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BEFORE THE
EMERGENCY MEDICAL SERVICES AUTHORITY
STATE OF CALIFORNIA

In the Matter of the Emergency Medical Technician- Paramedic License of:) Enforcement Matter No. 21-0293
)
) OAH No. 2022050759
CHRISTIAN CORELLA,)
License No. P25363) **DECISION AND ORDER**
)
)
Respondent.)

The attached Proposed Decision is hereby adopted by Operation of Law as the Decision and Order of the Emergency Medical Services Authority. This Decision shall become effective thirty (30) days after the date below. It is so ordered.

DATED: July 13, 2023



David Konieczny, Designee
Paramedic Disciplinary Review Board
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 and Accusation Against:**

CHRISTIAN CORELLA,

License No. P25363

Respondent.

Enforcement Matter No. 21-0293

OAH No. 2022050759

PROPOSED DECISION

Jami A. Teagle-Burgos, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter by videoconference on February 16, 2023.

Stephen J. Egen, Attorney at Law, represented complainant, Kim Lew, Chief, EMS Personnel Division, State of California, Emergency Medical Services Authority (EMSA).

Michael A. Taibi, Attorney at Law, represented respondent, Christian Corella, who was present at the hearing.

Oral and documentary evidence was received. The record was closed, and the matter was submitted for decision on February 16, 2023.

FACTUAL FINDINGS

License and Disciplinary History

1. On October 18, 2007, EMSA issued respondent Emergency Medical Technician-Paramedic (EMT-P) license number P25363, which expires on October 31, 2023, unless renewed.

2. On September 27, 2013, the Chief of Personnel Division, EMSA, at that time, filed an Accusation (2013 Accusation), in Case No. 13-0096, against respondent seeking the revocation of his EMT-P license, due to a conviction of a substantially related crime based on his July 9, 2013, conviction for driving with an excessive blood alcohol concentration (BAC) and his excessive use or misuse of an alcoholic beverage. (Health & Saf. Code, § 1798.200, subds. (c)(6) and (c)(9).) On December 26, 2013, EMSA adopted a Stipulated Settlement and Disciplinary Order, whereby respondent's EMT-P license was placed on three years' probation subject to terms and conditions, which did not include random drug/alcohol testing.

3. On April 12, 2022, complainant, in her official capacity, signed an Accusation (2022 Accusation) against respondent seeking the revocation of his EMT-P license. The 2022 Accusation alleges two causes for action: conviction of a substantially related crime based on an October 15, 2021, conviction for driving with an excessive BAC (Health & Saf. Code, § 1798.200, subd. (c)(6).), and excessive use or misuse of an alcoholic beverage. (*Id.*, subd. (c)(9).) The 2022 Accusation further alleges factors in

aggravation that respondent has prior convictions in 2012 for disturbance by loud and unreasonable noise and in 2013 for excessive BAC while driving.

4. Respondent timely submitted a notice of defense. This hearing followed.

Respondent's Convictions

5. On October 15, 2021, in Case No. C406911, in the Superior Court of California, County of San Diego, respondent pled guilty and was convicted of a violation of Vehicle Code section 23152, subdivision (b), driving with a BAC of 0.08 percent or more with special allegations that he drove with a BAC of 0.15 percent or greater, a violation of Vehicle Code section 23578, and that he had committed a second driving under the influence (DUI) offense within 10 years in violation of Vehicle Code section 23540. The court placed respondent on five years' summary probation with the following conditions: 10 days of home detention with alcohol monitoring, completion of an 18-month DUI program, completion of community labor, completion of a nine-month alcohol program, installation of an ignition interlock for one year, and payment of fines and fees.

