

BEFORE THE
EMERGENCY MEDICAL SERVICES AUTHORITY
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

STEVE D. COLEMAN,

Respondent.

Case No. 20-0204

OAH No. 2021060027

ORDER OF DECISION

DECISION

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

This Decision shall become effective on 2/5/22.

IT IS SO ORDERED this 6th day of Jan.

By: 

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PROPOSED DECISION

Marcie Larson, Administrative Law Judge (ALJ), Office of Administrative Hearings (OAH), State of California, heard this matter telephonically and by video conference on November 18, 2021, from Sacramento, California.

Erin Brennan, Attorney, represented complainant Kim Lew, Acting Chief, Emergency Medical Services Personnel Division of the Emergency Medical Services Authority of the State of California (EMSA).

Taylor Davies-Mahaffey, Attorney at Law, represented respondent Steve Coleman who was present at the hearing.

Evidence was received, the record was closed, and the matter was submitted for decision on November 18, 2021.

FACTUAL FINDINGS

Jurisdictional Matters

1. On November 18, 1999, the EMSA issued respondent Emergency Medical Technician-Paramedic (EMT-P) license number P16250. Respondent's EMT-P license will expire on November 30, 2021, unless renewed or revoked.

2. On April 22, 2021, complainant signed and thereafter filed the Accusation. Complainant seeks to revoke respondent's EMT-P license based upon his criminal misdemeanor conviction for driving under the influence of alcohol with bodily injury, committing an offense punishable as a felony, and excessive use of alcohol.

3. Respondent timely filed a Notice of Defense, pursuant to Government Code section 11506. The matter was set for an evidentiary hearing before an ALJ of the OAH, an independent adjudicative agency of the State of California, pursuant to Government Code section 11500 et seq.

Criminal Conviction

4. On February 9, 2021, in the Superior Court of California, County of Solano, respondent, on a plea of nolo contendere, was convicted of driving under the influence of alcohol and causing bodily injury to another driver, a violation of Vehicle Code section 23153, subdivision (a). Vehicle Code section 23153, subdivision (a), may be charged as a felony or misdemeanor. Respondent was initially charged with a felony, but the charge was reduced to misdemeanor before his plea. Respondent was ordered to serve 60 days in jail and placed on three years of informal probation. Respondent completed his jail sentence through an alternative work program. He was

ordered to complete a first offender driving under the influence (DUI) course. Respondent was also ordered to pay approximately \$2,000 in fines and fees.

5. The circumstances underlying the conviction occurred on August 22, 2020, at 1:57 a.m. An officer from the California Highway Patrol (CHP) responded to a report of a hit-and-run collision with injuries in a residential neighborhood of Dixon, California. Upon arrival, the officer spoke to the victim, who told the officer that a gray or silver vehicle collided with his vehicle and fled the scene prior to providing identifying information. The victim complained of neck and rib pain. The officer observed that the victim's vehicle had major damage to the front left bumper and quarter panel. The front left tire was detached.¹

6. Another officer at the scene observed speed marks leading to the point of impact, which indicated that the vehicle that hit the victim's vehicle was traveling in

¹ The victim sustained only minor injuries. While investigating the accident, the officer ran a California Law Enforcement Telecommunications System check on the victim. The officer discovered that the victim was on formal probation for felony burglary. The officer searched the victim's vehicle and found: a rifle located on the rear floorboard behind the driver's seat; a pellet revolver located on the rear passenger seat; an Ammunition Storage Components (ASC) Magazine located inside the magazine well of the rifle; a laser boresight located inside the magazine well of the ASC Magazine; inert dummy rounds located inside the magazine well of the ASC Magazine; a Dan Wesson Pellet Cartridge located inside the pellet revolver; a military-style tactical vest/belt; a tactical vest containing body armor; and a plate carrier containing steel body armor.

the opposite lane of traffic. There were also tire friction marks leading from the scene of the collision to the driveway of respondent's residence, which was 660 feet from the scene of the collision. The vehicle in respondent's driveway was grey and had major damage to the front-end which was consistent with a head-on collision.

7. The officer conducted a California Law Enforcement Telecommunications System (CLETS) check of respondent's vehicle license number, which identified respondent as the registered owner of the vehicle who lived at the address where his vehicle was found parked. At approximately 3:30 a.m., an officer knocked on the front door of respondent's home. Respondent answered the door. The officer immediately smelled the odor of alcohol coming from respondent. The officer also observed that respondent had red and bloodshot eyes, slurred speech, and an unsteady gait.

