

1 Patricia Frost, RN, MS, PNP
2 Director of Emergency Medical Services
3 Contra Costa County
4 1340 Arnold Drive, Suite 126
5 Martinez, CA 94553
6 Tel. (925) 646-4690
7 Fax. (925) 646-4379

8 Complainant

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
BEFORE THE
CONTRA COSTA COUNTY
EMERGENCY MEDICAL SERVICES AGENCY

In the Matter of the Emergency Medical
Technician Certification held by:

Enforcement Case No.: 16-0026
OAH Case No.: 2017040048

JASON MATTHEW COLLINS
EMT Certificate No.: E042134

DECISION and ORDER

Respondent.

DECISION AND ORDER

After a thorough review of the administrative record, including the Respondent's
supplement written argument and mitigation evidence, the attached Proposed Decision of
Administrative Law Judge Michael A. Scarlett is adopted as my final decision in this matter.

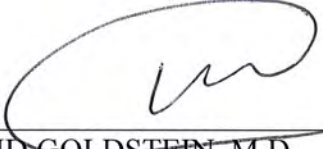
The emergency medical technician certificate issued to Respondent **JASON**
MATTHEW COLLINS (EMT Certificate No. E042134) is hereby **REVOKED** by the Contra
Costa County Emergency Medical Services Agency.

This Decision and Order shall become effective immediately. Respondent is directed to
report this revocation within 10 working days to any other LEMSA or certifying entity and
relevant employer in whose jurisdiction Respondent used the EMT certificate.

1 Respondent is ordered to surrender the EMT wallet card to the Agency within 10 days of
2 the date of this Decision.

3
4 **IT IS SO ORDERED:**

5
6 Dated: 7/17/17



7 DAVID GOLDSTEIN, M.D.
8 EMS Medical Director
9 Emergency Medical Services Agency
10 Contra Costa County
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

1 **DECLARATION OF SERVICE**

2 In the Matter of the Emergency Medical Technician Certificate held by:

3 **JASON MATHEW COLLINS**

4 EMT Certification No.: E042134

4 **LEMSA Case No.: 16-0026**

5 I, RACHEL MORRIS, declare:

6 I am employed by the County of Contra Costa - Emergency Medical Services Agency. I am 18 years
7 of age or older and not a party to this matter. I am familiar with the business practice at the Agency
8 for collection and processing of correspondence for mailing with the United States Postal Service. In
9 accordance with that practice, correspondence placed in the internal mail collection system at the
Agency has the postage affixed by the County's mailroom and is thereafter deposited with the United
States Postal Service that same day in the ordinary course of business.

10 On July 17, 2017, I caused the following attached documents to be served:

11 • **DECISION AND ORDER**

12 By placing a true copy thereof enclosed in a sealed envelope for the affixation of fully prepaid
13 postage by the County of Contra Costa's Central Services Department (Mail Department), and a true
14 copy thereof enclosed in a sealed envelope with registered delivery postage to be affixed by the
Contra Costa County Central Services (Mailroom), and to be thereon fully prepaid in the internal
mail collection system at the Contra Costa County Emergency Medical Services Agency, 1340
Arnold Drive, Suite 126, Martinez, California 94553, addressed as follows:

15 **Mr. Jason Matthew Collins**
16 427 Bifrost Avenue
17 Pleasant Hill, CA 94523
(Via United States Registered Mail)

Adrian Sheppard, Fire Chief
Richmond Fire Department
440 Civic Center Plaza
Richmond, CA 94804
(Via United States First-Class Mail)

18 **Ms. Genevieve Casey, Esq.**
19 383 4th Street, Suite 201
20 Oakland, CA 94607
(Via United States First-Class Mail)

21 Dated: July 17, 2017

22 
23 RACHEL MORRIS
24
25
26

BEFORE THE
CONTRA COSTA COUNTY
EMERGENCY MEDICAL SERVICES AGENCY

In the Matter of the Emergency Medical
Technician Certificate Held by:

JASON MATTHEW COLLINS,

EMT Certificate No.: E042134

Respondent.

Enforcement Case No.: 16-0026

OAH No. 2017040048

PROPOSED DECISION

Administrative Law Judge Michael A. Scarlett, State of California, Office of Administrative Hearings, heard this matter on May 23, 2017, in Oakland, California.