6. The circumstances of respondent's October 15, 2021, conviction, are found in an arrest report prepared by the California Highway Patrol (CHP), and admitted pursuant to *Lake v. Reed* (1997) 16 Cal.4th 448.¹ On February 20, 2021,

¹ In *Lake*, the California Supreme Court concluded that direct observations memorialized in a police 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 court further concluded that admissions by a party memorialized in such a report were admissible under Evidence Code section 1220 and

officers responded to a call regarding a possible DUI subject, later identified as respondent, who was passed out behind the wheel of his truck within a roadway. Respondent's vehicle was running and in drive, and contacting another parked vehicle. Respondent was asleep behind the wheel. The officers woke up respondent who exhibited signs of alcohol intoxication. The officers administered a series of field-sobriety tests upon respondent who had red and watery eyes, a strong odor of an alcoholic beverage, and slurred speech. The officers arrested respondent for being under the influence of an alcoholic beverage. Respondent refused to provide a breath sample. He had a sudden onset of chest pain. He was transported to a hospital where he provided a blood sample for which laboratory results showed he had a BAC of 0.22 percent and he tested positive for cocaine.

7. As discussed above, complainant alleges that factors in aggravation are the prior convictions of respondent, as follows:

8. On June 15, 2012, in the Superior Court of California, County of San Diego, Case No. C318700, respondent was convicted by his guilty plea of violating Penal Code section 415, subdivision (2), disturbing another person by loud and unreasonable noise. EMSA investigated this conviction, in Case No. 12-0063, and took no disciplinary action against respondent's EMT-P license. The circumstances of respondent's June 15, 2012, conviction are found in an arrest report that was prepared

were sufficient to support a factual finding. Citing Government Code section 11513, the court held that other hearsay statements set forth in the police officer's report could be used to supplement or explain other evidence, but they were not sufficient, by themselves, to support a factual finding, unless the hearsay evidence would be admissible over objection in civil actions.

by the San Diego County Sheriff's Department and admitted pursuant to *Lake, supra*. On February 19, 2012, deputies responded to a call that a suspect, later identified as respondent, had burglarized a vehicle after a resident heard a loud noise and was attempting to burglarize a home after another resident saw respondent pounding on her sliding glass door. Deputies were told by respondent that he was trying to get into his home, but he was about eight houses west of his actual home. He was arrested for being drunk in public, resisting arrest, and vandalism for damaging a wrought iron gate.

9. On June 6, 2013, in the Superior Court of California, County of San Diego, Case No. C329276, respondent was convicted by his guilty plea of violating Vehicle Code section 23152, subdivision (b), driving with a BAC of 0.08 percent or higher. The court placed respondent on five years' summary probation. EMSA investigated this conviction, in Case No. 12-0063, and took disciplinary action by placing respondent's EMT-P license on three years' probation with terms and conditions, pursuant to a Stipulated Settlement Agreement and Decision and Order. The circumstances of respondent's June 6, 2013, conviction are found in an arrest report that was prepared by the CHP, and admitted pursuant to *Lake, supra*. On March 16, 2013, officers observed a driver, later identified as respondent, having trouble maintaining proper roadway position while driving his truck on Interstate 8 and exiting at an off-ramp. The officers initiated a stop and observed an odor of alcoholic beverage emitting from the vehicle. Respondent admitted to consuming a couple of beers earlier in the evening. He had red and watery eyes and a distinct odor of alcohol. He failed a series of field sobriety tests. He was arrested for driving while under the influence of alcohol. He submitted to a blood test that demonstrated he had a BAC of 0.08 percent or more.

Respondent's Evidence

10. The following is a summary of the testimony of respondent, which is consistent with his written statement. He is 45 years old. He started his career as an EMT in 1997 when he was 19 years old. In 2002, he began working with San Diego Medical Services Enterprise through a contract with the city. In 2007, he became licensed as an EMT-P and began working with San Diego Fire-Rescue Department, and he has been there ever since. He has never had any work performance issues or problems with any patients. He understands the severity of his 2021 conviction, but it forced him to change his life for the better.

11. Concerning his conviction for DUI on October 15, 2021, respondent testified he was working at a COVID vaccination site with friends – a husband-wife couple – and they went drinking after their work shift. He was not in a position to drive when it was time to go home at about 10:00 p.m., so the husband offered to drive him home and the wife offered to follow and drive respondent's truck for him. Respondent sat in the front passenger seat of the husband's vehicle and gave him directions to respondent's home, but he did not give him an address. Respondent was in and out of falling asleep while he was riding as a passenger in the husband's vehicle. The husband and wife drove respondent to a location that was one street over from his residence on August Court. Both streets are cul-de-sacs. Respondent ended up in his vehicle that was parked on Sawgrass Street, which is about a five to seven minute walk or a one minute drive from his residence on Augusta Court. A neighbor saw that respondent was in his running vehicle and it was in direct contact with another vehicle. When officers arrived, respondent was sleeping in his vehicle that was in the drive position.

