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BEFORE THE  
EMERGENCY MEDICAL SERVICES AUTHORITY  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues )  
Against: )  
THOMAS C. STILLMAN )  
Respondent. )

Enforcement Matter No.: 15-0092  
OAH No.: 2016020393

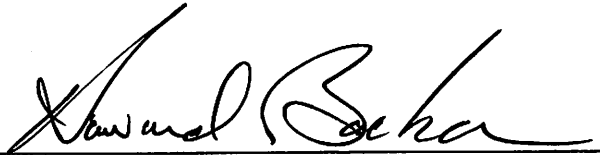
**DECISION AND ORDER**

The attached Proposed Decision and order dated October 20, 2016, 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:

*October 26, 2016*

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

BEFORE THE  
EMERGENCY MEDICAL SERVICES AUTHORITY  
STATE OF CALIFORNIA

In the Matter of the Paramedic License Held  
by:

THOMAS C. STILLMAN,

License No. P25976,

Respondent.

Case No. 15-0092

OAH No. 2016020393

**PROPOSED DECISION**

Mary Agnes Matyszewski, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on October 3, 2016, in San Diego, California.

Stephen Egan, Staff Counsel III – Retired Annuitant, represented complainant, Sean Trask, Chief EMS Personnel Division, Emergency Medical Services Authority, State of California (EMSA).

David J. Givot, Attorney, represented respondent, Thomas C. Stillman, who was present.

The matter was submitted on October 3, 2016.

**FACTUAL FINDINGS**

*Jurisdictional Matters*

1. EMSA operates the State Paramedic Licensure program. This program licenses and conducts disciplinary investigations of paramedics to ensure that the care they provide meets California's high standards for prehospital care. On December 28, 2015, complainant signed the accusation in his official capacity. The accusation alleged that Mr. Stillman's license should be disciplined because in 2015 he engaged in a substantially related corrupt act, suffered a substantially related felony conviction, excessively used or misused alcohol, and is currently on felony probation.

Respondent timely filed a notice of defense after being served with the required jurisdictional documents and this hearing ensued.

*Respondent's License History*

2. On April 11, 2008, EMSA issued Paramedic License No. P25976 to Mr. Stillman. That license is current and was renewed on May 1, 2016. There is no history of discipline against that license.

*Respondent's 2015 Conviction*

3. On October 2, 2015, in San Diego County Superior Court, Mr. Stillman pled guilty to violating Vehicle Code section 23153, subdivision (b), driving with a measurable blood alcohol causing injury, a felony, and admitted the enhancement that his crime involved the infliction of great bodily injury as defined by Penal Code section 1192.7, subdivision (c)(8), and Vehicle Code section 23558. The court instructed Mr. Stillman to abstain from alcohol, not enter any establishment where the main source of business is alcohol and attend one self-help meeting per week pending sentencing. The court set sentencing for November 19, 2015, but documents relating to that proceeding were not introduced at this hearing.

*San Diego Police Report*

4. The San Diego Police Department report<sup>1</sup> documented that on February 11, 2015, at 9:00 p.m., Mr. Stillman drove through an intersection on a red light. He collided with a vehicle making a left turn on a green arrow, striking the passenger side of that vehicle and causing injury to its two occupants.

The officer who responded to the scene observed Mr. Stillman seated on the south side of the intersection. Mr. Stillman "displayed the objective symptoms of being under the influence of alcohol." Mr. Stillman told the officer that he was traveling about 35 to 40 mph.

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<sup>1</sup> The police report was received pursuant to *Lake v. Reed* (1997) 16 Cal.4th 448. That case considered the kinds of hearsay evidence that are admissible under Government Code section 11513 in an administrative proceeding. That opinion concluded that a law enforcement officer's direct observations memorialized in the officer's report were admissible under Evidence Code section 1280, the public employee records exception to the hearsay rule and were sufficient to support a factual finding. The opinion concluded that admissions by a party memorialized in the report were admissible under Evidence Code section 1220 and were sufficient to support a factual finding. Citing Government Code section 11513, the Supreme Court concluded that other hearsay statements set forth in the officer's report could be used for the purpose of supplementing or explaining other evidence, but that they were not sufficient by themselves to support a factual finding unless – as with the public employee records exception to the hearsay rule and the party admission exception to the hearsay rule – such hearsay would be admissible over objection in civil actions.

