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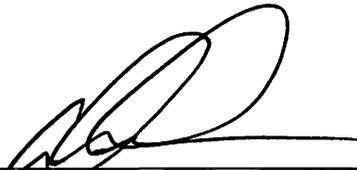
BEFORE THE
EMERGENCY MEDICAL SERVICES AUTHORITY
STATE OF CALIFORNIA

In the Matter of the Emergency Medical Technician- Paramedic License Held by:) Enforcement Matter No. 19-0066
) OAH No. 2020010171
)
JOHANNA L. MATTOX,) **DECISION AND ORDER**
License No. P35318)
Respondent.)
)
)
)

The attached Proposed Decision and Order dated January 15, 2021, is hereby adopted by the Emergency Medical Services Authority as its Decision in this matter. The Decision shall become effective immediately.

It is so ordered.

DATED: January 27, 2021



Dave Duncan, MD,
Director
Emergency Medical Services Authority

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

In the Matter of the Paramedic License Held by:

JOHANNA L. MATTOX

License No. P35318, Respondent.

Agency Case No. 19-0066

OAH No. 2020010171

PROPOSED DECISION

Administrative Law Judge Linda Pollack, Office of Administrative Hearings, State of California, heard this matter on November 19, 2020, by telephone and video conference.

Attorney Stephen J. Egan represented complainant Sean Trask, Chief, Emergency Medical Services Personnel Division, Emergency Medical Services Authority, State of California.

Respondent Johanna L. Mattox was present and represented herself.

The record was held open until December 18, 2020, for respondent to submit reference letters and for complainant to submit any response. Respondent submitted five letters; all were marked collectively as Exhibit A and admitted into evidence for all purposes. Complainant submitted a reply brief which was marked for identification as

Exhibit 12 and considered. The matter was submitted for decision on December 18, 2020.

Jurisdictional Matters

1. On October 31, 2019, Sean Trask brought the amended accusation in his official capacity as Chief of the Emergency Medical Services Personnel Division of the Emergency Medical Services Authority of the State of California (EMSA). The accusation alleges that respondent mistreated a patient during transport. Respondent timely filed a notice of defense. This proceeding followed.

2. Respondent Johanna L. Mattox (respondent) currently holds Emergency Medical Technician-Paramedic License No. P35318, which was first issued on August 20, 2015. On October 3, 2019, Dave Duncan, M.D., the Director of EMSA, suspended respondent's license pending resolution of this matter, pursuant to Health and Safety Code section 1798.202.

3. Respondent also holds Emergency Medical Technician (EMT) certificate number E041685 issued by the Alameda County Emergency Medical Services Agency (ACEMS).

Misconduct

4. On January 11, 2019, respondent was working as an EMT for the San Francisco Fire Department (S.F. Fire Department). Her partner that day was a paramedic. They responded to a call regarding a patient who had fallen and suffered a forehead laceration. He had been drinking alcohol and was combative, uncooperative, and had an altered state of mind; he had to be put in slight restraints. Respondent

drove the ambulance and her partner remained in the back with the patient, who continued to be verbally abusive. Although she was driving, respondent argued with the patient during the transport. Once at the hospital, respondent continued to argue with the patient, such that the triage nurse had to ask her to calm down and ignore the patient's outbursts.

While being wheeled on the gurney at the emergency room, the patient continued to be loud and abusive. Respondent put her thumb directly on the bandaged wound on his forehead, causing the patient to scream. Respondent told the patient to "shut up." She then told her partner that she did not normally do that to her patients.

5. Her partner reported the incident to S.F. Fire Department. Paramedic Captain Christopher Bonn conducted an investigation. During a taped interview, Bonn asked her if she took her thumb and pressed it on the patient's wound to cause him pain. Respondent told the investigator that she didn't remember doing that or much else about that day.

6. Bonn found that her actions violated the following S.F. Fire Department rules, regulations, policies and procedures: section 3917 (violence); 3919 (proper behavior); 3920 (unacceptable language); and 3923 (acts detrimental to the welfare of the department). The S.F. Fire Department terminated respondent as a result of this incident.

ACEMS Investigation

7. The ACEMS conducted an investigation after receiving notification of a Sentinel Event Report concerning this incident. Respondent was interviewed as a part

of the investigation. During her interview, respondent acknowledged that she had scolded the patient throughout the contact and at one point pushed her thumb on the patient's head wound. Respondent also expressed that she was under an extraordinary amount of stress at the time of the incident and had begun to attend therapy subsequent to the event. During the interview, respondent expressed genuine remorse and sorrow for her misconduct.

8. The ACEMS offered to allow respondent to maintain her EMT certificate pursuant to an agreement in which her certificate was revoked, the revocation was stayed for three years under conditions including the completion of a stress/anger management program with a minimum of 12 meetings. The resolution of this agreement is unclear.

Respondent's Evidence

9. Respondent worked as an EMT for approximately 10 to 15 years before this incident. She has also worked as an EMT instructor.