12. Respondent testified to how he has changed since 2021. When he was convicted for DUI in 2013, he was ordered to attend Alcohol Anonymous (AA)

meetings, but he did not have an AA sponsor and he did not work the 12 steps. He was also not attending church at that time. After he was convicted in 2021, his recovery was very different. He spent 10 days on house arrest with a Secure Continuous Remote Alcohol Monitor (SCRAM) device attached to his ankle that tested his BAC about three times each day. He was ordered to attend 40 AA meetings, but he has attended well over 100 AA meetings, and he is currently attending four to six meetings per week. He is working the 12 steps and he has an AA sponsor whom he meets with on a regular basis. He completed a court-ordered Mothers Against Drunk Driving (MADD) class and an 18-month DUI program for repeat offenders that educates about the dangers of DUIs. He completed a court-ordered community service program at Episcopal Community Services. He completed a court-ordered outpatient program, called "The Bridges," which lasted six weeks. He attended Monday through Friday, and underwent individual and group counseling for five to six hours each day. This program helped him to maintain his sobriety. He also underwent random drug/alcohol testing through his employment that was conducted by the San Diego Personnel Department for the City of San Diego. He has continued to work throughout his probation, and the random tests are a regular part of his employment. He always tested negative.

13. Respondent testified he has also committed himself to programs at Skyline Church where he is a parishioner and he is completing "Core" courses that teach about family and the Christian faith. These courses and his faith have "changed his life." He has "wanted this a long time . . . [and] it finally came" He is "extremely thankful" to be able to help himself in "this way through [his] journey." He also gives his time to his church in a volunteer capacity. He became aware his church was in need of automated external defibrillators (AEDs), so he wrote and secured a grant that made it possible for his church to purchase five AEDs. He has been on the church's safety

committee for about a year and a half. He volunteers every Sunday and at all special events – including “Summer Nights,” “Holiday Nights,” and “Worship Nights.” He volunteers as a paramedic on staff to help out when needed. His church volunteer group is called “Thinline Ministries” and it consists of parishioners who have first responder and military backgrounds.

14. Respondent also testified about his family. He is a single father to his son, who is 18 years old, and his daughter, who is 17 years old. He has had full custody of his children since 2013. He is active in their school parent-teacher associations and he has coached his son’s high school football team and in the community as a Pop Warner football coach. He has completely changed his life since his conviction in 2021. He stated, “I will not ingest any more drugs or alcohol.”

15. The testimony of respondent was forthright and contrite.

16. The following is a summary of the testimony of Tina Perez, which is consistent with her letter of support. She is the fiancé of respondent and has lived with him for 16 years. They cohabitate like a married couple. Prior to respondent’s 2021 DUI conviction, she witnessed respondent as a social drinker and he would drink when they went to events. He was not a heavy drinker, although she had seen him when he was drunk. She was unaware that he ingested cocaine until she saw the 2021 laboratory report. She sees respondent every day when he is not at work. She has not seen him ingest alcohol and/or drugs in the last two years. He is a totally different person now. He goes to work and now goes to church. He no longer drinks any alcohol. He is healthier and has lost about 50 pounds. He goes to bed about 8:00 p.m. to 10:00 p.m. He raises his two children who are well-rounded. He goes to work. He is a good man.

