

**BEFORE THE
EMERGENCY MEDICAL SERVICES AGENCY
CONTRA COSTA COUNTY**

**In the Matter of the Application for an Emergency Medical
Technician Certificate by:**

SALONIKA RAVON QUEWON-OWENS, Respondent.

Case No. 18-0028

OAH No. 2019090208

PROPOSED DECISION

Administrative Law Judges Jill Schlichtmann and Juliet E. Cox, State of California, Office of Administrative Hearings, heard this matter on September 23, 2019, and on May 14, 2020, in Oakland, California. On May 14, 2020, hearing participants other than the Administrative Law Judge appeared by videoconference.

Prehospital Care Coordinators Aaron Doyle and Benjamin Keizer represented complainant Joseph Barger, M.D., Deputy Medical Director, Contra Costa County Emergency Medical Services Agency.

Respondent Salonika Ravon Qewon-Owens represented herself.

The matter was submitted for decision on May 14, 2020.

FACTUAL FINDINGS

1. In October 2018, respondent Salonika Ravon Quewon-Owens applied to the Contra Costa County Emergency Medical Services Agency (Agency) for a certificate authorizing her to work as an Emergency Medical Technician (EMT).

2. After investigation, the Agency notified respondent that it would deny her application. Respondent appealed and requested a hearing.

3. Acting in her official capacity as Director of Emergency Medical Services for Contra Costa County, Patricia Frost prepared and served a statement of issues to respondent in July 2019. Joseph Barger, M.D., Deputy Medical Director of the Agency, later replaced Frost as the complainant in this matter.

4. The statement of issues alleges that respondent should not receive an EMT certificate because her application misrepresented her criminal history, and because she has used alcohol excessively or dangerously on at least two occasions within the past five years.

Criminal History Disclosure

5. On May 23, 2017, respondent received a citation for trespassing at a hotel in Las Vegas, Nevada. The citation directed her to appear in a Justice Court in Clark County, Nevada, on June 22, 2017, to answer the trespassing charge.

6. Respondent was on vacation in Las Vegas with friends when she received the citation described in Finding 5. When she returned home to California, she tried several times to get information about whether she could address the citation without returning to Las Vegas (such as by contesting it by mail, or by paying a fine instead of

contesting the charge). She telephoned a number listed on the citation, and also visited the court's website, but was unable to find any information about herself (by searching on her name or driver's license number) or about the citation (by searching on the citation number).

7. Because respondent was not able to obtain information about her citation from the court, she concluded that the matter had resolved without further action on her part.¹ For this reason, she did not return to Clark County to appear in the Justice Court. With the information available to her at the time, respondent's failure to return to Clark County as her May 2017 citation had directed was reasonable.

8. Although reasonable, respondent's conclusion that she did not need to appear as the citation had directed was incorrect. On June 22, 2017, a Clark County judicial officer issued a warrant for respondent's arrest, based on her failure to appear to answer the trespassing charge in the citation.

9. Respondent was not aware in mid-2017, or at any time before she completed the application described in Finding 1, that the warrant described in Finding 8 had issued. She testified credibly that if she had understood what steps to take to resolve the citation she would have taken those steps promptly, and that the

¹ Respondent explained at the hearing that when she could not find any information in the court's records about her citation, she concluded that either the police officer who had written the citation had never turned it in to the court system, or a judge had dismissed the matter without a hearing.

only reason she failed to appear and became the subject of an arrest warrant was her misunderstanding that the citation had resolved.

10. In a section headed "Background Information," the application described in Finding 1 asked several questions about respondent's criminal history. One question asked, "Are you currently under investigation by any law enforcement or administrative agency?" Another asked "Do you have any criminal charges pending against you?" Respondent answered "no" to both these questions.

11. Because of the matters stated in Findings 5 and 8, respondent's answers to the questions described in Finding 10 were false. Because of the matters stated in Findings 6, 7, and 9, however, respondent neither knew nor reasonably should have known when she completed the application that these answers were false.