8. In response to questions by the officer, respondent stated that he consumed approximately three or four vodka and cranberry beverages between 7:00 p.m. and 11:00 p.m. that evening while in Winters, California. A friend then drove him home. Respondent did not admit to driving his vehicle. Respondent stated that he loaned his vehicle to a friend who was responsible for the damage to his vehicle.

9. The officer asked respondent to submit to a series of field sobriety tests (FST). Respondent agreed. Respondent failed to satisfactorily perform the FST. Respondent also completed a Preliminary Alcohol Screening (PAS) test which registered his blood alcohol content (BAC) at 0.092 percent. Respondent was placed under arrest and consented to a chemical breath test which registered his BAC at 0.08 percent.

10. Respondent was transported to jail. During questioning by a detective, respondent admitted he drove his vehicle at the time of the collision with the victim.

He told the detective that he was a fireman for the past 23 years employed at the Dixon Fire Department (Dixon) and in the Air Force as a reservist. Respondent told the detective how "sorry and horrible" he felt about his conduct and that he panicked. Respondent explained he had been at Thunder Valley Casino in Rocklin. While he was at the Casino, he consumed two vodka cranberry drinks and a couple of Corona beers. Respondent then drove his vehicle home. Respondent explained that he knew with the amount of alcohol he had consumed without eating food for a long period of time he should not have driven his vehicle, but he did.

When respondent was near his home, he collided with a vehicle. He explained that he panicked and left the scene of the accident. Respondent thought the vehicle he hit was parked and did not know if anyone was in the vehicle. He "just thought about [his] future and [his] job and [he] panicked."

Respondent's Evidence

11. Respondent is 54 years old. He has spent most of his adult life serving in the medical profession. From June 1987 through July 1997, respondent served as active duty in the Air Force in medical support services. In 1990, while serving in the Air Force, respondent obtained his vocational nurse license. He worked in military hospital surgical and emergency rooms. In 1999, respondent received his EMT-P license. In 2000, respondent began working as a fire fighter paramedic for Dixon. He also completed his fire fighter training.

12. In 2010, while continuing to work for Dixon, respondent returned to the Air Force as a reservist at Beale Air Force Base (Beale). Respondent worked as a junior fire fighter and was promoted through the ranks. He was deployed to Syria and Kuwait during times of heavy fighting. In 2018, respondent began serving as an acting Fire

Engineer Paramedic and Acting Captain with Dixon. The position of Fire Engineer Paramedic became permanent in 2020. Respondent's duties included ensuring that Dixon complied with all applicable requirements. Respondent's performance evaluations demonstrate that he was a long-time valued member of Dixon, who met or exceeded all work expectations. He had no disciplinary history with Dixon. He never had a patient complaint, nor a single write-up or quality of care issue involving a patient.

13. The years of working in the high-stress paramedic and military fields took a toll on respondent's mental health. He began using alcohol to cope. He drank alcohol a couple of times during the week to escape from daily trauma he witnessed in his job. The evening before the August 22, 2020 incident, respondent was in Winters with friends. He drank alcohol during that time. He went home and then drove to Thunder Valley Casino where he continued to drink alcohol.

Respondent was a half a block from his home when he hit the victim's vehicle. He did not see what he hit, because the victim's vehicle did not have headlights on. Respondent believed he hit a parked car. He did not know if there was anyone inside the vehicle. Respondent panicked. He was intoxicated and not thinking clearly. He decided he needed to get to a safe place, so he pulled his vehicle into his driveway. Respondent explained that once he was inside his home, he went to a corner of one of the rooms in his home, curled into a ball like a scared child and cried. Respondent explained that mentally he was "lost." He felt like he needed his mother.

14. Respondent does not recall all the details of his conversation with a CHP officer at his home. He told the officer someone else was driving his vehicle. Respondent explained that he does not have a "good answer" for why he initially lied. He was scared that he would lose his career. He thought his "whole world" would be

gone. Once he arrived at the police station, he had become more sober and could think more clearly. He told the detective who interviewed him the truth about his conduct. Respondent realized the importance of his integrity.

15. Respondent's conduct was a catalyst to seeking help. He talked to close friends about his conduct and struggles. His friends encouraged and supported him through a very difficult time. Respondent immediately sought counseling. He realized he had to address his mental health issues. He spent a year working with a counselor to understand the root cause of his alcohol use and the choices that led him to make such poor decisions on August 22, 2020. Respondent gained insight into trauma he experienced working as a paramedic and in the military that he had not addressed. He had also gone through a divorce years before and lived alone. That isolation often caused him to make poor choices.

