

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

5 Complainant

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10 BEFORE THE
CONTRA COSTA COUNTY
EMERGENCY MEDICAL SERVICES AGENCY
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12
13 In the Matter of the Emergency Medical
14 Technician Certificate held by:

Enforcement Case No.: 16-0010
OAH No.: 2016031192

15 **DARIAS PARRIS WILLIAMS**
EMT Certification No.: E044758

DECISION and ORDER

16 Respondent.

17 _____ /
18 **I. INTRODUCTION**

19 The above entitled matter came on regularly for hearing before ALJ Jill Schlichtmann on
20 June 7, 2016, on Complainant's Accusation seeking to impose revocation of Respondent's
21 probationary EMT certificate. The Accusation was amended by oral motion on June 7, 2016, to
22 include an additional cause for discipline for Respondent's alleged failure to notify the Agency
23 of an address change within 30 days in violation of 22 CCR §100079.

24 The Complainant was represented by Contra Costa County Prehospital Care Coordinator
25 Aaron Doyle. The Respondent was present and represented himself. The Medical Director has
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Decision and Order

1 reviewed the transcript of the hearing, the evidence submitted, and the written argument of the
2 Respondent and makes the following final Decision and Order in this case.

3 **II. PARTIES**

4 1. PATRICIA FROST ("Complainant") is the Director of the Contra Costa County
5 Emergency Medical Services Agency ("Agency").

6 2. Complainant makes, executes, and files this Accusation in her official capacity as the
7 Emergency Medical Services Director for said Agency.

8 3. The Contra Costa County Emergency Medical Services Agency is a local Emergency
9 Medical Services Agency under the authority of Cal. Health and Safety Code §1797.200 and
10 California Code of Regulations, tit. 22, div. 9, ch. 6.

11 4. At all times pertinent to the allegations herein, Respondent has held an
12 EMT certificate that was first issued by the Agency on February 13, 2009, said certificate
13 number being E044758. Respondent's EMT certificate was placed on probation effective May
14 16, 2013 for a period of three (3) years. Said EMT certificate is valid through March 31, 2017,
15 unless said certificate is revoked or suspended as provided by law. (Cal. Code of Regs.
16 §100166).

17 **III. JURISDICTION**

18 5. The instant Accusation is brought before the Agency pursuant to the following
19 sections of the Cal. Health and Safety Code and tit. 22, div. 9, of the California Code of
20 Regulations.

21 6. Section 1797 et seq. of the Act was enacted to create a statewide system of
22 emergency medical services ("EMS"). The Agency is charged with the authority and
23 responsibility to coordinate local EMS and medical oversight of EMS personnel, including the
24 certification of EMTs who apply to the Agency for state EMT certification.

25 7. The Medical Director of the Agency is delegated the authority to, and shall issue,
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Decision and Order

1 EMT certification and recertification upon completion of the requirements set forth by the
2 California Emergency Medical Services Authority pursuant to Cal. Health and Safety Code
3 §1797.210(a) and (b). The local EMS Agency, through its Medical Director, is granted the
4 authority to deny, suspend, or revoke any EMT-I or EMT-II certificate holder upon a
5 determination of disciplinary cause pursuant to Cal. Health and Safety Code §1798.200(a)(3).
6 Furthermore, a Medical Director may also place any certificate holder on probation upon a
7 finding of any of the violations or acts enumerated in §1798.200 of the Act.

8 8. The relevant provision of the Act that provides for revocation of a certificate is
9 Cal. Health and Safety Code §1798.200(a), which provides in pertinent part as follows:
10

11 ...

12 (3) The medical director of the local EMS agency may, upon a
13 determination of disciplinary cause and in accordance with
14 regulations for disciplinary processes adopted pursuant to Section
15 1797.184, deny, suspend, or revoke any EMT-I or EMT-II
16 certificate issued under this division, or may place any EMT-I or
17 EMT-II certificate holder on probation, upon the finding by that
18 medical director of the occurrence of any of the actions listed in
19 subdivision (c) and the occurrence of one of the following:

20 ...

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

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

...

