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BEFORE THE  
EMERGENCY MEDICAL SERVICES AUTHORITY  
STATE OF CALIFORNIA

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

**RYAN C. DOWLESS**  
License No. P37758

Respondent.

)  
) Enforcement Matter No. 19-0054  
) OAH No. 2019040363  
)

) **DECISION AND ORDER**  
)  
)  
)

The attached Proposed Decision is hereby adopted by the Emergency Medical Services Authority as its Decision in this matter.

This Decision shall become effective thirty (30) days after the date below. It is so ordered.

DATED:

8/5/2019



Julie Souliere  
Acting Director  
Emergency Medical Services Authority

**BEFORE THE  
EMERGENCY MEDICAL SERVICES AUTHORITY  
STATE OF CALIFORNIA**

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

**RYAN C. DOWLESS,**

**License No. P37758**

**Respondent.**

**Agency Case No. 19-0054**

**OAH No. 2019040363**

**PROPOSED DECISION**

**Administrative Law Judge Regina Brown, Office of Administrative Hearings, State of California, heard this matter on July 23, 2019, in Oakland, California.**

**Cynthia Curry, Attorney, represented complainant Sean Trask, Chief, Personnel Division, Emergency Medical Services Authority.**

**Respondent Ryan C. Dowless represented himself at hearing.**

**The record remained open for respondent to file additional evidence that was received, marked for identification and entered into evidence as Exhibit A.**

**The matter was submitted on July 24, 2019.**

**FACTUAL FINDINGS**

- 1. Complainant Sean Trask filed the Accusation in his official capacity as Chief of the Personnel Division of the Emergency Medical Services Authority (EMSA).**
- 2. On August 4, 2017, the EMSA issued Emergency Medical Technician-Paramedic (EMT-P) license number P37758 to respondent Ryan C. Dowless. On February 25, 2019, that license was suspended pursuant to an order for temporary suspension pending hearing.**
- 3. Respondent worked as a licensed paramedic for MedStar Ambulance (MedStar) in Ukiah. As a paramedic, respondent had access to medications and controlled substances, such as Fentanyl, Versed, and Narcan.**

4. On February 3, 2019, at 5:25 p.m., while on duty, respondent reported to Theresa Gowan, MedStar's operations manager, that he had attempted suicide by taking Fentanyl and Versed. A police officer was dispatched and located respondent. Respondent admitted to the officer that he had ingested three vials of Fentanyl and approximately 10 milligrams of Versed. Respondent told the officer that he was going through some serious personal issues and was feeling suicidal. Respondent's supervisor also responded to the scene. Respondent said, "I fucked up. I grabbed the Fentanyl and Versed and shot myself up in the legs. I don't want to live anymore. I want my pain to stop." A search of the vehicle revealed two partially empty, non-labeled syringes with needles attached with an unknown liquid and a preloaded Narcan. Respondent was placed on a hold pursuant to Welfare and Institutions section 5150 (5150 hold) and transported to a hospital. Gowan arrived at the hospital. When asked, respondent did not recall any emergency calls that day, even though his partner had to wake him up when he was sleeping in the back of the ambulance and they had two emergency calls after that. Gowan told respondent that he was no longer employed with MedStar.

5. An audit of the medications in the ambulance confirmed that 700 micrograms of Fentanyl, 10 milligrams of Versed, and 2 milligrams of Narcan were missing. Gowan informed the police officer who recommended criminal prosecution for a violation of Penal Code section 503 (embezzlement), a felony. The status of the criminal matter was not established at hearing.

6. The EMSA suspended respondent's EMT-P license and issued an Accusation. Respondent filed an appeal, and this hearing ensued.

*Respondent's evidence*

7. Respondent submitted a letter to EMSA, dated March 7, 2019, denying the allegations against him. Respondent wrote that he received a diagnosis of post-traumatic stress disorder (PTSD) during his 72-hour 5150 hold. Respondent characterized the incident as "an involuntary, irresistible response to a PTSD-related event, for which [he would] be receiving treatment beginning in [March]."