Colin A. Wood, Deputy County Counsel, represented Patricia Frost (complainant), Director of the Contra Costa County Emergency Medical Services Agency (Agency).

Genevieve Casey and Allyasa Villanueva, Attorneys at Law, Feinberg, Jackson, Worthman & Wasow, represented Jason Matthew Collins (respondent) who was present at hearing.

The matter was submitted for decision on May 23, 2017.

FACTUAL FINDINGS

1. On January 23, 2017, complainant made, executed, and filed the Accusation in her official capacity. The Accusation alleges that respondent engaged in excessive use and misuse of alcoholic beverages on September 18, 2016, and January 6, 2017, which subjects his EMT Certificate to revocation. On February 13, 2017, respondent submitted a Notice of Defense requesting a hearing, and this hearing ensued.

2. At all times relevant to the allegations in the Accusation, respondent held Emergency Medical Technician (EMT) certificate number E042134 that was issued on May 25, 2005. The EMT certification was scheduled to expire on January 31, 2017, and was subject to recertification unless denied, suspended or revoked. On or about January 17, 2017, the Agency ordered a temporary suspension of respondent's EMT certificate. The

temporary suspension order was in full force and effect at the time of hearing and remains in effect until a final decision is issued on the above Accusation.

3. Respondent was employed as an EMT/firefighter engineer with the City of Richmond Fire Department (RFD) until his employment was terminated on January 24, 2017. Respondent had been working as an EMT/firefighter for over 15 years. As an EMT/firefighter respondent's duties included responding to public calls for emergency medical services, and the safe and efficient operation and maintenance of fire vehicles, apparatus and equipment. Respondent drove fire engines and provided life-saving care to persons in need of emergency medical services.

4. On September 18, 2016, respondent engaged in the excessive use and misuse of alcoholic beverages and was arrested when he drove a vehicle with a passenger while under the influence of alcohol. Administration of a Preliminary Alcohol Screening (PAS) device revealed that respondent had a blood alcohol level of .217 and .218 percent after two tests. On January 6, 2017, respondent was convicted on his plea of no contest to driving under the influence of alcohol, in violation of Vehicle Code section 23152, subdivisions (a) and (b). Respondent was placed on court probation for three years, under specified terms and conditions, ordered to serve two days in county jail, and to pay fines, fees and assessments in the amount of \$2,204.

5. On January 6, 2017, respondent reported for duty at RFD at approximately 5:35 p.m. Respondent drove a fire engine that was dispatched to a medical call at approximately 5:49 p.m. At the scene of the medical emergency, respondent's fire captain noticed that respondent's speech was slurred and respondent's breath smelled of alcohol. When asked by his captain, whether he had been drinking prior to coming to work, respondent admitted he had been drinking.

6. At hearing, respondent fully admitted the allegations in the Accusation. Respondent admitted that he suffered from alcoholism and substance abuse, and that he was not fit to continue working as an EMT/firefighter. Respondent testified that during his 15 years as an EMT/firefighter respondent witnessed many traumatic incidents and accidents that resulted in severe injuries and death to the victims. As a result, respondent asserted that he suffered from Post-Traumatic Stress Disorder (PTSD) and that he began using antidepressants and alcohol to self-medicate the effects of the PTSD.

7. Respondent is currently pursuing a career as a teacher and has a goal of becoming a college professor. Respondent currently has a bachelor degree in United States History and is enrolled at St. Mary's University pursuing a Master's Degree and teaching credential. Respondent's sole purpose for retaining his EMT certificate is to avoid disciplinary action that may adversely impact his ability to obtain a teaching credential.

8. Respondent began receiving therapy from Teagan Darnell, MA, LMFT, on March 1, 2017, to address his substance abuse and PTSD. However, respondent has not enrolled in an alcohol or substance abuse rehabilitation program and is only sporadically

attending Alcohol Anonymous meetings. Respondent asserts that he cannot afford a formal alcohol treatment program because he lost his job and benefits from RFD in February 2017. Respondent offered two character reference letters attesting to his good character and his efforts in dealing with his substance abuse. These letters have been considered.