12. Respondent learned from the Agency after submitting the application described in Finding 1 that the citation described in Finding 5 remained unresolved, and that the arrest warrant described in Finding 8 remained outstanding. She wrote to the Clark County Justice Court and explained the misunderstanding that led to her failure to resolve the citation or to appear as directed. A Justice Court judicial officer recalled the arrest warrant and dismissed the citation.

Alcohol Misuse

13. Respondent received the citation described in Finding 5 while she and her friends were staying at a hotel and casino. Respondent engaged in a dispute with a hotel security staff member about access to her room. When respondent did not comply promptly with the staff member's direction to leave the area, the staff member called police and identified respondent as a trespasser.

14. Respondent had been drinking alcohol before her dispute with the hotel security staff member, and acknowledges that she was less deferential or inhibited in their conversation than she might have been if she had not consumed alcohol. She denies, however, that she was dangerously or irresponsibly intoxicated on that occasion. The evidence was inconclusive on this point. On the one hand, respondent's dispute with the security staff member may have reflected alcohol-related impairment for respondent in communication or judgment; on the other, respondent was at a casino (where many adults drink alcohol), and she received a citation only for trespassing and not for any alcohol-related offense.

15. In an interview during the Agency's investigation of the matters described in Findings 5 and 8, respondent disclosed that she also had been arrested on suspicion of having driven her car while under the influence of alcohol in 2015. She requested and received a copy of the police report describing this incident, and provided it to the Agency.

16. The arrest described in Finding 15 occurred in the early morning on June 28, 2015, in Emeryville. Police officers responded to a call about a vehicle collision in a parking lot. Respondent was one of the drivers. Respondent told the responding officers that she had consumed alcohol that evening before driving, and the officers arrested her because they suspected that she was intoxicated. She refused to provide a breath or blood sample from which to test her blood alcohol concentration, but the criminal court dismissed the charges against her before trial.

Fitness for Duty Evaluation

17. Because of concerns about the conduct described in Findings 14 and 16, the Agency asked respondent in March 2019 to undergo a mental health evaluation. She agreed to do so.²

18. Fred Von Stieff, M.D., examined respondent on March 25, 2019, characterizing his examination in a letter to the Agency as a "chemical use disorder evaluation." Dr. Von Stieff's evaluation comprised an interview and a physical examination.

19. Respondent told Dr. Von Stieff that she did not abuse alcohol, but that she was in mental health treatment through the Veterans' Administration (VA) for post-traumatic stress disorder (PTSD). She refused to describe either the 2015 incident summarized in Finding 16 or the 2017 incident summarized in Findings 13 and 14 to Dr. Von Stieff in any detail; she also refused to give him any detail about the trauma(s) that preceded her PTSD, about her PTSD treatment, or about her overall mental health history. Although Dr. Von Stieff reported to the Agency in March 2019 that respondent "apparently does not have any chemical dependency problems at this point in time," he also explained that respondent was "not forthcoming with an honest interview to reveal the facts so I can evaluate substance use disorder."

² The Agency's March 2019 notice to respondent stated that the Agency would deny her application if she refused to undergo an evaluation, and that she would have the right to appeal the denial.

20. In February 2020, Dr. Von Stieff reviewed treatment records about respondent that she had authorized the VA to release to him, and prepared a supplemental report to the Agency about respondent.³

21. Dr. Von Stieff summarized these VA records as identifying childhood and military traumas as contributors to respondent's PTSD. The records also stated that as recently as October 2019, respondent experienced PTSD symptoms (primarily anhedonia and persistent feelings of danger and mistrust) "in a severe range." In addition, the VA records note a history of alcohol abuse, and state that respondent has stopped using alcohol to improve her mental health. The records describe treatment with psychotherapy and medication, and state that respondent has learned to identify and when possible avoid circumstances that may trigger intrusive, distressing trauma memories.

22. Dr. Von Stieff assumed for his report to the Agency that the VA records described in Finding 21 were accurate. Respondent confirmed in turn at the hearing that Dr. Von Stieff's report reflected a generally accurate understanding of her relevant personal history.