As he entered the intersection, he saw the other vehicle “coming out of my left side. I don’t know where the vehicle was moments before this, but I estimate the vehicle’s speed around 35 to 40 mph. We hit each other and I waited for police to arrive.”

A witness, who was driving behind the vehicle Mr. Stillman struck, told the officer that Mr. Stillman entered the intersection on a red light and that both the witness and the other vehicle were turning on a green arrow. The officer investigated the scene and determined that the road conditions were clear and dry, the lighting conditions were dark, and the signal lights were cycling and phasing properly.

The officer who interviewed the driver and passenger of the vehicle Mr. Stillman hit, noted that neither individual could remember much about the collision. The driver told the officer she was driving with her boyfriend as the front seat passenger. She was turning left on a green light when “[t]he next thing she remembers firefighters were all around her helping her out of her vehicle.” The driver’s boyfriend said they were making a left turn when “all of a sudden a car hit them on the passenger side.” He believed he “may have blacked out” and “[t]he next thing he remembers was being ‘cut’ out of the vehicle.” The driver complained of pain to her right arm, right thigh and neck. Her boyfriend suffered a broken nose and had minor cuts to his hands.

Mr. Stillman was issued a citation for violating Vehicle Code section 23152, subdivision (a), driving a motor vehicle under the influence of an alcoholic beverage, and for violating Vehicle Code section 21453, subdivision (a), failing to stop at a red light. The police report documented that Mr. Stillman “completed a preliminary alcohol screening test and other tests at the hospital resulting in his arrest” and that the officer who made that arrest “completed an arrest report documenting his findings.” However, those test results and that arrest report were not introduced at this hearing.

*Mr. Stillman’s E-mail to EMSA*

5. On October 5, 2015, Mr. Stillman sent an email providing an update on his court case. In it he wrote,

Due to the injuries caused by the accident, they wouldn’t agree to drop the case to a misdemeanor as of now. They did agree to drop some of the charges, if I plead guilty to one felony count of DUI. In return, I am guaranteed to have that felony reduced to a misdemeanor in 18 months following good behavior and completion of more classes. This is obviously not the end result I was hoping for, but it sounds like the best outcome that I will get. Nothing has been finalized yet, all that will take place after a sentencing hearing on November 19. The biggest thing that came out of this for me is the guaranteed reduction to a misdemeanor after 18 months. I know keeping my medic license with the felony is more challenging. What are

my options now? What do I need to do to keep my license? Does the guarantee of a misdemeanor have any influence in [sic] the decision? This was truly a once in a lifetime mistake on my part and I'm taking the appropriate steps to make sure it will never happen again. . . .

*Mr. Stillman's Testimony*

6. Mr. Stillman was a firefighter/paramedic for the Escondido Fire Department for two and one-half years. Before that, he was a paramedic for six years with World Metro Ambulance. On the night of the incident, he was not on duty, he was not coming to or from work, and he was not subject to recall. During the day, he met up with a few friends to play golf and drank approximately five to six 12-ounce cans of light beer. After golfing, he and his friends went to a restaurant for dinner where he drank two more beers. After dinner, he went to a friend's house where he remained for a few hours. He was driving home when he came upon the intersection and "mistimed the red light, [it] turned green and I collided with the car in the intersection." He was injured, as were the two occupants of the other vehicle. All three individuals were transported to the hospital where he was treated and arrested for driving under the influence.

Mr. Stillman negotiated his plea agreement, determining that it was in his best interest to do so. He was given 18 months felony probation, spent five days in police custody, had to complete the MADD Impact Panel, attend multiple self-help classes, successfully complete the first offender DUI program and abstain from alcohol. He completed the first offender DUI program before his sentencing and has abstained from alcohol since the accident. Documents demonstrating his attendance at the DUI first offender program were introduced. Mr. Stillman's sentencing took place on November 19, 2015; he is on felony probation for 18 months after which time it will be reduced to a misdemeanor. Mr. Stillman anticipates that reduction happening on May 19, 2017. He is not sure if he will remain on misdemeanor probation when his conviction is reduced.

Mr. Stillman immediately notified his chief about the accident and was placed on administrative leave pending an investigation. He was on administrative leave for approximately three months due to the lengthy time between his plea and his sentencing. He was allowed to return to work for two to three months; but, after pleading guilty to a felony, he had a long discussion with his chief and decided to resign from the department. He was told that the department fully supports him and that once he completes his probation, as long as he is licensed, he can be reinstated. The individuals who wrote the letters introduced at this hearing are aware of this incident and his conviction.