17. The testimony of Ms. Perez was forthright.

18. Respondent submitted the following supporting documents:

- Respondent's resume.
- AA meeting and attendance sheets, dated from July 2021 to December 2022.
- A letter from Episcopal Community Services Court Program, dated October 4, 2021, indicating respondent enrolled in the program.
- A letter from Jason Hensley, Director of Safety at Skyline Church, dated November 9, 2022, indicating respondent volunteers and gives his time to the church, and respondent wrote a grant for AEDs for the church.
- A letter from Tobin Wilkins, Operations Pastor at Skyline Church, dated December 13, 2022, indicating respondent volunteers as a church medic every Sunday and is a medical lead for church events, and respondent received the "Spirit of the Team" award in October 2022.
- Certificates of Completion from Skyline Church for Core Courses.
- A letter from James L. Profit, Jr., Ph.D., CEO of The Bridges Program, indicating respondent completed a six-week outpatient program in July 2022.
- Negative random drug/alcohol screens conducted by San Diego Personnel Department, City of San Diego, dated September 27, 2022.
- A letter from San Diego Sheriff's Department Electronic Monitoring Program, dated November 24, 2021, indicating respondent was placed on home arrest and participated in the SCRAM program.

- A letter, undated, indicating respondent had an ignition interlock device in his vehicle from September 2021 until October 2022, and he had no violations.
- An Annual Employee Performance Review by San Diego Fire-Rescue Department, dated July 30, 2022, indicating respondent was “outstanding” or “above standard” in all work performance categories for the fiscal year from June 2021 through July 2022.
- Letters of support from his coworkers - Michael Hast, an EMT-firefighter, Tim Swanson, a fire engineer, and Tuan Dinh, a fire captain. The authors of these letters describe working with respondent and that he is professional, reliable, and trustworthy.
- A letter of support from Jill Clark, a friend of respondent since 1994, who described respondent as trustworthy and honest.

Closing Arguments

19. In closing, complainant argued that the appropriate level of discipline against respondent is a suspension of perhaps four months, a stayed revocation, and three to five years’ probation with terms and conditions such as random drug/alcohol testing.

20. In closing, respondent argued that the appropriate level of discipline against him is a stayed suspension because of his concern that he may lose his job if he were to have any duration of suspension as he has exhausted much of his leave to complete his outpatient and other recovery programs, and a stayed revocation and three to five years’ probation with terms and conditions.

LEGAL CONCLUSIONS

1. Complainant bears the burden of proof of establishing that the charges in the accusation are true. (Evid. Code § 115.) The standard of proof in an administrative 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, 856.) Clear and convincing evidence requires a finding of high probability, or evidence so clear as to leave no substantial doubt; it requires sufficiently strong evidence to command the unhesitating assent of every reasonable mind. (*Katie V. v. Sup. Ct.* (2005) 130 Cal.App.4th 586, 594.)

Relevant Statutory and Regulatory Authority

2. EMT-Ps are subject to the provisions of the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, contained in Health and Safety Code section 1797 et seq. Regulations pertaining to EMT-Ps are contained in California Code of Regulations, title 22, section 100056 et seq.

3. Pursuant to Health & Safety Code section 1798.200, subdivision (b), the authority may deny, suspend, revoke an EMT-P license, or place an EMT-P license or EMT-P licenseholder on probation for any of the following:

(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 certification 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. . . .

4. California Code of Regulations, title 22, section 100175, states:

(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 Exists to Impose Discipline Against Respondent's License

5. Cause exists to impose discipline against respondent's EMT-P license pursuant to Health and Safety Code section 1798.200, subdivision (c)(6), as alleged in the first cause of action. Respondent's conviction on October 15, 2021, for driving with a BAC in excess of 0.08 percent with special allegations of driving with a BAC of 0.15 percent or greater and a second DUI offense within 10 years, is substantially related to the qualifications, functions, or duties of an EMT-P, as it is evidence of respondent's unfitness to perform the functions of an EMT-P and respondent poses a threat to the public health and safety. (Cal. Code Regs., tit. 22, § 100175, subds. (a) and (b).)

6. Cause exists to impose discipline against respondent's license pursuant to Health and Safety Code section 1798.200, subdivision (c)(9), as alleged in the second cause of action. That provision provides grounds for discipline based on "Addiction to, the excessive use of, or the misuse of alcoholic beverages, narcotics, dangerous drugs, or controlled substances." Respondent's 2021 DUI conviction and misuse of alcohol at the time of his 2021 arrest constitutes a threat to the public health and safety because of the necessity for him to drive an emergency vehicle and provide medical care to the public, and demonstrates he lacks sound professional and personal judgment relevant to his fitness to perform his EMT-P duties.