9. Respondent presented insufficient evidence of rehabilitation and mitigation to establish that the public's health and safety would not be harmed if he was allowed to retain his EMT certificate.

LEGAL CONCLUSIONS

1. Health and Safety Code¹ section 1798.200, subdivision (a)(3) provides:

The medical director of the local EMS agency may, upon a determination of disciplinary cause and in accordance with regulations for disciplinary processes adopted pursuant to Section 1797.184, deny, suspend, or revoke any EMT-I or EMT-II certificate issued under this division, or may place any EMT-I or EMT-II certificate holder on probation, upon the finding by that medical director of the occurrence of any of the actions listed in subdivision (c) and the occurrence of one of the following:

[¶] . . . [¶]

(B) Either the employer of an EMT-I or EMT-II further determines, after an investigation conducted under paragraph (1), or the medical director determines after an investigation conducted under paragraph (2), that the conduct requires disciplinary action against the certificate.

(4) The medical director of the local EMS agency, after consultation with the employer of an EMT-I or EMT-II, may temporarily suspend, prior to a hearing, any EMT-I or EMT-II certificate or both EMT-I and EMT-II certificates upon a determination that both of the following conditions have been met:

(A) The certificate holder has engaged in acts or omissions that constitute grounds for revocation of the EMT-I or EMT-II certificate.

¹ All further statutory references shall be to the Health and Safety Code unless otherwise specified.

(B) Permitting the certificate holder to continue to engage in the certified activity without restriction would pose an imminent threat to the public health or safety.

2. Health and Safety Code section 1798.200, subdivision (c), provides in pertinent part that:

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:

[¶] . . . [¶]

(7) Violating or attempting to violate directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this division or the regulations adopted by the authority pertaining to prehospital personnel.

[¶] . . . [¶]

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

3. California Code of Regulations, title 22, section 100208, subdivision (a), provides:

For the purposes of denial, placement on probation, suspension, or revocation of a certificate, pursuant to Section 1798.200(c) 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 certificate holder if to a substantial degree it evidences unfitness of a certificate holder to perform the functions authorized by the certificate in that it poses a threat to the public health and safety.

4. Cause exists to revoke respondent's EMT certificate pursuant to section 1798.200, subdivision (c)(9), and California Code of Regulations, title 22, section 100208, subdivision (a), in that on September 18, 2016, respondent engaged in the excessive use and misuse of alcoholic beverages when he was arrested for driving under the influence of alcohol, an act that is substantially related to the qualifications, functions or duties of a certificate holder, by reason of Factual Findings 4 and 6.

5. Cause exists to revoke respondent's EMT certificate pursuant to section 1798.200, subdivision (c)(9), in that respondent engaged in the excessive use and misuse of alcoholic beverages when he reported for duty at the Richmond Fire Department and drove a fire engine while under the influence of alcohol, an act that is substantially related to the qualifications, functions or duties of a certificate holder, by reason of Factual Findings 5 and 6.

6. Cause exists to revoke respondent's EMT certificate pursuant to section 1798.200, subdivision (c)(7), in that respondent violated the provisions of the regulations pertaining to prehospital personnel when he engaged in the excessive use and misuse of alcoholic beverages in the performance of his duties when he reported for duty at the Richmond Fire Department and drove a fire engine while under the influence of alcohol, by reason of Factual Findings 4 through 6.

7. In committing these acts of misconduct, respondent demonstrated a lack of judgment, violated the public's confidence and trust in emergency medical responders, and created a substantial risk to the public's health and safety. Respondent's acts of misconduct constitute grounds for revocation of respondent's EMT certificate, and permitting respondent to continue to engage in certified activity would pose an imminent threat to the public's health and safety.

8. There is insufficient evidence of rehabilitation and/or mitigation to support the issuance of a probationary EMT certificate, by reason of Factual Findings 3 through 9.

ORDER

Emergency Medical Technician Certificate Number E042134 issued to respondent Jason Matthew Collins, is revoked.

DATED: June 22, 2017

DocuSigned by:
Michael A. Scarlett
834BAC07732D402...

MICHAEL A. SCARLETT
Administrative Law Judge
Office of Administrative Hearings