This incident has taught Mr. Stillman to value what he has. He worked his entire adult life to obtain his career, spending 10-plus years trying to achieve it. When he finally had achieved his "dream job/dream career," he took it for granted, made a mistake, drove while under the influence and has been suffering the consequences. He feels great remorse for the victims and their families as he easily could have killed them or himself, and he is

very upset that he injured them. The accident was definitely “an eye-opening experience” for him; something he described as “life changing.” He immediately quit drinking alcohol after the accident. Alcohol was never a problem for him, but he decided never to drink again because of the accident. This incident has caused nightmares for him and his family, and he never wants to have it happen again.

Mr. Stillman described this incident as “the biggest mistake of my life; and that being said, it will never happen again.” He described the traumatic impact it has had on his family, his young child and pregnant wife, and his parents. He testified about his father’s disappointment when Mr. Stillman resigned from “the job he was reaching towards his entire life” and how his father told him that he knew he would be able to get back to it one day. But, sadly, his father recently passed away so now will never have a chance to see Mr. Stillman recover from these events. Mr. Stillman concluded his testimony by stating that he was truly sorry; sorry for what he had done, sorry his actions caused everyone to have to come to this hearing, sorry to the victims and sorry to his family.

Mr. Stillman’s testimony was heartfelt, credible and sincere.

#### *Letters of Reference*

7. Art Holcomb, Battalion Chief, Escondido Fire Department, wrote that Mr. Stillman was hired in April 2013, successfully completed paramedic training and was promoted to the position of firefighter/paramedic in September 2013. Mr. Holcomb was Mr. Stillman’s supervisor, working directly with him. He described Mr. Stillman as “a very hard worker, [who] needed little direction, and was a very qualified paramedic.” Mr. Stillman “had an outstanding working relationship with his coworkers and was very well respected by his peers and supervisors.” Mr. Stillman worked for the department “until an unfortunate incident in 2015.” Mr. Stillman “felt that his best option was to resign from the department until the resolution of the incident. Because of [Mr. Stillman’s] work ethic and abilities, our staff advised [Mr. Stillman] that upon resolution of the incident he would be welcome to reapply for the position.” Mr. Holcomb wrote, “Being human, we all make mistakes and I know after speaking many times with [Mr. Stillman] since his resignation that this incident was the most regrettable moment of his life.”

8. John Fryday, Fire Captain, Escondido Fire Department, was not Mr. Stillman’s direct supervisor, but did “indirectly supervise him frequently on 911 emergency calls.” Mr. Fryday was also on Mr. Stillman’s interview panel when he applied for the firefighter/paramedic position and described Mr. Stillman as “a mature and highly qualified candidate.” After Mr. Stillman was promoted, Mr. Fryday worked frequently with him and found him “to have a great attitude and very pleasant demeanor.” He described Mr. Stillman as “extremely competent in both his firefighting skills as well as his paramedic skills,” who “gets along well with both coworkers and supervisors.” He wrote that Mr. Stillman “would constantly train to better himself as well as those around him. I knew that I could count on [Mr. Stillman] in emergency situations to always do the right thing. He would always do

what was asked of him with enthusiasm. Because of his outstanding work ethic and performance . . . I hope to have the opportunity to work with him again.”

9. Derek Chapman, Fire Captain, Escondido Fire Department, has known Mr. Stillman since he began his employment with the department. He wrote that Mr. Stillman “has shown a strong desire to perform at the highest standards for not only the public that he serves, but also his coworkers.” He described Mr. Stillman as “a very motivated employee, always working hard at his career. He applied himself in his work ethic and performance and his hard work paid off as he was promoted to the rank of Firefighter/Paramedic in September of 2013. Since that time he continued to be a positive role model for his peers and supervisors alike.” Mr. Chapman could “attest to his strong moral character and work ethic, as we were assigned to the same shift and station for the two years that he worked for our department.” He has never known Mr. Stillman “to take shortcuts to perform his duties.” Mr. Stillman “worked very hard to become one of our best paramedics so that he could come to the call of the public. He not only worked on his own paramedic skill set, but also has been a mentor for our newer employees to guide and teach them so they can strive to accomplish what [sic] he has done.” Mr. Chapman concluded by stating, “I would urge you to give every consideration for [Mr. Stillman] to maintain his paramedic license so that he may continue to provide legendary customer service to the public that we serve.”

