ashamed of his actions – as a father, medical professional and former Marine. Respondent took complete responsibility for his misconduct, noting that the incident was "one of my darkest times" and was "entirely preventable."

12. Respondent testified as to his inability to forgive himself for putting his son in harm's way, despite receiving the forgiveness of others. He completed twelve parenting classes, even though the court only ordered six, because he found them beneficial and wanted to maximize the full benefit of the course. Respondent testified as to his desire to be the best father that he can, and to have his son look up to and respect him.

13. Respondent further testified that he is not the same individual as he was at the time of the incident. Respondent has abstained from alcohol and has not consumed any alcohol since his arrest. He and his wife have since reconciled and are raising their son

together. Respondent loves being a paramedic, and wants to continue to advance his career in that field.

14. Respondent submitted two written character references at hearing. Evelina Price is the Operations Manager for American Ambulance of Visalia, and supervised respondent from August 2014 through September 2015. Ms. Price was aware of respondent's DUI. Nevertheless, she continued to employ respondent and promoted him to field training officer. Ms. Price called respondent "an exceptional employee" and "one of our most dedicated Paramedics." She praised respondent's ability to handle "high stress in life and death situations." She also noted that respondent is "a team player, highly motivated, and an absolute pleasure to work with." Carlos Lopez was respondent's shift leader at American Ambulance of Visalia from September 2014 to September 2015. In his letter supporting respondent, Mr. Lopez described respondent as "careful, considerate, efficient, and dedicated to the well-being of others." He acknowledged respondent's DUI but asserted that respondent "is not a habitual drinker" and the incident was "absolutely one-of-a-kind."

15. On October 14, 2015, on advice of counsel, respondent was evaluated by Richard V. Guzzetta, M.D. for alcohol addiction. Dr. Guzzetta did not testify at hearing; however, respondent submitted a written report prepared by Dr. Guzzetta summarizing his findings. In his report, Dr. Guzzetta noted respondent's admitted history of alcohol abuse but that respondent's toxicology screen was negative and that he "hasn't had a drink in over a year." Dr. Guzzetta recommend respondent participate in a DUI treatment program for nine months and attend Alcoholic Anonymous meetings, or similar group meeting, three times a week for one year. Finally, Dr. Guzzetta opined there was "no reason to limit [respondent's] license or in capacity [*sic*] as [a] paramedic."

16. California Code of Regulations, title 22, section 100176, subdivision (a) provides the rehabilitation criteria to be considered in evaluating the placement on probation, suspension, or denial of a license. The criteria include: (1) the nature and severity of the acts or crimes; (2) evidence of any wrongful acts committed subsequent to the acts or crimes under consideration as grounds for placement on probation, suspension, or revocation; (3) the time that has elapsed since commission of the acts or crimes referred to in (1) or (2), above; (4) the extent to which respondent has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed; (5) if applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code; and (6) evidence, if any, of rehabilitation submitted by respondent.

17. The application of these criteria indicates that respondent's rehabilitation is substantial, but is still in progress. First, operating any vehicle while under the influence of alcohol always has potentially serious consequences. In this instance, the potential for serious injury or death was magnified by the facts that respondent's BAC was more than four times the legal limit, that respondent could not stand independently, and that his four-year-old son was asleep in the backseat of his vehicle. Second, respondent's DUI arrest occurred less than 15 months ago and he is scheduled to be on criminal probation for three more years.

(*In re Gossage* (2000) 23 Cal.4th 1080, 1099 [when a person is on criminal probation or parole, rehabilitation efforts are accorded less weight, “[s]ince persons under the direct supervision of correctional authorities are required to behave in exemplary fashion...”].)

18. In mitigation, respondent has complied with the terms of his criminal probation to date and has abstained from alcohol since the incident. He has no prior convictions and no arrests or convictions since the DUI incident. Other evidence indicates that respondent is making sincere efforts to turn his life around. Respondent has taken full responsibility for his wrongdoing, admitting he is ashamed of his actions, and acknowledging the incident was “one of my darkest times.” He understands the severity of his actions and the gravity of the potential consequences which he escaped, including serious death or injury to his son, himself, and/or the public. Respondent was forthright with his employer regarding the DUI incident and has thrived as an EMT-P with American Ambulance, including serving as a training officer for new EMT-P’s. He is committed to being a good father to his son, having completed twice the number of parenting classes than required by the court. Since maintaining his sobriety, respondent and his wife have reconciled.

19. The EMSA has adopted disciplinary guidelines that have been considered in this case. The recommended discipline for the conviction of a crime which is substantially related to the qualifications, functions, and duties of an EMT-P is: “variable depending on the nature of the crime with terms and conditions.” The recommended discipline for use of, or the misuse of, alcoholic beverages is revocation stayed, suspension until successful completion of drug/alcohol detoxification diversion program, and five years’ probation with terms and conditions. Respondent has already completed a nine-month first offender alcohol program as part of his probation. Nonetheless, a lengthy suspension is warranted to impart to respondent the severity of his misconduct and his good fortune at having avoided more calamitous consequences.