10. Respondent admits to pressing her thumb on the patient's wound and causing pain to him in the emergency room. After she did this, she felt terrible. She remembers walking away in tears and telling her paramedic partner that she had never done anything like that before. At home that night, she cried and wanted to apologize to the patient and to contact the S.F. Fire Department Stress Unit for therapy but did not want to "rock the boat." Respondent understood that as a professional she was "not supposed to let things like this get to her." She spent one year hating herself for her actions.

In retrospect, respondent stated she should have known to take better care of herself, due to the cumulative stress of her job. If allowed to instruct again, respondent would like to teach others about the importance of dealing with cumulative stress. She feels she can use her personal experience to benefit others in this field.

Respondent described herself as someone who always went out of her way to help people all of her life. She is extremely embarrassed and remorseful and did not feel that this one incident of misconduct should define who she is as a person or a professional.

Respondent attended therapy twice a week from February to July 2019, with clinical psychologist Louisa A. Parks, Psy.D. Parks specialized in treating first responders who dealt with cumulative stress. Respondent would have liked to continue therapy, but it ended when Parks became ill and she had to close her practice. In a letter dated November 20, 2020, Parks reports that respondent was forthcoming and never missed a session. Parks notes that first responders must manage the repeated exposure to traumatic events they experience every day and that many mistakenly believe they can handle a career without specific skills for managing cumulative stress. She asserts that the human body is not designed to experience repeated traumatic events and that the nervous system can become dysregulated and may occasionally operate in a fight-or-flight mode without their conscious control or awareness. Parks believes respondent's misconduct was caused by cumulative stress resulting from her career.

Since losing her job in January 2019, respondent has had difficulty making a living. She moved to Los Angeles to take a job as a property manager. She meditates and attends a Buddhist temple as part of her own therapy. Respondent would like to

maintain her paramedic license. She understood and expressed appreciation for the steps the agency took in this matter to protect the public. She feels that she will never commit such an egregious mistake again. Respondent was candid and credible in her testimony.

11. Katie Hall has known respondent for eight years. Hall testified with candor in support of respondent's continued licensure. Respondent is Hall's husband's "oldest and dearest friend." Respondent has been a caretaker for Hall's children and is like a second mother to them; she is part of their family. Hall stated that respondent is the only person she would trust to take care of her children when she and her husband travel out of the country because she knows that respondent would "never put them in harm's way." Hall and respondent discussed the misconduct at length because Hall wanted to make sure her children were safe with respondent. Although not a doctor, she understood that respondent was suffering from post-traumatic stress disorder (PTSD) and feels that this misconduct was a "one-time thing." She describes respondent "as a beautiful human being who was going through a rough time" and deserves a second chance. She states that respondent is gentle, compassionate, and giving, not violent or angry.

12. Ricardo Segura was the EMS program director for Project Heartbeat in Oakland and respondent's supervisor. Segura testified with credibility at hearing. He is currently an EMT at the S.F. Fire Department. He has worked and taught in the emergency services field for 19 years. He has known respondent for five years. He praised respondent's teaching abilities and her compassion. He feels she gives almost too much to her students. He was unaware of any issues with respondent in the five years he has known her but was aware of the current incident. He feels people can make mistakes and have out-of-character reactions related to stress; he believes this is

what happened to respondent. He said she is remorseful and that, if given a chance, she will learn from this.

13. Ursula Gomez has been a paramedic in Contra Costa County for 19 years, as well as a paramedic instructor and a paramedic preceptor. She is a senior member of the Crisis Response Team in Contra Costa County. Gomez has known respondent for 10 to 15 years. Gomez testified with candor concerning her experiences with respondent. They worked extensively together in Contra Costa County when respondent was an EMT. Gomez was proud to work with respondent because respondent was very professional and welcoming to her. She never saw respondent exhibit any violent or aggressive behavior. Gomez knows the field creates stress. As an instructor, she felt that more emphasis should be given to teaching students how to handle the stress of the job.

14. Talat Mirmalek worked as an EMT with respondent in Contra Costa County. She has known respondent as a friend and a mentor for six or seven years. She is aware of respondent's misconduct. She never saw respondent exhibit violent or aggressive behavior. Respondent was always helpful and focused on patient care. She described respondent as empathetic and a role model. Mirmalek's testimony was credible.

15. Respondent submitted the following character letters:

A. Tone Mosley has been an EMT for 20 years. He is employed in San Jose. He worked with respondent for 15 years in Contra Costa County. Mosley expressed how respondent displayed exemplary patient care and stated that respondent is dependable, reasonable, honest and courteous. He believes people should be given second chances when

mistakes occur. Mosley trusts respondent completely to care for himself, his family and his friends. Mosley considers respondent to be a valuable asset for any organization;

B. Manny Harris worked with respondent for many years in the field when respondent was an EMT and later, as a paramedic. He described respondent as professional, compassionate, courteous, and empathetic;

C. Randa Romstad is a paramedic and has 18 years of experience in the field. She has known respondent for over 25 years, since high school. They worked together for a limited period of time when respondent was in paramedic school. Romstad states that she was shocked to hear about this incident because it is uncharacteristic of respondent. She understood how regretful respondent was and that respondent took "full responsibility for her actions with no excuses." Romstad trusts respondent and would be willing to be her partner. She also stated that, in general, "stress and burn out has little support in EMS and is a real problem."