10. Bill Atkins, Captain, Escondido Fire Department, wrote that he first met Mr. Stillman in April 2013 when he was assigned to the fire crew that Mr. Atkins supervised. He wrote that soon after Mr. Stillman arrived, “I realized he was an outstanding young man. As a paramedic he demonstrated a keen sense of patient care. More importantly, [Mr. Stillman] regularly expressed empathy towards his patients.” Mr. Atkins described Mr. Stillman as “reliable in conducting himself according to standard operating procedures and safety guidelines” who in a few short months “established himself as a trusted and valued member of the team. As his company officer, I recognize the depth of character in this young man.” After he was promoted, Mr. Stillman attended the fire academy where Mr. Atkins was an instructor. Mr. Stillman “worked diligently in the academy. Out of the 7 recruits, [Mr. Stillman] was considered the top recruit by the instructor cadre. [Mr. Stillman] performed very well. When members of his recruit class would struggle, [Mr. Stillman] would intuitively offer help and guidance. This trait remained a constant in the academy, and later as a full-time firefighter/paramedic.”

Mr. Atkins is a 36-year veteran of the fire service and a company officer who considers Mr. Stillman “a model firefighter/paramedic. [Mr. Stillman’s] values support the organization’s mission statement to ‘serve.’ His qualities of humility, devotion, perseverance, and a desire to serve, are evident in his work.” Mr. Atkins noted that he also knows Mr. Stillman on a personal level and considers him a friend. He described Mr. Stillman as “a respectful and caring young man. [Mr. Stillman] builds his relationships with others in respect and honesty. His sense of truth is ever present. [Mr. Stillman] knows and practices personal accountability. As a person, I trust [Mr. Stillman] explicitly. I have seen [Mr. Stillman] in great success as well as deep personal challenge. This young man continues to strive for a purposeful life.”

11. Roberto Gutierrez, Fire Captain, Escondido Fire Department, has been employed by the department since 1987, working with and supervising "a broad range of individuals." He described Mr. Stillman as one who has "the natural ability and technical proficiency to go above and beyond normal expectations and provide an exceptional level of service." Mr. Gutierrez wrote that because of Mr. Stillman's "outstanding performance in both emergent and non-emergent situations, he quickly promoted to firefighter/paramedic." Mr. Gutierrez "was always greatly impressed by [Mr. Stillman's] detailed knowledge of EMS protocols and his natural compassion for dealing with the public." Mr. Stillman "has always been able to provide top quality care in a way that made his patients and their families feel secure, valued and 'in good hands.'" Because of this, "even though Mr. Stillman was one of our newer medics, he was selected to serve as a Mentor/Field Training Officer for entry-level Firefighter/Paramedics. In this capacity, he served as a role model for new employees and was able to help them understand our organizational expectations." Mr. Gutierrez noted that Mr. Stillman's "skills on emergency responses and his excellent work ethic around the fire station provided newer employees with a valuable template of the kind of employee we wanted them to be. I am confident that [Mr. Stillman] can continue to be a positive asset to the fire service/EMS community." Mr. Gutierrez concluded that "the Escondido Fire Department would love to have [Mr. Stillman] return to our team if he is given the opportunity to do so. I hope that is the case."

#### *Disciplinary Guidelines*

12. EMSA developed disciplinary guidelines in consultation with EMS constituent groups from across the state. The purpose of the guidelines is to provide consistent and equitable discipline in cases dealing with violations of the Health and Safety Code. EMSA uses the guidelines as a standard in settling disciplinary matters and directs administrative law judges to use them as a guide in fashioning a disciplinary recommendation in a contested matter. The recommended discipline should be imposed in the absence of any aggravating or mitigating evidence. If an administrative law judge recommends discipline that is less than the minimum or which exceeds the maximum, the guidelines require that a full explanation be included to make clear why the case warrants unusual consideration. EMSA's director has the final determination related to administrative discipline.

The guidelines outline the factors to be considered in determining the measure of discipline to be imposed. Those factors include: The nature and severity of the act(s), offense(s), or crime(s) under consideration; the actual or potential harm to the public; the actual or potential harm to any patient; prior disciplinary record; prior warnings on record or prior remediation; the number and/or variety of current violations; the aggravating and mitigating evidence; any discipline imposed by the paramedic's employer for the same occurrence or conduct; rehabilitation evidence; compliance with terms of the sentence and/or court-ordered probation; overall criminal record; time that has elapsed since the act(s) or offense(s) occurred; and evidence of Penal Code section 1203.4 expungement proceedings. Those factors were considered.