4 (c) Any of the following actions shall be considered evidence of a
5 threat to the public health and safety and may result in the denial,
6 suspension, or revocation of a certificate or license issued under this
7 division, or in the placement on probation of a certificate holder or
8 licenseholder under this division:

...

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

11 9. The acts giving rise to the Agency's cause for disciplinary action, which are set
12 forth herein, are substantially related to the qualifications, functions, and/or duties of a person
13 holding an EMT certificate under Division 2.5 of the Cal. Health and Safety Code. Cal. Code of
14 Regs. §100208(a), provides:

15 (a) For the purposes of denial, placement on probation,
16 suspension, or revocation of a certificate, pursuant to
17 Section 1798.200(c) of the Health and Safety Code, a
18 crime or act shall be considered to be substantially
19 related to the qualifications, functions, or duties of a
20 certificate holder if to a substantial degree it evidences
21 unfitness of a certificate holder to perform the functions
22 authorized by the certificate in that it poses a threat to
23 the public health and safety.

24 The power to adopt, modify or reject a proposed decision is granted to the Authority
25 directly by the provisions of California Government Code, Section 11517, which
26 provides:

“11517. (a) A contested case may be originally heard by the agency itself and
subdivision (b) shall apply. Alternatively, at the discretion of the agency, an
administrative law judge may originally hear the case alone and subdivision (c) shall
apply.

(b) If a contested case is originally heard before an agency itself, all of the following
provisions apply:

(1) An administrative law judge shall be present during the consideration of the case
and, if requested, shall assist and advise the agency in the conduct of the hearing.

(2) No member of the agency who did not hear the evidence shall vote on the decision.

1 (3) The agency shall issue its decision within 100 days of submission of the case.

2
3 (c) (1) If a contested case is originally heard by an administrative law judge alone, he
4 or she shall prepare within 30 days after the case is submitted to him or her a proposed
5 decision in a form that may be adopted by the agency as the final decision in the case.
6 Failure of the administrative law judge to deliver a proposed decision within the time
7 required does not prejudice the rights of the agency in the case. Thirty days after the
8 receipt by the agency of the proposed decision, a copy of the proposed decision shall
9 be filed by the agency as a public record and a copy shall be served by the agency on
10 each party and his or her attorney. The filing and service is not an adoption of a
11 proposed decision by the agency.

12 (2) Within 100 days of receipt by the agency of the administrative law judge's proposed
13 decision, the agency may act as prescribed in subparagraphs (A) to (E), inclusive. If
14 the agency fails to act as prescribed in subparagraphs (A) to (E), inclusive, within 100
15 days of receipt of the proposed decision, the proposed decision shall be deemed
16 adopted by the agency. The agency may do any of the following:

17 (A) Adopt the proposed decision in its entirety.

18 (B) Reduce or otherwise mitigate the proposed penalty and adopt the balance of the
19 proposed decision.

20 (C) Make technical or other minor changes in the proposed decision and adopt it as the
21 decision. Action by the agency under this paragraph is limited to a clarifying change
22 or a change of a similar nature that does not affect the factual or legal basis of the
23 proposed decision.

24 (D) Reject the proposed decision and refer the case to the same administrative law
25 judge if reasonably available, otherwise to another administrative law judge, to take
26 additional evidence. If the case is referred to an administrative law judge pursuant to
this subparagraph, he or she shall prepare a revised proposed decision, as provided in
paragraph (1), based upon the additional evidence and the transcript and other papers
that are part of the record of the prior hearing. A copy of the revised proposed decision
shall be furnished to each party and his or her attorney as prescribed in this subdivision.

(E) Reject the proposed decision, and decide the case upon the record, including the
transcript, or upon an agreed statement of the parties, with or without taking additional
evidence. By stipulation of the parties, the agency may decide the case upon the record
without including the transcript. If the agency acts pursuant to this subparagraph, all of
the following provisions apply:

(i) A copy of the record shall be made available to the parties. The agency may require
payment of fees covering direct costs of making the copy.

(ii) The agency itself shall not decide any case provided for in this subdivision without
affording the parties the opportunity to present either oral or written argument before
the agency itself. If additional oral evidence is introduced before the agency itself, no
agency member may vote unless the member heard the additional oral evidence.