## LEGAL CONCLUSIONS

1. To prevail, complainant must establish by clear and convincing evidence that legal cause exists to discipline respondent’s EMT-P license. (*Ettinger v. Board of Medical Quality Assurance* (1982) 135 Cal.App.3d 853, 856-857.) Clear and convincing evidence requires a finding of high probability and must be so clear that it leaves no substantial doubt. The evidence must be strong enough to command the unhesitating assent of every reasonable mind. (*Katie V. v. Superior Court* (2005) 130 Cal.App.4th 586, 594; *In re Angelia P.* (1981) 28 Cal.3d 908, 919.)

2. Health and Safety Code section 1798.200 provides in relevant part:

(b) The authority may deny, suspend, or revoke any EMT-P license issued under this division or may place any EMT-P licenseholder on probation upon the finding by the director of the occurrence of any of the actions listed in subsection (c) ...

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

[¶] ... [¶]

(6) Conviction of any crime which is substantially related to the qualifications, functions, and duties of prehospital personnel. ...

[¶] ... [¶]

(9) Addiction to, the excessive use of, or the misuse of, alcoholic beverages, narcotics, dangerous drugs, or controlled substances.

3. A crime or act is substantially related to the qualifications, functions, and duties of an EMT-P if it evidences, to a substantial degree, present or potential unfitness of a paramedic to perform EMT-P functions in a manner consistent with the public health and safety. (Cal. Code Regs., tit. 22, § 100175, subd. (a).) Driving under the influence of alcohol is substantially related to the qualifications and duties of a paramedic (See Factual Finding 3). A paramedic must be able to safely drive first responder vehicles and competently provide medical care to the public. The consumption of alcohol quickly affects normal driving ability and judgment. Driving under the influence of alcohol jeopardizes personal safety and the health and safety of the public, reflects a lack of good judgment and an inability or unwillingness to obey the laws prohibiting drinking and driving, and undermines public confidence in the profession. For the reasons set forth in Factual Findings 4 and 5, above, complainant established by clear and convincing evidence that legal cause exists to discipline respondent's license pursuant to Health and Safety Code section 1798.200, subdivision (c)(6) (conviction of any crime which is substantially related to the qualifications, functions, and duties of prehospital personnel), and (9) (excessive use or misuse of alcoholic beverage).

4. As set forth in Findings 16 through 19, suspending respondent's license and placing him on probation for five years under the EMSA's standard probationary terms and conditions for alcohol-related convictions is appropriate to ensure that the public health, safety and welfare are adequately protected. In addition, respondent shall be ordered to regularly attend support group meetings for alcoholics for the duration of his probation.

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## ORDER

License Number P33120 issued to respondent, Christopher E. Ramos, is revoked. However, such revocation is stayed and respondent is placed on probation for a period of five years upon the following terms and conditions:

1. Suspension: License Number P33120 issued to respondent is suspended for ninety (90) days.

2. Probation Compliance: Respondent shall fully comply with all terms and conditions of the probationary order. Respondent shall fully cooperate with the EMSA in its monitoring, investigation, and evaluation of respondent's compliance with the terms and conditions of his probationary order. Respondent shall immediately execute and submit to the EMSA all Release of Information forms that the EMSA may require of respondent.

3. Personal Appearances: As directed by the EMSA, respondent shall appear in person for interviews, meetings, and/or evaluations of respondent's compliance with the terms and conditions of the probationary order. Respondent shall be responsible for all of his costs associated with this requirement.

4. Quarterly Report Requirements: During the probationary period, respondent shall submit quarterly reports covering each calendar quarter which shall certify, under penalty of perjury, and document compliance by respondent with all the terms and conditions of his probation. If respondent submits his quarterly reports by mail, it shall be sent as certified mail.

5. Employment Notification: During the probationary period, respondent shall notify the EMSA in writing of any EMS employment. Respondent shall inform the EMSA in writing of the name and address of any prospective EMS employer prior to accepting employment. Additionally, respondent shall submit proof in writing to the EMSA of disclosure, by respondent, to the current and any prospective EMS employer of the reasons for and terms and conditions of respondent's probation. Respondent authorizes any EMS employer to submit performance evaluations and other reports which the EMSA may request that relate to the qualifications, functions, and duties of prehospital personnel. Any and all notifications to the EMSA shall be by certified mail.

6. Notification of Termination: Respondent shall notify the EMSA within seventy-two (72) hours after termination, for any reason, with his prehospital medical care employer. Respondent must provide a full, detailed written explanation of the reasons for and circumstances of his termination. Any and all notifications to the EMSA shall be by certified mail.

7. Functioning as a Paramedic: The period of probation shall not run anytime that respondent is not practicing as a paramedic within the jurisdiction of California. If respondent, during his probationary period, leaves the jurisdiction of California to practice as



a paramedic, respondent must immediately notify the EMSA, in writing, of the date of such departure and the date of return to California, if respondent returns. Any and all notifications to the EMSA shall be by certified mail.