Appropriate Level of Discipline

7. Health and Safety Code section 1798.211 states that when making a decision regarding a disciplinary action, the administrative law judge shall give credit "for the time during which the licensee was subject to disciplinary action imposed by the employer and for the time during which the licensee was under immediate suspension imposed by the local EMS agency for the same conduct."

8. EMSA developed Recommended Guidelines for Disciplinary Orders and Conditions of Probation (7/26/2008) (Guidelines) to provide consistent and equitable discipline in dealing with violations of the EMS Act. 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. However, the administrative law judge may propose any discipline between the minimum discipline and maximum discipline for a particular violation.

9. Pursuant to the Guidelines, the conviction of any crime that is substantially related to the qualifications, functions, and duties carries the following level of discipline: the minimum discipline is stayed revocation with one year's probation with all standard conditions; the recommended discipline is variable depending on the nature of the crime and terms and conditions; and the maximum discipline is revocation.

10. Pursuant to the Guidelines, the misuse of alcohol or dangerous drugs carries the following level of discipline: the minimum discipline is stayed revocation with three years' probation with all standard conditions and optional conditions 1, 2, 3, 4, and 10; the recommended discipline is revocation stayed, suspension until

successful completion of a drug/alcohol detoxication diversion program, and five years' probation with the standard conditions and the same optional conditions; and the maximum discipline is revocation.

11. In addition, the Guidelines state that the following factors shall be considered when determining the appropriate discipline:

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 the 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.

12. Administrative proceedings to impose discipline on a professional license are noncriminal and nonpenal; they are not intended to punish the licensee, but rather to protect the public. (*Sulla v. Bd. of Registered Nursing* (2012) 205 Cal.App.4th 1195, 1206.) Rehabilitation is a state of mind, and the law looks with favor upon rewarding with the opportunity to serve, one who has achieved reformation and regeneration. (*Pacheco v. State Bar* (1987) 43 Cal.3d 1041, 1058.) The evidentiary significance of a licensee's misconduct is greatly diminished by the passage of time and absence of similar, more recent misconduct. (*Kwasnik v. State Bar* (1990) 50 Cal.3d 1061, 1070.) Full acknowledgment of the wrongfulness of past actions is an essential step towards rehabilitation. (*Seide v. Committee of Bar Examiners* (1989) 49 Cal.3d 933, 940.)

Evaluation

13. EMT-Ps serve on the front line of patient care and need to have the ability to make sound decisions. They are entrusted with the care of vulnerable individuals and must be relied upon to follow certain protocols and procedures because other medical professionals rely on their representations in making health care decisions for patients in emergency situations.

14. Respondent has a disciplinary and criminal history relating to substance abuse. He was convicted in 2012 for disturbing another person by loud and unreasonable noise, but that incident actually stemmed from him being so incoherent from alcohol that he believed he was entering his vehicle and home when in fact he

was attempting to enter the vehicle of another person and enter the residence of yet another person. The board, at that time, reviewed respondent's 2012 conviction and decided to not pursue any disciplinary action against him. Then just a year later, in 2013, respondent was convicted for DUI and the court placed him on five years' probation. The board decided to pursue disciplinary action by filing the 2013 Accusation against respondent. Pursuant to a Stipulated Settlement Agreement and Decision and Order, respondent's license was revoked, the revocation was stayed, and he was placed on probation for three years with terms and conditions, but random drug/alcohol testing was not a condition. Fast forward to 2021, and it is apparent that respondent did not appropriately treat his substance abuse because he was again convicted for DUI for an incident whereby he had an elevated BAC and tested positive for cocaine. The circumstances of his 2021 DUI conviction are significant in that he was sleeping in his truck, that was running and in drive, and his truck was in contact with another vehicle and in a roadway. Respondent had no idea of the danger of his situation until he was awakened by responding officers. The court placed him on five years' probation with conditions such as completion of an 18-month DUI program.