23. Respondent testified that she has received mental health treatment through the VA. She sees a psychiatrist approximately quarterly for medication management, and has discussed with her psychiatrist how to use her prescribed medication (which she did not identify) to achieve its intended effects without excessive sedation. Through 2019, respondent also saw a psychotherapist

³ The evidence did not establish whether Dr. Von Stieff interviewed or examined respondent again.

approximately weekly, and a social worker approximately monthly. With her psychotherapist's concurrence, respondent stopped regular in-person counseling in early 2020. Respondent testified credibly that she currently feels stable but that she would seek advice and treatment from her VA care team if she believed she needed further care.

24. In September 2019, respondent testified that she drank alcohol "occasionally." She confirmed in May 2020, however, that she had stopped drinking alcohol and did not intend to resume because she believed total abstinence was in her best interest.

25. Based on the information he gathered about respondent, summarized in Findings 19 and 21, Dr. Von Stieff concluded that respondent's "significant" PTSD could interfere with her ability to render emergency medical care in stressful circumstances. He did not conclude that respondent is unfit for service as an EMT, however. Rather, Dr. Von Stieff recommended that respondent should maintain regular psychotherapy at the VA; that she should remain abstinent from alcohol and compliant with any prescribed mental health medication; and that she and her mental health treatment provider(s) should ensure that any psychotropic medication she uses does not slow her reaction time or impair her cognition. In light of all the evidence, this conclusion and these recommendations are persuasive.

Experience and References

26. Respondent has a strong commitment to public service. Between 2008 and 2012 she was on active duty in the United States Air Force. Since 2014, she has continued in the Air Force Reserve.

27. Respondent graduated from Dominican University in San Rafael in May 2014. She was a scholarship athlete (basketball), and majored in humanities and cultural studies.

28. After graduating from Dominican University, respondent studied to become a veterinary technician, and worked as a veterinary assistant. She elected not to continue in that field, however, and did not pursue licensure as a veterinary technician.

29. Respondent worked for about a year as a public safety officer at Saint Mary's College of California, in Moraga. She left that position in part because she had decided to pursue a career as a firefighter.

30. Respondent completed the training to qualify for an EMT certificate through San Francisco City College. At the time of the hearing, she continued at San Francisco City College, seeking a fire science degree.

31. Respondent provided a reference letter from a family member of a patient she cared for during her EMT training. The letter praises respondent's professional and compassionate demeanor during her interactions with the patient.

32. When she applied to the Agency for her EMT certificate, respondent already had received EMT certification through the National Registry of Emergency Medical Technicians. That certificate expired in March 2020.

LEGAL CONCLUSIONS

1. The Agency must issue an EMT certificate to any applicant who meets the Agency's training and examination criteria, and who is "not precluded from

certification for any of the reasons listed in [Health and Safety Code section] 1798.200.” (Health & Saf. Code, § 1797.210, subd. (a).) As the applicant for an EMT certificate, respondent bears the burden of demonstrating that she meets all qualifications for that certificate.

2. Dishonesty in the application process may justify denying EMT certification to an applicant. (Health & Saf. Code, § 1798.200, subds. (c)(5), (c)(7).) Although the matters stated in Findings 5, 8, and 10 establish a false statement in respondent’s application, the matters stated in Findings 6, 7, 9, and 11 establish that respondent did not make this false statement intentionally, or even recklessly. Respondent’s mistake on her application to the Agency does not constitute cause to deny her an EMT certificate.

3. Substance abuse also may justify denying EMT certification to an applicant. (Health & Saf. Code, § 1798.200, subd. (c)(9).) Although the matters stated in Findings 14, 16, and 19 do not establish that respondent currently has an active substance use disorder, the matters stated in Findings 21 and 24 demonstrate that she has abused alcohol in the past. These matters constitute cause to deny respondent’s application for an EMT certificate.

4. Instead of denying respondent’s application, the Agency has discretion to issue a probationary certificate to her. (Health & Saf. Code, § 1798.200, subd. (a)(3).) The matters stated in Finding 25 show that a medical reviewer does not consider respondent unfit to serve as an EMT. The matters stated in Findings 26 through 31 also constitute strong qualifications weighing against denial of respondent’s application; these matters characterize respondent as a dedicated public servant with high personal standards as well as a commitment to self-improvement. Finally, although the matters stated in Finding 21 show that respondent has experienced mental health

challenges relatively recently, these matters along with the matters stated in Findings 23 and 24 also show that respondent has taken responsible and effective steps to improve and maintain her own mental health.