8. Obey All Related Laws: Respondent shall obey all federal, state and local laws, statutes, regulations, written policies, protocols and rules governing the practice of medical care as a paramedic. Respondent shall not engage in any conduct that is grounds for disciplinary action pursuant to Section 1798.200. To permit monitoring of compliance with this term, if respondent has not submitted fingerprints to the EMSA in the past as a condition of licensure, then respondent shall submit his fingerprints by Live Scan or by fingerprint cards and pay the appropriate fees within 45 days of the effective date of this decision.

Within 72 hours of being arrested, cited or criminally charged for any offense, respondent shall submit to the EMSA a full and detailed account of the circumstances thereof. The EMSA shall determine the applicability of the offense(s) as to whether respondent violated any federal, state and local laws, statutes, regulations, written policies, protocols and rules governing the practice of medical care as a paramedic. Any and all notifications to the EMSA shall be by certified mail.

9. Abstinence from Drug Possession and Use: Respondent shall abstain from the possession, injection or consumption by any route of all controlled substances, dangerous drugs, or any drugs requiring a prescription unless prescribed under federal or state law as part of a documented medical treatment. Within fourteen days of obtaining such a prescription, respondent shall ensure that the prescribing professional provides the EMSA a written report identifying the medication, dosage, the date the medication was prescribed, respondent's diagnosis, and the date the medication will no longer be required. This report must be provided to the EMSA directly by the prescribing professional.

If respondent has a lawful prescription when initially placed on probation, this same report must be provided within fourteen days of the commencement of probation.

Any and all notifications to the EMSA shall be by certified mail.

10. Abstinence from the Use of Alcoholic Beverages: Respondent shall abstain from the use of alcoholic beverages.

11. Addictive Behavior Support Groups: Within five days of the effective date of the Decision, respondent shall begin attendance at an addictive behavior support group (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) a minimum of three times a week. Respondent shall submit verified documentation of attendance with each written quarterly report as required by the EMSA. Respondent shall continue attendance in such a group for the duration of probation.

12. Biological Fluid Testing: Respondent shall submit to routine and random biological fluid testing or drug/alcohol screening as directed by the EMSA or its designee.

Respondent may use a lab pre-approved by the EMSA or may provide to the EMSA the name and location of an independent laboratory or licensed drug/alcohol testing facility for approval by the EMSA. The EMSA shall have sole discretion for lab approval based on criteria regulating professional laboratories and drug/alcohol testing facilities. When the EMSA requests a random test, respondent shall provide the required blood/urine sample by the time specified, or within 12 hours of the request if no time is specified. When the EMSA requests a random test, respondent shall ensure that any positive test results are conveyed telephonically by the lab to the EMSA within 48 hours, and all written positive or negative results are provided directly by the lab to the EMSA within 10 days. Respondent shall be responsible for all costs associated with the drug/alcohol screening.

At the EMSA's sole discretion, the EMSA may allow the random drug testing to be conducted by respondent's employer to meet the requirement of random drug testing as set forth above. The results of the employer's random drug testing shall be made available to the EMSA in the time frames described above.

13. Psychiatric/Medical Evaluation: Within 30 days of the effective date of this decision, and on a periodic basis as specified by a psychiatrist certified by the American Board of Psychiatry and Neurology, or other specialist as determined by the director of the EMSA, respondent shall submit to a psychiatric evaluation. The psychiatrist must be approved by the EMSA prior to the evaluation. Respondent shall be responsible for all costs associated with the evaluation.

Within 30 days of the effective date of this decision, and on a periodic basis as specified by a licensed physician, or other specialist as determined by the director of the EMSA, respondent shall submit to a medical evaluation. The physician must be approved by the EMSA prior to the evaluation. Respondent shall be responsible for all costs associated with the evaluation.

The EMSA shall have the sole discretion to determine if respondent may continue to practice as an EMT-P until such time that the psychiatrist or physician evaluates and determines that respondent is mentally and/or physically fit to practice safely as an EMT-P.

14. Completion of Probation: Respondent's license shall be fully restored upon successful completion of probation.

15. Violation of Probation: If during the period of probation respondent fails to comply with any term of probation, the EMSA may initiate action to terminate probation and implement actual license suspension/revocation. Upon the initiation of such an action, or the giving of a notice to respondent of the intent to initiate such an action, the period of probation shall remain in effect until such time as a decision on the matter has been adopted by the EMSA. An action to terminate probation and implement actual license suspension/revocation shall be initiated and conducted pursuant to the hearing provisions of the California Administrative Procedure Act.

The issues to be resolved at the hearing shall be limited to whether respondent has violated any term of his probation sufficient to warrant termination of probation and implementation of actual suspension/revocation. At the hearing, respondent and the EMSA shall be bound by the admissions contained in the terms of probation and neither party shall have a right to litigate the validity or invalidity of such admissions.

DATED: December 15, 2015

DocuSigned by:



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TIFFANY L. KING  
Administrative Law Judge  
Office of Administrative Hearings