8. At hearing, respondent admitted that he ingested the drugs. Respondent described himself as being "puzzled by the events" that took place that day. He said that the incident was "a blur," that things "did not make sense," and he felt "out of his body." He considered it a miracle that he survived. Prior to the incident, he had never had a desire to hurt himself. He attributed his behavior to profound insomnia that he suffered during the weeks leading up to that day and stated that he was "out of [his] mind from sleep deprivation." He was working 96-hour shifts, and sometimes up to 120-hour shifts with overtime, and had asked his supervisor for time off, which was denied. Respondent stated that was the first and only time that he had used Fentanyl or Versed, and he has not taken any drugs or alcohol since the incident.

9. From March 11, 2019 to June 13, 2019, respondent attended and completed a one-month partial hospitalization and two months of an intensive outpatient treatment for a total of 90 days at the Multi Concept Recovery Intensive Outpatient Program in Burbank. He attended group therapy five times a week which included meditation, yoga, and mindfulness. He participated in a 12-step based recovery program, attended five Narcotics Anonymous (NA)/Alcoholics Anonymous (AA) meetings a week and obtained a sponsor. Respondent stated that his PTSD was mitigated with the 90-day treatment program.

10. Carlee Shalchian, LMFT, is the clinical director of Multi Concept Recovery. Shalchian verified in a letter, dated July 22, 2019, that respondent successfully completed the intensive outpatient program where he received group therapy, individual psychotherapy, substance abuse counseling, and case management services. He tested negative on the weekly urine analysis testing and maintained full compliance with the program's requirements. Shalchian recommended that respondent continue to attend recovery-based meetings weekly, that he work with a sponsor, and that he receive individual psychotherapy.

11. Respondent returned to Northern California and attends AA/NA in San Rafael, two to three times a week, and he is working on the third step. He is still in contact with his sponsor, but he is seeking a local sponsor. Currently, respondent is on disability and his doctor has not released him to return to work. His treating physician, Dr. Stark,<sup>1</sup> is a pain and addiction specialist with Premier Medical Center in Toluca Lake, and respondent has monthly sessions with Dr. Stark. Respondent is not on any prescribed medications.

12. Respondent attends the Theosophical Society of the United States. He has been a practicing Buddhist for 19 years, and attends weekly support meetings at his temple.

13. In college, while taking pre-nursing courses, respondent decided to pursue an EMT-P license also. He volunteered with the Marin County Mountain Rescue unit. He attended the Fire Department Academy at Santa Rosa Junior College in 2013, and obtained a job as a partial paid reserve firefighter. Respondent attended the NCTI paramedic training program in Hercules in Fall 2015. He had a difficult time finding a field internship until he obtained a two and one-half month long internship in Tuolumne County. In Fall 2016, he completed the written and practical national registry examinations and obtained certification number E079984. He obtained the job at MedStar in 2017.

14. Respondent enjoyed his job. He is remorseful about the situation and understands that his behavior was a dishonor to the EMT-P profession. Respondent wants an opportunity to once again serve the community. He wants to help people and relieve human suffering. He understands the EMSA's concerns about public safety and he is willing to do whatever is necessary to regain the trust of the EMSA, including continuing to work with Dr. Stark.

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<sup>1</sup> Dr. Stark's first name or qualifications were not established at hearing.

15. Respondent stated that his relationship with the mother of his child dissolved after 12 years. When he moved out, he had to "couch surf" while attending paramedic school. Currently, he has visitation with his 11-year-old daughter every other weekend. His family is aware of the incident and is supportive. He is homeless.

## LEGAL CONCLUSIONS

1. The Emergency Medical Services System and the Prehospital Emergency Medical Personnel Act is codified at Health and Safety Code<sup>2</sup> section 1797 et seq. Section 1798.200, subdivision (c), authorizes the EMSA to discipline the license of an EMT-P who has engaged in actions constituting a "threat to the public health and safety" including: the commission of any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications, functions, and duties of prehospital personnel (§ 1798.200, subd. (c)(5)); violating or attempting to violate any federal or state statute or regulation that regulates narcotics, dangerous drugs, or controlled substances (§ 1798.200, subd. (c)(8)); having an addiction to, the excessive use of, or the misuse of, alcoholic beverages, narcotics, dangerous drugs, or controlled substances (§ 1798.200, subd. (c)(9)); and, demonstrating irrational behavior ... to the extent that a reasonable and prudent person would have reasonable cause to believe that the ability to perform the duties normally executed may be impaired (§ 1798.200, subd. (c)(11).)