Under EMSA guidelines, engaging in a corrupt act that is substantially related to the qualifications, functions, and duties of prehospital personnel carries a maximum disciplinary recommendation of revocation and a minimum disciplinary recommendation of revocation stayed, with three years of probation with terms and conditions.

Under EMSA guidelines, the conviction for any crime which is substantially related to the qualifications, functions, and duties of prehospital personnel carries a maximum disciplinary recommendation of revocation and a minimum disciplinary recommendation of revocation stayed, with one year of probation with terms and conditions.

Under EMSA guidelines, addiction to, the excessive use of, or misuse of, alcohol carries a maximum disciplinary recommendation of revocation and a minimum disciplinary recommendation of revocation stayed, with three years of probation with terms and conditions. The guidelines contain criteria to be considered when determining rehabilitation for alcohol abuse offenses. Those criteria were considered.

## LEGAL CONCLUSIONS

### *Purpose of Administrative Discipline*

1. Administrative proceedings to revoke, suspend, or impose discipline on a professional license are nonpenal; they are not intended to punish the licensee, but rather to protect the public. (*Griffiths v. Superior Court* (2002) 96 Cal.App.4th 757, 768.)

### *The Standard of Proof*

2. The standard of proof in an administrative action seeking to suspend or revoke a certificate that requires substantial education, training, and testing is "clear and convincing evidence." (*Ettinger v. Board of Medical Quality Assurance* (1982) 135 Cal.App.3d 853, 856.)

3. Clear and convincing evidence requires a finding of high probability, or evidence so clear as to leave no substantial doubt; sufficiently strong to command the unhesitating assent of every reasonable mind. (*Katie V. v. Superior Court* (2005) 130 Cal.App.4th 586, 594.)

4. Substantial education, training, and experience is required to apply for a paramedic license in California, and the applicant must pass a nationwide written and practical qualifying examination before licensure; a licensee must meet continuing education requirements after licensure. On this basis, the clear and convincing standard of proof applies in this disciplinary proceeding.

### *Relevant Statutory Authority*

5. Health and Safety Code section 1797.172 provides that EMSA is solely responsible for licensure and licensure renewal of EMT-Paramedics.

6. Health and Safety Code section 1798.200, subdivision (b), authorizes EMSA to discipline its licensees. Subdivision (c) identifies those actions “considered evidence of a threat to the public health and safety” that may result in discipline including: Commission of any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications, functions, and duties of prehospital personnel [Subdivision (c)(5)]; conviction of any crime that is substantially related to the qualifications, functions, and duties of prehospital personnel [Subdivision (c)(6)]; and the addiction to, the excessive use of, or the misuse of, alcoholic beverages, narcotics, dangerous drugs, or controlled substances. [Subdivision (c)(9)].

### *Applicable Regulations*

7. California Code of Regulations, title 22, section 100173, provides that the administrative law judge “shall use” the EMSA guidelines when making recommendations for discipline.

8. California Code of Regulations, title 22, section 100174, subdivision (a)(4), provides that EMSA “shall . . . revoke a paramedic license” if the licensee is on parole or probation for any felony. Subdivision (g) provides that EMSA may consider an exemption from revocation if “extraordinary circumstances exist to warrant such an exemption.”

9. California Code of Regulations, title 22, section 100175, provides that a crime or act is “substantially related” if it evidences present or potential unfitness of a paramedic to perform the functions authorized by the license in a manner consistent with the public health and safety. The record of conviction or a certified copy of the record shall be conclusive evidence of the conviction.

10. California Code of Regulations, title 22, section 100176, outlines the rehabilitation criteria to be considered when considering discipline. Those criteria were considered.

### *Evaluation*

11. Mr. Stillman’s act of driving while under the influence of alcohol and his conviction for DUI were substantially related to the duties of a paramedic as they evidenced his present or potential unfitness to perform the functions authorized by his license in a manner consistent with the public health and safety. His actions demonstrated poor judgment and not only put the public at risk, but actually injured two members of the public. His actions involved the excessive use and/or abuse of alcohol. Mr. Stillman is currently on felony probation that is not scheduled to end until May 2017. Since persons under the direct

supervision of judicial or correctional authorities are required to behave in exemplary fashion, little weight is generally placed on the fact that such an individual did not commit additional crimes or continue inappropriate behavior while under supervision. (*In re Gossage* (2000) 23 Cal.4th 1080, 1099.)