1 (iii) The authority of the agency itself to decide the case under this subdivision includes
2 authority to decide some but not all issues in the case.

3 (iv) If the agency elects to proceed under this subparagraph, the agency shall issue its
4 final decision not later than 100 days after rejection of the proposed decision. If the
5 agency elects to proceed under this subparagraph, and has ordered a transcript of the
6 proceedings before the administrative law judge, the agency shall issue its final
7 decision not later than 100 days after receipt of the transcript. If the agency finds that a
8 further delay is required by special circumstance, it shall issue an order delaying the
9 decision for no more than 30 days and specifying the reasons therefor. The order shall
10 be subject to judicial review pursuant to Section 11523.”

7 IV. HISTORY

8 10. Respondent held an EMT certificate issued by the Agency since February 13, 2009.

9 On or about July 23, 2012, the Agency was notified by the Department of Justice Bureau of
10 Criminal Identification and Information that Respondent had been convicted for driving under
11 the influence of alcoholic beverages, a violation of California Vehicle Code §23152(b).

12 11. On or about June 4, 2012, the Agency mailed to Respondent a Notice of Action and
13 Offer of Stipulated Settlement as a result Respondent’s excessive use and misuse of alcoholic
14 beverages, a violation of Cal. Health and Safety Code §1798.200(c)(9). The Agency notified
15 Respondent of its intent to revoke the EMT certificate issued to Respondent. In lieu of
16 revocation, the Agency offered Respondent a probationary EMT certificate.

17 12. On or about April 16, 2013, Respondent agreed to the offer of probation and
18 signed the Agreement. Respondent agreed that if any of the terms of the Agreement were
19 violated, Respondent would consent to the revocation of the probationary EMT certificate.
20 Furthermore, Respondent admitted all of the facts alleged in the Agreement and waived the right
21 to an administrative hearing to challenge the basis for placing Respondent’s EMT certificate on
22 probation.

23 13. One of several material terms of Agreement was that Respondent would abstain from
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1 the use of alcoholic beverages and would submit to routine and random or drug/alcohol
2 screening as directed by the Agency to determine whether Respondent was in compliance with
3 this condition of the Agreement. (**Agency's Ex. 2**).

4 14. On December 30, 2014, pursuant to the Agreement, the Agency required
5 Respondent to report to Quest Labs for urinalysis to determine whether he had used or consumed
6 alcoholic beverages or controlled substances. The Respondent failed to appear as directed.

7 15. On August 28, 2015, pursuant to the Agreement, the Agency required Respondent to
8 report to ArcPoint Labs for routine urinalysis to determine whether he had used or consumed
9 alcoholic beverages or controlled substances. The Respondent failed to appear as directed.

10 16. On March 10, 2016, pursuant to the Agreement, the Agency required Respondent to
11 report to ArcPoint Labs in Martinez for routine urinalysis to determine whether he had used or
12 consumed alcoholic beverages or controlled substances. The Respondent failed to appear as
13 directed.

14 17. Pursuant to the Agreement, the Respondent was required to submit quarterly reports
15 to the Agency regarding Respondent's compliance with the terms and conditions of the issuance
16 of the probationary EMT certificate. The quarterly reports were required to be submitted to the
17 Agency no later than the 15th day of the month at the end of each quarter. The quarterly reports
18 were also required to be submitted in person or by U.S. certified mail; facsimile or electronic
19 copies were not authorized.

20 18. The Respondent filed untimely quarterly reports on July 16, 2015, October 16,
21 2015, and February 19, 2016, in violation of the terms and conditions of the Agreement.

22 19. The complainant, on behalf of the Agency, filed an Accusation on March 14, 2016,
23 requesting that the Medical Director revoke Respondent's probationary EMT certificate for the
24 aforesaid violations of the Agreement. The Respondent filed a timely Notice of Defense and the
25 matter was set for hearing.
26

1 20. A hearing was noticed and held in this matter on June 7, 2016, before Administrative
2 Law Judge Jill Schlichtmann with the Office of Administrative Hearings in Oakland, California.
3 Respondent appeared at this hearing and was unrepresented. Contra Costa County Prehospital
4 Care Coordinator Aaron Doyle represented the Agency in his official capacity.