5. The California Emergency Medical Services Authority has prepared disciplinary guidelines for local authorities including the Agency to use in evaluating qualifications for EMT certification. (Recommended Guidelines for Disciplinary Orders and Conditions of Probation for EMT (Basic) and Advanced EMT [4/1/2010].) According to these guidelines, a period of at least three years' probation is appropriate for a certified EMT who recently has demonstrated an active substance use disorder, but whose behavior does not warrant certificate revocation. (*Id.*, at p. 4.)

6. In light of the matters stated in Finding 25, a similar period of probation is appropriate for respondent. Rather than undermining or disrespecting the significant work respondent has done to prepare herself for a career in emergency services, such a probationary period will allow both respondent and the Agency to ensure that respondent's supports and stress-management strategies are adequate for the professional challenges she will face in this role.

ORDER

The appeal by respondent Salonika Ravon Quewon-Owens from the decision to deny her application to the Contra Costa County Emergency Medical Services Agency for an Emergency Medical Technician Certificate is granted. Upon respondent's completion of all training, examination, and certification prerequisites, the Agency shall grant a certificate to respondent. The certificate shall be revoked immediately;

but the revocation shall be stayed while respondent is on probation for three years on the following terms and conditions.

1. Probation Compliance

Respondent shall fully comply with the terms and conditions of respondent's probation and shall cooperate with the Agency in its monitoring, investigation, and evaluation of respondent's compliance with the terms and conditions of her probation. Respondent shall immediately execute and submit to the Agency all Release of Information forms that the Agency may require to effectuate the purpose of this section.

2. Personal Appearances

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

3. Quarterly Reports

Each calendar quarter during the period of probation, respondent shall submit quarterly reports electronically on the form approved by the Agency, which shall certify, under penalty of perjury, respondent's compliance with all the terms and conditions of probation for that quarter.

1/1—3/31: Shall be submitted not before 4/1 and not after 4/15.

4/1—6/30: Shall be submitted not before 7/1 and not after 7/15.

7/1—9/30: Shall be submitted not before 10/1 and not after 10/15.

10/1—12/31: Shall be submitted not before 1/1 and not after 1/15.

4. Employment Notification

During the period of probation, respondent shall notify the Agency in writing of any Emergency Medical Service (EMS) employment or change in any EMS employment, and shall inform the Agency 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 Agency of disclosure by the respondent to the current and any prospective EMS employer of the reasons for and terms and conditions of the probationary EMT certificate. Respondent shall also notify any other local EMS agency in whose jurisdiction respondent practices as an EMT of the reasons for and terms and conditions of respondent's probation. Respondent shall provide written verification of compliance with this provision to the Agency.

Respondent authorizes any EMS employer to submit performance evaluations and other reports which the Agency may request that relate to the qualifications, functions, and duties of an EMT.

Any and all notifications to the Agency shall be by U.S. registered mail or an overnight delivery service that provides for tracking and delivery receipt.

5. Notification of Termination

During the period of probation, respondent shall notify the Agency within seventy-two (72) hours after termination, for any reason, from an EMS employer. Respondent must provide a full, detailed written explanation of the reasons for and circumstances of the termination.

Any and all notifications to the Agency shall be by U.S. registered mail or an overnight delivery service that provides for tracking and delivery receipt.

6. Function as an EMT

The period of probation shall not run any time that respondent is not practicing as an EMT within the jurisdiction of California. In the event respondent's EMT certificate expires or is suspended, the period of probation will not run and respondent will be required to complete the remaining probationary period when the EMT certificate is renewed or reinstated.

If respondent, during the probationary period, leaves the jurisdiction of California to practice as an EMT, respondent must immediately notify the Agency, in writing, of the date of such departure and the date of return to California, if respondent returns.