Having established those facts, the rehabilitation criteria must be examined. This act/crime was severe. It potentially and actually harmed the public. It did not involve patient care and no patient was ever in harm's way. There is no history of prior disciplinary warnings. Mr. Stillman resigned from his employment and remains on felony criminal probation. He has complied with the court-ordered terms of his probation. This incident was Mr. Stillman's only conviction in an otherwise law-abiding life. The letters from his supervisors, one battalion chief and four fire captains, described an exemplary paramedic/firefighter, a leader, an honored, valued and trusted employee, with a strong work ethic, who was considered to be among the top in his field. He is so well regarded that he has been asked to return once his felony criminal probation ends. The letters from Mr. Stillman's supervisors described an extraordinary paramedic who, both before and after the accident, was an upstanding, model citizen who made a terrible mistake one night. It is a mistake Mr. Stillman deeply regrets.

The evidence in mitigation and rehabilitation indicated that "extraordinary circumstances exist," such that alternatives to revocation may be considered. Revoking Mr. Stillman's license would constitute impermissible punishment. The purpose of discipline is not to punish, but to protect the public by eliminating practitioners who are dishonest, immoral, disreputable or incompetent. (*Fahmy v. Medical Board of California* (1995) 38 Cal.App.4th 810, 817.) Mr. Stillman is none of those things. Given the facts presented here, the discipline outlined below is sufficient to satisfy public protection.

#### *Cause Exists to Impose Discipline*

12. Cause exists to discipline Mr. Stillman's license under Health and Safety Code section 1798.200, subdivision (c)(5). Complainant established by clear and convincing evidence that Mr. Stillman engaged in a substantially related act.

13. Cause exists to discipline Mr. Stillman's license under Health and Safety Code section 1798.200, subdivision (c)(6). Complainant established by clear and convincing evidence that Mr. Stillman was convicted of a substantially related crime.

14. Cause exists to discipline Mr. Stillman's license under Health and Safety Code section 1798.200, subdivision (c)(9). Complainant established by clear and convincing evidence that Mr. Stillman excessively used or misused alcohol, and, while under the influence, drove his vehicle causing an accident that injured others.

15. Cause exists to discipline Mr. Stillman's license under California Code of Regulations, title 22, section 100174, subdivision (a)(4), because Mr. Stillman is currently on felony probation.

## ORDER

Paramedic License Number P25976 issued to respondent, Thomas C. Stillman, is revoked pursuant to legal conclusions 1-15, jointly and separately. However, that revocation is stayed and respondent is placed on probation for three (3) years upon the following terms and conditions. Each condition of probation set forth hereafter is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other conditions and applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

### 1. **Probation Compliance:**

Respondent shall fully comply with all terms and conditions of the probationary order. Respondent shall fully cooperate with EMSA in its monitoring, investigation, and evaluation of respondent's compliance with the terms and conditions of this probationary order.

Respondent shall immediately execute and submit to EMSA all Release of Information forms that EMSA may require of respondent.

### 2. **Personal Appearances:**

As directed by 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 the costs associated with this requirement.

### 3. **Quarterly Report Requirements:**

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

### 4. **Employment Notification:**

During the probationary period, respondent shall notify EMSA in writing of any EMS employment. Respondent shall inform 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 EMSA of disclosure, by respondent, to his 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 EMSA may request that relate to the qualifications, functions, and duties of prehospital personnel.

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

**5. Notification of Termination:**

Respondent shall notify 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 any such termination.

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

**6. Functioning as a Paramedic:**

The period of probation shall not run during 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 EMSA, in writing, of the date of such departure and the date of return to California, if respondent returns.

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

**7. Obey All Related Laws:**

Respondent shall obey all federal, state, and local laws, statutes, regulations, and local 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 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 forty-five (45) days of the effective date of this decision.

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

**8. Abstinence from the Use of Alcoholic Beverages:**

Respondent shall abstain from the use of alcoholic beverages.

**9. Biological Fluid Testing:**

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

At EMSA's sole discretion, 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 employer's random drug testing shall be made available to EMSA in the time frames described above.