5 21. On June 29, 2016, the Agency received a copy of the proposed decision. On the same
6 day, the Agency served Respondent with a copy of the ALJ's proposed decision and order and
7 informed Respondent that it had not adopted the Proposed Decision and Order. The Agency
8 ordered a copy of the transcript, and on or about July 29, 2016, set the matter for a written
9 hearing. Respondent was informed that he could present written argument to the Agency's
10 Medical Director on or before July 29, 2016, the date set for the written hearing.

11 22. Respondent submitted a written statement that summarized his argument from the
12 hearing. The original Accusation, the evidence submitted at the Administrative hearing, the
13 ALJ's proposed decision, a full copy of the hearing transcript, and the additional argument
14 submitted by Respondent were all considered by the Medical Director in rendering this Decision
15 and Order.

16 **V. DISCUSSION**

17 23. Respondent's probationary EMT certificate was subject to discipline for
18 Respondent's failure to comply with the terms and conditions of Agreement that resulted in the
19 issuance of the probationary EMT certificate to Respondent; to wit: (1) Respondent filed
20 untimely quarterly probation reports; (2) Respondent violated the Regulations by failing to notify
21 the Agency of an address change within 30 days (CITATION); and, the most weighty violation,
22 (3) Respondent failed to comply with the requirement that he submit to random and routine
23 biological fluid tests to determine whether Respondent had used alcoholic beverages or
24 controlled substances.
25

A. Submission of Untimely Quarterly Reports

24. The ALJ found that the Respondent submitted late Quarterly Reports for the reports due January 15, 2014, April 15, 2014, January 15, 2015, July 15, 2015, and October 15, 2015. The Quarterly Report due January 15, 2016, was received on February 19, 2016. Moreover, the ALJ found that the submission of the late Quarterly Reports after the deadline constituted a violation of the terms of the probationary EMT certificate issued to Respondent. (PD, p.2, ¶ 4).

25. In and of itself the submission of the late Quarterly Reports is not alarming. However, the late submissions further militates against Respondent's testimony – and the ALJ's finding – that Respondent “ . . . took his probationary seriously. . .”. It evidences that Respondent did not take the terms of the agreement seriously. Alternatively, it suggests Respondent has not demonstrated a level of judgment and responsibility required of Respondent to fully execute his responsibility as a certified EMT.

B. Late Change of Address

26. The ALJ found that Respondent violated Probation Condition 7 when he failed to notify the Agency of a change of address during a time in 2015 and 2016 when he was living in his car. The Respondent testified that after February 19, 2015, he was homeless and did not have an address. (PD, p.2, ¶ 5).

27. The Respondent did not explain, and the ALJ made no findings, concerning the Respondent's dishonest conduct in the submission of Quarterly Reports wherein he willfully provided the Agency with his wrong residence address (2488 Red Hill Court, Union City, California). In fact, Respondent had not lived at the Red Hill Court address for almost a year when he submitted the February 19, 2016, Quarterly Report. (RT, p.123, 1.2-25; p.124, 1.1-7). Respondent testified that he knowingly submitted the Quarterly Report with an incorrect address. (RT, p. 124, 1.5). Respondent attempts to justify his dishonest conduct in willfully misreporting

1 his residential address on the Quarterly Reports dated July 15, 2015, October 16, 2015, February
2 19, 2016 (Ex. 4, 5, 6) because he was embarrassed about being homeless.

3 28. Respondent's conduct is a violation of Cal. Health and Safety Code §1798.200(c)(5)
4 (dishonest conduct). The Respondent's conduct is also in violation of 22 CCR §10079 by failing
5 to update his residential address with the Agency within 30 days. The ALJ made no factual
6 findings as to whether Respondent committed a violation of 22 CCR §10079.

7 29. The ALJ's rationale for excusing Respondent's dishonest conduct in knowingly submitting
8 the Quarterly Reports with an incorrect residential address is "... [he] was ashamed that he was
9 homeless for a period of time ...". (PD, p.5, ¶ 21). The Medical Director does not find this to
10 be sufficient justification for the Respondent's dishonest conduct in willfully and knowingly
11 submitting Quarterly Reports with an inaccurate residential address.