LEGAL CONCLUSIONS

1. The standard of proof applied in making the factual findings set forth above is clear and convincing evidence to a reasonable certainty. (*Ettinger v. Bd. of Medical Quality Assurance* (1982) 135 Cal.App.3d 853, 856.) The burden of proof is on EMSA. (Evid. Code § 500.)

Cause for Discipline: Unprofessional Conduct

2. The EMSA may discipline the paramedic license of a licensee who has committed acts that constitute a threat to the public health and safety. Unprofessional conduct is an act that constitutes a threat to the public health and safety, if a person mistreats or physically abuses any patient with force in excess of what a reasonable and prudent person trained and acting in a similar capacity, while engaged in the performance of her duties, would use, if confronted with a similar situation. (Health & Saf. Code, § 1798.200, subd. (c)(12)(A).) As set forth in Factual Findings 4 and 7, cause exists to discipline respondent's paramedic license.

Determination of Discipline

3. The EMSA uses the "EMS Authority Recommended Guidelines for Disciplinary Orders and Conditions of Probation," dated July 26, 2008, (Guidelines) to provide consistent and equitable discipline in cases dealing with violations of Health and Safety Code section 1798.200. Under the Guidelines, the maximum recommended discipline for respondent's violation of section 1798.200, subdivision (c)(12)(A), is revocation and the minimum recommended discipline is a stayed revocation, 60-day suspension and three years' probation with terms and conditions. The factors used to determine the appropriate discipline include: the nature and severity of the acts or crimes; actual or potential harm to the public, actual or potential harm to any patient, prior disciplinary record or warnings, number or variety of current violations, aggravating evidence, mitigating evidence, discipline imposed by the paramedic's employer for the same occurrence of that conduct, and rehabilitation evidence.

4. Complainant recommends suspension of respondent's paramedic license until she has been certified by a medical doctor that her PTSD has resolved, and her emotional health is stable, followed by two years of probation with standard terms and conditions.

Respondent's actions constituted a threat to the public health and safety. Her actions were the opposite of what is expected from an emergency services professional dealing with people in their most vulnerable state. Regardless of how the patient acted, he did not deserve the mistreatment he received. In addition, respondent's actions, violated her employer's rules and regulations as set forth in Factual Finding 6, and respondent was terminated by her employer.

Respondent has worked in the emergency services field for at least 10 years, both as an EMT and as a paramedic. This is her first instance of misconduct. She has no prior record of discipline. Respondent exhibited sincere remorse and regret over her actions. She was candid and credible in her testimony. Respondent acknowledges the wrongfulness of her actions and accepts full responsibility for her misconduct. The positive and supportive testimony from colleagues and the letters she submitted demonstrate that this behavior was out-of-character for her.

Respondent participated in therapy and gained insight into her how her failure to take care of herself affects her professional performance. Respondent presented significant evidence of self-awareness and further, hoped to make use of her own personal failure to assist others in the emergency services field.

Public protection does not require outright revocation. Rather, suspension stayed, with a two-year term of probation with terms and conditions, including a medical evaluation and medical clearance, will suffice to protect the public.

ORDER

Emergency Medical Technician-Paramedic License Number P35318, issued to respondent Johanna L. Mattox, is revoked. However, the revocation is stayed, and respondent is to be placed on probation for two years, subject to the condition precedent and the following terms and conditions. The suspension of respondent's license shall remain in effect until such time as the mental health examination described below takes place and respondent is determined to be mentally fit to perform her duties safely as a paramedic.

CONDITION PRECEDENT – MENTAL HEALTH EXAMINATION

Precedent to probation, respondent shall have a mental health examination performed by a medical doctor. Such examination will certify that respondent's mental health conditions and any condition such as PTSD, have been resolved and that respondent is mentally fit to perform her duties safely as a paramedic. The examination will be performed by a licensed medical doctor. All costs are the responsibility of respondent.

1. 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 her probationary order.

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

2. Personal Appearances

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

3. 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 her probation. If respondent submits her quarterly reports by mail, it shall be sent as Certified Mail.

4. 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 the 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.

5. Notification of Termination

Respondent shall notify the EMSA within 72 hours after termination, for any reason, with her prehospital medical care employer. Respondent must provide a full, detailed written explanation of the reasons for and circumstances of her termination.

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

6. 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 her 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.

7. 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 Health and Safety Code 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 her 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.

8. Completion of Probation

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

9. 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 or 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 or 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 her probation sufficient to warrant termination of probation and implementation of actual suspension or 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.

DATE: 01/15/2021

Linda Pollack

LINDA POLLACK

Administrative Law Judge

Office of Administrative Hearings