15. The issue in determining the appropriate discipline is whether respondent is safe to continue practicing as an EMT-P. While respondent has a history of misuse of alcoholic beverages, a failed attempt at recovery, and exercise of poor judgment, respondent established that he is sufficiently rehabilitated such that public protection does not require revocation of his EMT-P license. Respondent testified candidly about his convictions and his abuse of alcohol over the years. His 2021 DUI conviction was a wake-up call that turned his life around. He has since committed himself to his recovery and his church, and maintaining his family and employment. He has completed all of the court-ordered programs including an 18-month DUI program, and he has attended more than 100 AA classes which is more than the 40 required AA

classes. In 2013, he had a failed recovery as shown by his lack of having an AA sponsor and not working the 12 steps of AA. He now regularly meets with his AA sponsor and he is working through the 12 steps. He has also committed himself to his church and he volunteers in ways that benefit his church and community, such as writing a grant for his church to obtain five AED devices. His firefighter co-workers, including his fire captain, wrote strong letters of support that described his commitment to his work and his professionalism and reliability. His long-time live-in fiancé provided testimony that spoke to respondent's commitment to his sobriety and how he has changed for the better, and that he is a good man. Finally, respondent has raised his two children as a single father, and he continues to provide them parental support in their college endeavors.

16. Based on the above, the appropriate level of discipline against respondent is to revoke his EMT-P license, stay the revocation, and place his EMT-P license on probation for five years with terms and conditions, including abstinence from drugs and alcoholic beverages, random drug/alcohol testing, and therapy or counseling.² Respondent is encouraged to maintain his sobriety and stay on the path of recovery, as he may not again be afforded an opportunity to retain his EMT-P license.

² Although therapy or counseling is not a condition listed in the Guidelines, it is nevertheless an appropriate condition under the circumstances.

ORDER

EMT-P license number P25363 issued to respondent Christian Corella shall be revoked. However, the revocation is stayed, and respondent is placed on probation for five (5) years with 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 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. Respondent must provide a full, detailed written explanation of the reasons for and circumstances of his termination.

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

6. Functioning As 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, 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 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 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 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. **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/revocation. Upon the initiation of such an action, or the giving of a notice to respondent of the intent to initiate such an action, the period of probation shall remain in effect until such time as a decision on the matter has been adopted by the EMSA. An action to terminate probation and implement actual license suspension/revocation shall be initiated and conducted pursuant to the hearing provisions of the California Administrative Procedure Act.

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

10. **Abstinence From Drug Possession and Use:**

Respondent shall abstain from the possession, injection or consumption by any route of all controlled substances, dangerous drugs, or any drugs requiring a prescription unless prescribed under federal or state law as part of a documented medical treatment. Within fourteen (14) days of obtaining such a prescription, respondent shall ensure that the prescribing professional provides the EMSA a written

report identifying the medication, dosage, the date the medication was prescribed, respondent's diagnosis, and the date the medication will no longer be required. This report must be provided to the EMSA directly by the prescribing professional.

If respondent has a lawful prescription when initially placed on probation, this same report must be provided within fourteen (14) days of the commencement of probation.

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

11. **Abstinence From The Use of Alcoholic Beverages:**

Respondent shall abstain from the use of alcoholic beverages.

12. **Biological Fluid Testing:**

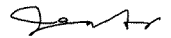
Respondent shall submit to routine and random biological fluid testing or drug/alcohol screening as directed by the EMSA or its designee. Respondent may use a lab pre-approved by the EMSA or may provide to the EMSA the name and location of an independent laboratory or licensed drug/alcohol testing facility for approval by the EMSA. The EMSA shall have sole discretion for lab approval based on criteria regulating professional laboratories and drug/alcohol testing facilities. When the EMSA requests a random test, respondent shall provide the required blood/urine sample by the time specified, or within twelve (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 ten (10) days. Respondent shall be responsible for all costs associated with the drug/alcohol screening.

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

13. **Therapy or Counseling Program:**

Respondent, at his expense, shall participate in an on-going counseling program until such time as the EMSA releases him from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.

DATE: March 20, 2023



JAMI A. TEAGLE-BURGOS

Administrative Law Judge

Office of Administrative Hearings