12 30. One of the purposes of a granting a probationary EMT certificate is to provide structure and
13 rehabilitation for an EMT who has committed misconduct. EMT's are placed in a position of
14 public trust. They must be trusted to do the right thing and exercise sound judgment in the most
15 embarrassing, stressful, and dangerous situations. Respondent behavior, and the evidence, does
16 not support that Respondent has been rehabilitated and leaves concern that Respondent still
17 poses a threat to the public health and safety.

18
19 *C. Failure to Submit to Biological Fluid Tests*

20 31. Addressing the most significant and weighty cause for discipline against
21 Respondent's EMT certificate, Respondent failed to comply with the terms and condition of the
22 Agreement that required Respondent submit to routine and random biological fluid testing for
23 the detection of alcohol the ALJ found:

24 Respondent's testimony was very credible ... [and] although Respondent was
25 has not complied with every condition of probation, he has complied with the
26 most important conditions: he abstained from alcohol, he took his probation
seriously and he obeyed the law. (PD, p.5, ¶ 24).

1 32. The Medical Director finds this ultimate conclusion by the ALJ to be seriously flawed and
2 not supported by the evidence. The Medical Director further finds that the Respondent did not
3 take the Agreement and terms of the issuance of the probationary EMT certificate seriously. The
4 ALJ's finding that Respondent did not comply with every condition of probation militates
5 against the ALJ's finding that Respondent "took his probation seriously." Respondent's
6 violation of the terms of the Agreement were not trivial or insignificant; the legislature has
7 determined that the excessive use or misuse of alcoholic beverages shall be considered evidence
8 of a threat to the public health and safety and may result in denial, suspension, or revocation of a
9 certificate or license issued by the Agency.¹ (Cal. Health and Safety Code §1798.200(c)(9)).

10 33. The purpose of requiring Respondent to submit to random and routine biological fluid
11 testing is to verify that the Respondent is not a threat to the public health and safety and is in
12 strict compliance with the requirement that he abstain from the use of alcoholic beverages and
13 controlled substances.² The ALJ's determination that Respondent has "abstained from the use of
14 alcoholic beverages [since Respondent's arrest for driving under the influence]" was not
15 supported by the weight of the evidence (PD, p.5, ¶ 24); the only evidence proffered to support
16 this conclusion was Respondent's self-serving testimony that he had not consumed alcoholic
17 beverages. The Medical Director does not find Respondent's self-serving uncorroborated
18 testimony credible, and as such, it is given no weight.

19 34. There is insufficient evidence that Respondent has abstained from the use of alcohol for the
20 entire duration of the probation in light of the fact that Respondent repeatedly failed to appear for
21 the routine and random biological fluid testing as required. The record is replete with excuses as
22

23 ¹ A driver would have to commit between 200 and 2000 repetitions of impaired driving violations to statistically
24 generate one arrest. Borkenstein, 1975; Jones & Joscelyn, 1978; Voas & Hause, 1987; Beital, Sharp, & Glauz, 2000.

25 ² More than 80% of DUI offenders have a significant problem in their relationship with alcohol and/or drugs. A five-
26 year follow up study of convicted DUI offenders revealed that 91% of male offenders met lifetime criteria for alcohol
abuse or alcohol dependence and that 38% of the males met lifetime criteria for non-alcohol related substance use
disorder. Lampam, Smith, C'de Baca, Chang, Skipper, Baum & Hunt, 2001.

1 to why Respondent was unable to comply with his obligation under the Agreement to provide
2 biological fluid samples: (1) he either did not have the money; (2) the testing facilities were
3 closed when arrived, or (3) he was not excused from work in order to provide the biological fluid
4 sample. These explanations are given due consideration and the Medical Director finds that they
5 are not extraordinary circumstances that warrant excusing Respondent's failure to submit to
6 biological fluid tests.