**10. Completion of Probation:**

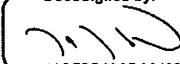
Respondent's license shall be fully restored upon successful completion of probation.

**11. Violation of Probation:**

If during the period of probation respondent fails to comply with any term of probation, 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 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 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 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: October 20, 2016

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MARY AGNES MATYSZEWSKI  
Administrative Law Judge  
Office of Administrative Hearings



OFFICE OF ADMINISTRATIVE HEARINGS

State of California

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Department of General Services

Governor Edmund G. Brown Jr.

October 20, 2016

Emergency Medical Services Authority  
Attn: Director  
10901 Gold Center Drive, Suite 400  
Rancho Cordova, CA 95670-6073

**Subject:** Stillman, Thomas  
OAH No. 2016020393  
Agency No. 15-0092

Enclosed are the following:

- The original Proposed Decision
- An agency order of adoption. If the Proposed Decision is adopted, please return a copy of the signed adoption order to the Office of Administrative Hearings.
- The original Decision
- Exhibits numbered: 1 – 11 and A – E.  
Please make sure you have received all listed exhibits. If exhibits are missing, please contact OAH immediately.
- Email copy of the Proposed Decision to:
- The above referenced case was resolved prior to conclusion of the hearing. We are returning the enclosed original exhibits 1 – x to you.

MAM:gv

Encl.

Transmittal Form  
OAH 60 (Rev. 04/09)

Regional Offices

**Los Angeles**  
320 West Fourth Street  
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OFFICE OF ADMINISTRATIVE HEARINGS

State of California

EXHIBIT / WITNESS LIST

OAH 23 (rev. 2/03)

OAH No. 2016020393

ALJ: Matyszewski

Agency No.

Agency / Complainant: *Emergency Medical Services Authority* Case Name / Respondent:  
 Attorney / Rep.: *Stephen Egan* Attorney / Rep.: *David Grot, OH*

Marked for I.D.	Hearing Dates: <i>10-3-16</i> Evidence Offered - (via Witness)	Evidence Admitted Date - AH - Jurisdiction	Marked for I.D.	Evidence Offered - (via Witness)	Evidence Admitted Date - AH - Jurisdiction
1.	<i>Jurisdictional docs</i>	<i>10-3</i>	A.	<i>8/27/16 letter</i>	<i>AH</i>
2.	<i>NOD</i>	<i>10-3</i>	B.	<i>8/29/16 letter</i>	<i>AB</i>
3.	<i>NOD</i>	<i>10-3</i>	C.	<i>8/9/16 letter</i>	<i>AH</i>
4.	<i>witness list</i>	<i>10-3</i>	D.	<i>8/12/16 letter</i>	<i>AH</i>
5.	<i>cert'd copy license - was</i>	<i>10-3</i>	E.	<i>10/3 8/9/16 letter</i>	<i>AH</i>
6.	<i>police report - Lake v Lee -</i>	<i>10-3</i>	F.		
7.	<i>superior court file - cert'd</i>	<i>10-3</i>	G.		
8.	<i>@'s email 10/5/15</i>	<i>10-3</i>	H.		
9.	<i>probation requirements</i>	<i>10-3</i>	I.		
10.	<i>EMSA Guidelines</i>	<i>ON</i>	J.		
11.	<i>Regulations</i>	<i>ON</i>	K.		
12.			L.		
13.			M.		
14.			N.		
15.			O.		
16.			P.		
17.			Q.		
18.			R.		
19.			S.		
20.			T.		
21.			U.		
22.			V.		
23.			W.		
24.			X.		
25.			Y.		



26.		Z.	
27.		AA.	
28.		BB.	
29.		CC.	
30.		DD.	
31.		EE.	
32.		FF.	
33.		GG.	
34.		HH.	
35.		II.	
36.		JJ.	
37.		KK.	
38.		LL.	
39.		MM.	
40.		NN.	
41.		OO.	
42.		PP.	

COMPLAINANT WITNESSES	RELEASED	RESPONDENT WITNESSES	RELEASED
1.		1. <i>Thomas Stollon</i>	<i>10-3</i>
2.		2.	
3.		3.	
4.		4.	
5.		5.	
6.		6.	
7.		7.	
8.		8.	
9.		9.	
10.		10.	
11.		11.	
12.		12.	
13.		13.	