Any and all notifications to the Agency shall be by U.S. registered mail or an overnight delivery service that provides for tracking and delivery receipt.

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 an EMT and any other certifications or licenses relating to healthcare that respondent may hold. Respondent shall not engage in any conduct that is grounds for disciplinary action pursuant to section 1798.200 et seq. of the California Health and Safety Code or any other rules or regulations relating to prehospital personnel.

Within seventy-two (72) hours of being arrested, cited, or criminally charged for any offense, respondent shall submit to the Agency a full and detailed account of the

circumstances thereof. The Agency shall determine the applicability of the offenses(s) as to whether the Respondent violated any federal, state or local laws, statutes, regulations, or local written policies, protocols or rules governing the practice of medical care as an EMT.

Any and all notifications to the Agency shall be by U.S. registered mail or an overnight delivery service that provides for tracking and delivery receipt.

8. Violation of Probation

If, during the period of probation, the Respondent fails to comply with any term of probation, the Agency may initiate action to terminate probation and implement revocation of respondent's EMT certificate. Upon the initiation of such an action, or the giving of 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 Agency.

An action to terminate probation and implement actual certificate denial or revocation shall be initiated and conducted pursuant to the hearing provisions of Chapter 6 of the California Code of Regulations, Title 22, Division 9, and the California Administrative Procedure Act.

9. Abstain from Alcohol and Controlled Substances

Respondent shall abstain from the use of all alcoholic beverages. 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 Agency a written report identifying the medication, dosage, the date the medication was prescribed, the respondent's diagnosis, and the date the medication will no longer be required. This report must be provided to the Agency directly by the prescribing professional. If the respondent has a lawful prescription when initially placed on probation, this same report must be provided within fourteen days of the commencement of probation.

10. Biological Fluid Testing

Respondent shall submit to routine and random biological fluid testing or drug and alcohol screening as directed by the Agency, including blood, urine, fingernail or toenail, or hair follicle testing. Respondent may use a lab pre-approved by the Agency or may provide to the Agency the name and location of an independent laboratory or drug and alcohol testing facility for approval by the Agency. Lab approval shall be based on criteria regulating professional laboratories and drug and alcohol testing facilities as set forth in Chapter 3, Division 2, of the Business and Professions Code and Division 1 of Title 17 of the California Code of Regulations.

When the Agency requests a test, the Respondent shall provide the required blood, urine, hair follicle or fingernail or toenail sample by the time specified or within twelve (12) hours of the request if no time is specified. When the Agency requests a test, respondent shall ensure that any positive test results are conveyed telephonically by the lab to the Agency within forty-eight (48) hours, and all written positive or negative results are provided directly by the lab to the Agency within ten (10) days. Failure to appear for a test as directed by the Agency or its lab shall be deemed a positive test.

The Agency may allow the random drug testing to be conducted by a laboratory under contract with respondent's employer to meet the requirement of random drug testing as set forth in this section. The results of the employer's random drug testing shall be made available to the Agency in the time frames described above. Respondent shall be responsible for all costs associated with the drug and alcohol screening.

11. Mental Health Treatment

Respondent will continue to attend and participate in mental health treatment with the Veterans Administration in Martinez, California. The licensed physician, psychologist, or other specialist regularly caring for respondent must attest in writing, at a minimum on a quarterly basis, that: (i) respondent is attending and participating in her regularly scheduled sessions; (ii) respondent is compliant with her prescribed treatment program; and (iii) any medications prescribed to respondent are not impairing her cognition or reaction time.

Respondent must attest in writing, at a minimum on a quarterly basis, that respondent is compliant with any treatment program prescribed to respondent, and must further state whether her prescribed medications are impairing her cognition or reaction time.

Respondent shall be responsible for all associated costs and for ensuring and providing timely reports for the licensed physician, psychologist, or other specialist as required herein.

12. Completion of Probation

Respondent's probationary EMT certificate shall be fully restored to active status upon successful completion of probation.

DATE: June 4, 2020

DocuSigned by:
Juliet E. Cox
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JULIET E. COX

Administrative Law Judge

Office of Administrative Hearings