Respondent began attending Alcoholics Anonymous (AA) group meetings for first responders. Through counseling and AA meetings, respondent realized that he needed to focus on healing and addressing the years of trauma and stress he suffered. The process was intense and painful at times. He realized that he spent his life taking care of other people but had failed to care of himself.

16. Dixon investigated respondent's August 22, 2020 conduct. Dixon intended to propose he be terminated from his position, but respondent opted to retire. He explained that he did not retire to avoid termination. Respondent believed that with his many years of dedicated service, he would have been able to keep his job. However, he made the decision to retire from Dixon to focus on healing. The result is that he has a much stronger foundation. Respondent spent 13 months in counseling. He also strengthened his support system, which includes his three grown

children, nine siblings, and his mother. Respondent also has the support of his friends and colleagues.

In consultation with his counselor, respondent stopped attending AA. However, he continues to keep in contact with friends he met through his AA group. Respondent rarely drinks alcohol. He now recognizes when he is feeling stressed and uses tools he developed with his counselor to work through his feelings. If respondent felt that he needed extra support, he would contact his counselor and close friends who have supported him through the good and bad times.

17. Respondent has continued to serve in the Air Force reserves. He had been scheduled to receive a promotion when the August 22, 2020 incident occurred. As a result of his conduct, his promotion was delayed and he received a written reprimand and an "unfavorable information file," which is akin to probation. For one year, respondent could not drive on any military installation, travel on temporary duty, or drive any military vehicles. Respondent also had to comply with the terms of his criminal probation. He received strong support from his military supervisor and colleagues. Respondent completed his military probation on October 1, 2021. A month later he received a promotion to Master Sergeant. Respondent is the Assistant Chief of Operations at Beale. Two people directly report to respondent and he also oversees the administrative duties of 30 individuals.

18. In October 2021, respondent received a Congressional Commendation: "Cody Robbyn Life Saving Award." The Commendation was in response to an incident while respondent was working for Dixon. He and two other people saved the life of someone who was not breathing. Respondent explained that being a paramedic is a "gift from God." He has dedicated a lot of time and effort into being a good paramedic. Respondent is passionate about the work he performs as a paramedic. He

receives joy and comfort in helping people in need. He explained that there is nothing greater in life than serving others. While respondent has not worked as a paramedic since he retired from Dixon, his license is "like gold to him," which is why he is fighting to keep it. Respondent hopes to be able to work as a paramedic again or possibly teach paramedics.

CHARACTER EVIDENCE

19. Two of respondent's former supervisors testified on his behalf. Respondent also submitted four letters of support from former supervisors, colleagues, friends, and his union.

20. Dean Sarley worked for Dixon for 25 years before his retirement. He served in various capacities including as a firefighter and Division Chief of Dixon. Mr. Sarley worked with respondent for 20 years. During that time, he responded to hundreds of emergency calls with respondent. Mr. Sarley has worked with hundreds of paramedics. He described respondent as one of the best paramedics he has ever worked with during his career. Mr. Sarley and respondent are also close friends. Respondent attends family events at Mr. Sarley's home. Respondent shared with Mr. Sarley some of the information about the August 22, 2020 incident. Mr. Sarley had already retired from Dixon when the incident occurred. He explained that respondent's conduct does not change his opinion about his character. Respondent would be the first person he would call if a family member had a medical emergency.

21. Frank Drayton worked for Dixon for 20 years. He left Dixon in 2007, while serving as the Interim Fire Chief. He is currently the Deputy Fire Chief for the San Ramon Fire Department. Mr. Drayton also served in the Air Force and Air Force Reserves. Mr. Drayton hired respondent to work for Dixon as part of the first Advanced

Life Support (ALS) paramedics to work on fire engines. Mr. Drayton worked directly with respondent. During that time, he observed that respondent was "one of the most reliable medics he had ever seen." Mr. Drayton explained that respondent is "medically smart." In 2010, Mr. Drayton recruited respondent to join the Air Force Reserves at Beale, where Mr. Drayton was the Fire Chief.