2. Title 22, California Code of Regulations, section 100175, provides that: "A crime or act shall be considered substantially related to the qualifications, functions, or duties of a paramedic if to a substantial degree it evidences present or potential unfitness of a paramedic to perform the functions authorized by his or her license in a manner consistent with the public health and safety." Respondent's conduct of taking and administering controlled substances from the ambulance for his own use is substantially related to the qualifications, functions, and duties of an EMT-P, who is required to respond to emergencies and treat injured consumers with these controlled substances.

3. Cause exists to take disciplinary action against respondent's EMT-P license pursuant to section 1798.200, subdivision (c)(5), for theft of controlled substances from his employer for his own consumption while on duty, by reason of the matters set forth in Findings 3 through 5.

4. Cause exists to take disciplinary action against respondent's EMT-P license pursuant to section 1798.200, subdivision (c)(8), for the theft of controlled substances from his employer for his own consumption while on duty, by reason of the matters set forth in Findings 3 through 5.

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<sup>2</sup> All citations are to the Health and Safety Code, unless otherwise noted.

5. Cause exists to take disciplinary action against respondent's EMT-P license pursuant to section 1798.200, subdivision (c)(9), for the misuse of controlled substances from his employer for his own consumption while on duty, by reason of the matters set forth in Findings 3 and 4.

6. Cause exists to take disciplinary action against respondent's EMT-P license pursuant to section 1798.200, subdivision (c)(11), for his irrational behavior, including attempted suicide by taking controlled substances from his employer while on duty, by reason of the matters set forth in Findings 3 through 5.

*Disciplinary considerations*

7. The EMSA has issued Recommended Guidelines for Disciplinary Orders and Conditions of Probation (Guidelines). The maximum discipline for a violation of section 1798.200 is revocation of the license. Complainant asserts that revocation is required under the circumstances; however, after 18 months, respondent may seek to have the revocation set aside and demonstrate that he is completely rehabilitated, has taken the required continuing education courses, and provides a letter from an addiction specialist that he is safe to return to work and will be able to resist the temptation to be near drugs and not relapse.

8. Given the significant responsibilities of EMT-P's, the EMSA must have adequate assurances that respondent is neither a danger to himself or the public especially when he would have access to controlled substances. At the time of the incident, respondent had only been an EMT-P for 18 months. It is of concern that he could not meet the demands of the stress of working on an ambulance. Also, he has not yet been released to return to work by his doctor. He has had a very promising start to his rehabilitation, including completion of an outpatient treatment program and he continues to participate in AA and NA. It is hoped that respondent will continue on his road to recovery. However, it is still early in respondent's rehabilitation. It is important that the EMSA have sufficient evidence that respondent does not have a problem with controlled substances and he will not engage in irrational behavior on the job before it can determine that respondent can be trusted to engage in the practice of emergency medical care in a manner consistent with public safety. Under these circumstances, revocation is appropriate at this time.

**ORDER**

**Emergency Medical Technician-Paramedic license number P37758 issued to respondent Ryan C. Dowless is revoked.**

**DATED: July 31, 2019**

DocuSigned by:

*Regina Brown*

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**REGINA BROWN**  
**Administrative Law Judge**  
**Office of Administrative Hearings**



**OFFICE OF ADMINISTRATIVE HEARINGS**

State of California

**GENERAL JURISDICTION DIVISION**

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Department of General Services

Governor Gavin Newsom

July 31, 2019

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

**Subject:** Dowless, Ryan C.  
OAH No. 2019040363  
Agency No. 19-0054

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: See Exhibit List  
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.

HT

Encl.

Transmittal Form  
OAH 60 (Rev. 04/09)

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