7 35. The Agency has an obligation to insure the public health and safety are not threatened.
8 The means to accomplish this very important duty are to verify the Respondent has been in strict
9 compliance with the terms of the Agreement and that his veracity is confirmed by random
10 biological fluid testing; the Respondent failed this basic requirement and undermined the
11 Agreement.

12 **VI. REVIEW OF THE EVIDENCE**

13 36. After reviewing the transcript of the hearing and the ALJ's proposed decision together with
14 the evidence and Respondent's written argument, it is the decision of the Director to decide this
15 cause in a light most favorable to the accused. The Medical Director finds that the Agency has
16 overcome its burden of proof that Respondent committed material violations of the terms of
17 issuance of his probationary EMT certificate by a preponderance of the evidence, and therefore
18 finds that Respondent's failure to comply with the most weighty terms of the Agreement,
19 namely, failure to submit to routine and random biological fluid testing and willfully and
20 knowingly submitting a false residential address to the Agency on no less than three separate
21 occasions over the course of a year, are material breaches of said Agreement and subjects
22 Respondent's EMT certificate to discipline. The Medical Director adopts the ALJ's finding that
23 cause to revoke Respondent's EMT certificate exists. (PD, p.6, ¶ 3).

24 37. The Medical Director disagrees with the ALJ that Respondent has "... learned a great deal
25 from the conviction and from being on probation to [sic] the Agency. . ." (PD, p.6, ¶ 6).
26

1 It is the opinion of the Medical Director that Respondent engaged in intentional dishonesty by
2 willfully and knowingly submitting Quarterly Reports with a false residential address, and that
3 such misconduct alone relates directly to the practice of prehospital medicine, and is worthy of
4 outright revocation of Respondent's EMT certificate. (Cal. Health and Safety Code
5 §1798.200(c)(5)).

6 38. The Medical Director further finds that protecting the public health and safety from the
7 Respondent's excessive use and misuse of alcoholic beverages is of utmost concern, and in order
8 to effectively ensure that Respondent has not continued to engage in the excessive use and
9 misuse of alcoholic beverages that Respondent must submit to routine and random biological
10 fluid testing as required by the Agreement, which Respondent has not consistently done.
11 Respondent's failure to comply with this provision of the Agreement alone also relates directly
12 to the practice of prehospital medicine, and is worthy of outright revocation of Respondent's
13 EMT certificate. (Cal. Health and Safety Code §1798.200(c)(9); Agreement, ¶ 10, 12).

14 39. The ALJ also determined that there was evidence of mitigating factors that did not warrant
15 outright revocation of Respondent's EMT certificate (PD, p.5, ¶ 24; p.6, ¶ 4). While the Medical
16 Director agrees that there are factors in mitigation, it is the Medical Director's opinion that
17 Respondent's mitigating factors do not meet the level of dismissing the Accusation and fully
18 restoring the Respondent's EMT certificate as recommended by the ALJ in the Proposed
19 Decision. However, the Medical Director does find that imposing EMT certificate revocation is
20 appropriate, and that the best interests of the public's health and safety could be served by
21 extending the terms of the existing terms Respondent's probationary EMT certificate as outlined
22 in the Agreement by an additional 18 months. The Medical Director therefore believes the
23 recommended order that the Respondent's EMT certificate be fully restored as set forth in the
24 ALJ's proposed decision should be modified as set forth below.
25

VI. DECISION AND ORDER

The Medical Director of the Agency therefore finds the following:

1. The PROPOSED DECISION of the ALJ and the NOTICE CONCERNING PROPOSED DECISION in this matter were served upon Respondent in accordance with Government Code §11517; the Agency notified Respondent that the Agency considered, but did not adopt, the PROPOSED DECISION; and
2. The Respondent was afforded the opportunity to present written argument, and presented written argument to the Medical Director; and
3. The Medical Director of the Agency has considered the record, and now finds that; GOOD CAUSE APPEARING THEREFORE, the PROPOSED DECISION of the ALJ is not adopted by the Medical Director of the Agency as its Decision in this matter.