Mr. Drayton and respondent are also friends. Respondent contacted Mr. Drayton after the August 22, 2020 incident and told him all the details of what occurred. Mr. Drayton knew respondent had been struggling and was "burning the candle at both ends." Mr. Drayton was aware that respondent was turning to alcohol to cope with the stress of his job. He assisted respondent in finding help. Mr. Drayton explained that the incident was a wake-up call for respondent. Since the incident, respondent is a "new person." He is happier and healthier. Respondent is active in sports again. Mr. Drayton explained that respondent is not a threat to the public and if at any point he were, he would not be allowed to stay in the military. Mr. Drayton explained that respondent's recent military promotion shows that respondent has turned his life around.

22. The four letters of support describe respondent as a faithful and dedicated public servant who has worked hard to address his conduct and make positive changes in his life.

CHEMICAL DEPENDENCY EVALUATION

23. On March 24, 2021, Fred Von Stieff, M.D., MBA, a board-certified addiction medicine physician, completed a chemical dependency evaluation of respondent and prepared a report. Dr. Von Stieff obtained a history from respondent and performed a review of systems and conducted a physical examination. Dr. Von

Stieff diagnosed respondent with alcohol abuse, but found that respondent had “no symptoms or signs of chronic alcohol dependency, and he is not a genetic alcoholic.” Dr. Von Stieff opined that as long as respondent completes the terms of his criminal probation, he is able to function as a paramedic in a “safe and competent manner” without the need for further chemical dependency treatment.

Analysis

24. The EMSA has adopted disciplinary guidelines that have been considered in this case. The factors to be considered to determine whether disciplinary action should be taken against an EMT-P license includes:

1. Nature and severity of the act(s), offense(s), or crime(s) under consideration;
2. Actual or potential harm to the public;
3. Actual or potential harm to any patient;
4. Prior disciplinary record;
5. Prior warnings on record or prior remediation;
6. Number and/or variety of current violations;
7. Aggravating evidence;
8. Mitigating evidence;
9. Any discipline imposed by the paramedic’s employer for the same occurrence of that conduct;

10. Rehabilitation evidence;

11. In case of a criminal conviction, compliance with terms of the sentence and/or court-ordered probation;

12. Overall criminal record;

13. Time that has elapsed since the act(s) or offense(s) occurred;

14. If applicable, evidence of expungement proceedings pursuant to Penal Code 1203.4.

25. Complainant contends that respondent's license must be revoked because he was convicted of a crime punishable as a felony. While the Director of the Authority has discretion not to revoke respondent's license due to extraordinary circumstances, complainant contends no such circumstances apply.

26 The circumstances surrounding the August 22, 2020 incident are serious. Respondent knowingly drove his vehicle while intoxicated. He hit a vehicle and did not stop to render help. He then initially lied to the police. However, the overwhelming evidence demonstrates that extraordinary circumstances exist that support respondent retaining his license. Respondent spent his adult life selflessly serving the public as a firefighter paramedic and in the military. Prior to the August 22, 2020 incident, he had no history of discipline with Dixon or the military. Respondent never had a patient complaint. His supervisors and colleagues describe him as a truly gifted and competent paramedic.

Respondent's selfless service clearly took a toll on his mental health. He self-medicated with alcohol to cope with the cumulative stress and trauma. The August 22,

2020 incident served as a catalyst for respondent to seek the mental health services he needed. The result is deep insight and a strong foundation that will carry him into the next phase of his life. Respondent has flourished with sobriety and new tools he developed to address his mental health. This is evident based on his recent military promotion placing him in a high level of management and trust.

27. The objective of an administrative licensing proceeding is to protect the public. Such proceedings are not for the primary purpose of punishment. (See *Fahmy v. Medical Bd. of California* (1995) 38 Cal.App.4th 810, 817.) EMSA must be assured that its licensees possess good judgment and do not pose a risk to the public. Based on the evidence, respondent's license should be revoked, the revocation stayed, and respondent's license placed on probation for three years subject to terms and condition designed to ensure that he maintains his sobriety and complies with the EMSA laws.

LEGAL CONCLUSIONS

1. EMSA is the state agency "responsible for the coordination and integration of all state activities concerning emergency medical services." (Health & Saf. Code, § 1797.1). Emergency medical services are "the services utilized in responding to a medical emergency." (Health & Saf. Code, § 1797.72.)

2. An EMT-P is an individual whose scope of practice provides advanced life support according to prescribed standards and who has a valid license. (Health & Saf. Code, § 1797.84.) The scope of practice of an EMT-P is set forth in Health and Safety Code sections 1797.52 and 1797.172, and California Code of Regulations, title 22, section 100146.

Burden and Standard of Proof

3. The standard of proof in an administrative disciplinary action seeking to suspend or revoke a professional license is "clear and convincing evidence." (*Ettinger v. Bd. of Medical Quality Assurance* (1982) 135 Cal.App.3d 853.) "Clear and convincing evidence" requires a finding of high probability. It must be sufficiently strong to command the unhesitating assent of every reasonable mind. (*In re David C.* (1984) 152 Cal.App.3d 1189.) Complainant must meet this burden of proof for each cause for discipline alleged in the Accusation.

Applicable Law

4. The EMSA may discipline an EMT-P license for any of the specific actions set forth in Health and Safety Code section 1798.200, as follows:

[¶] ... [¶]

(b) The authority may deny, suspend, or revoke any EMT-P license issued under this division, or may place 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 subdivision

(c). Proceedings against any EMT-P license or licenseholder shall be held in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(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. The record of conviction or a certified copy of the record shall be conclusive evidence of the conviction.

[§] ... [§]

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

5. California Code of Regulations, title 22, section 100174, provides in relevant part that:

[§] ... [§]

(b) The Authority shall deny/revoke a paramedic license, if any of the following apply to the applicant:

[§] ... [§]

(2) Has been convicted and released from incarceration for said offense during the preceding ten (10) years for any offense punishable as a felony.

[¶] ... [¶]

(g) The Director of the Authority may grant a license to anyone otherwise precluded under subsections (a) and (b) of this section if the Director of the Authority believes that extraordinary circumstances exist to warrant such an exemption.

6. California Code of Regulations, title 22, section 100175, sets forth the criteria for determining whether a crime or act is substantially related to the qualifications, functions, or duties of an EMT-P license holder as follows:

(a) For the purposes of denial, placement on probation, suspension, or revocation, of a license, pursuant to Section 1798.200 of the Health and Safety Code, or imposing an administrative fine pursuant to Section 1798.210 of the Health and Safety Code, a crime or act shall be substantially related to the qualifications, functions and/or duties of a person holding a paramedic license under Division 2.5 of the Health and Safety Code. A crime or act shall be considered to be 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 her/his license in a manner consistent with the public health and safety.

(b) For the purposes of a crime, the record of conviction or a certified copy of the record shall be conclusive evidence of such conviction. "Conviction" means the final judgement on a verdict or finding of guilty, a plea of guilty, or a plea of nolo contendere.

Cause for Discipline

7. As set forth in Factual Findings 4 through 10 cause to discipline respondent's EMT-P license exists under Health and Safety Code section 1798.200, subdivision (c)(6), and California Code of Regulations, title 22, section 100174, subdivision (b)(2). On February 9, 2021, respondent was convicted of driving under the influence of alcohol and causing bodily injury to another driver, a violation of Vehicle Code section 23153, subdivision (a). His conviction is substantially related to the qualifications, functions, and duties an EMT-P.

8. As set forth in Factual Findings 4 through 10, cause to discipline respondent's EMT-P license exists under Health and Safety Code section 1798.200, subdivision (c)(9). Respondent engaged in the excessive use of, or the misuse of, alcoholic beverages.

9. As set forth in Factual Finding 4, respondent was convicted of violating Vehicle Code section 23153, subdivision (a), an offense punishable as a felony. California Code of Regulations, title 22, section 100174, subdivision (b)(2) requires that the Authority revoke a paramedic license when the paramedic has been convicted of an offense punishable as a felony. However, as set forth in Factual Findings 24 through 27, extraordinary circumstances exist to warrant allowing respondent to retain his

license pursuant to California Code of Regulations, title 22, section 100174, subdivision (g).

10. When respondent's convictions are viewed in light of the EMSA guidelines and the matters set forth in Factual Findings 24 through 27 it would be consistent with the public health, safety, and welfare to allow respondent to retain his license with appropriate probation terms.

ORDER

Emergency Medical Technician-Paramedic license number P16250 issued to respondent Steve Coleman is REVOKED. However, such revocation is stayed and respondent is placed on probation for three years upon the following terms and conditions:

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 the 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.

2. **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.

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 his probation. If respondent submits his 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 terms and conditions of the 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 seventy-two (72) hours after termination, for any reason, with his prehospital medical care employer. The respondent must provide a full, detailed written explanation of the reasons for and circumstances of his/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 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.

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 Section 1798.200. To permit monitoring of compliance with this term, if the 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.

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 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.

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, 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 the 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.

DATE: December 7, 2021

Marcie Larson

Marcie Larson (Dec 7, 2021 14:13 PST)

MARCIE LARSON

Administrative Law Judge

Office of Administrative Hearings