VII. ORDER

1. The Emergency Medical Technician Certificate issued to Respondent, Certificate No. E044758 is **REVOKED**; however, such revocation is **STAYED** and the probationary EMT certificate issued to Respondent on May 16, 2013, is reinstated for 18 months with the same terms and conditions of probation as set forth in **Ex. A** (Stipulation Agreement Regarding Issuance of Emergency Medical Technician Certification).
2. The Respondent shall strictly comply with each and every condition of the original terms of issuance of Respondent's probationary EMT certificate.
3. The Respondent may, at Respondent's option, arrange for mobile biological fluid testing when a random biological fluid test is requested. The Respondent shall submit to the Agency for approval, within 15 days of the date of this order, the name and contact information for each mobile laboratory Respondent desires to use.
4. Probation Compliance: Respondent will fully comply with all terms and conditions of

1 issuance of the probationary EMT certificate. Respondent will fully cooperate with the Agency
2 in its monitoring, investigation, and evaluation of Respondent's compliance with the terms and
3 conditions of probation.

4 This DECISION shall become effective 30 days upon the date of signature below.

5 **IT IS SO ORDERED:**

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8 Date: October 24, 2016



9 DAVID GOLDSTEIN, M.D., Medical Director
10 Contra Costa County Emergency Medical Services Agency
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DARIAS PARRIS WILLIAMS
EMT Certification No.: E044758
LEMSA Case No.: 16-0010

I am employed by the County of Contra Costa - Emergency Medical Services Agency. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Agency for collection and processing of correspondence for mailing with the United States Postal Service. In 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.

DECISION AND ORDER

Mr. Darias Parris Williams
33476 Alvarado Niles Road, Suite 6
Union City, CA 94587
(Via United States Registered Mail)

CAROL GRAY, EMS Clerk

EXHIBIT “A”

FINAL DECISION AND ORDER



**Stipulation Agreement Regarding Issuance of
Emergency Medical Technician Certification**

It is hereby stipulated by and between Darias Parris Williams (Respondent) and Contra Costa County, on behalf of its Emergency Medical Services Agency (Agency), that:

- A. Respondent was convicted in Contra Costa County Superior Court for Violation of California Vehicle Code § 23152(b) on July 23, 2012.
- B. The Medical Director of the Contra Costa County EMS Agency may, in accordance with provisions of Division 2.5 of the Health and Safety Code and Title 22, California Code of Regulations, deny, suspend, revoke or place on probation any EMT certificate for; "Addiction to the excessive use of, or the misuse of, alcoholic beverages, narcotics, dangerous drugs, or controlled substances (H&SC § 1798.200(c)(9))."
- C. Respondent is fully aware of his right to an Administrative Hearing on the charges, allegations and actions contained in the Notice of Action and he hereby fully and voluntarily waives his right to an Administrative Hearing, to reconsideration, to appeal and to any and all other rights which may be accorded him pursuant to Title 22, California Code of regulations or the California Administrative Procedures Act with regard to the charges, allegations and actions contained in the Notice of Action.
- D. All admissions of facts and conclusions of law contained in this Stipulation are made exclusively for this proceeding and any future proceedings between Agency and Respondent; none of these shall be deemed to be admissions for any purpose in any other administrative, civil or criminal action, forum or proceeding.

Based on the foregoing recitals, IT IS HEREBY STIPULATED AND AGREED that:

- A. Respondent's EMT certification is revoked. However, such revocation is stayed, and Respondent retains an EMT certification with a probationary period of three (3) years ("probation period"). Said probation period shall commence thirty (30) days after the date this Stipulation is signed by the EMS Medical Director.
- B. Respondent accepts the offer of probation and hereby waives his right to an administrative hearing to challenge or appeal the charges, allegations, and actions contained in the Notice of Action.
- C. During the probation period, Respondent shall be subject to the following terms and conditions:
 - 1. **Probation Compliance:** Respondent shall fully comply with the terms and conditions of his probation and shall cooperate with the Agency in its monitoring, investigation and evaluation of his compliance with the terms and conditions of his probation.



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

2. **Personal Appearances:** As directed by the Agency, the Respondent shall appear in person for interviews, meetings and/or evaluations of the Respondent's compliance with the terms and conditions of his probation. The Respondent shall be responsible for all of his costs associated with this requirement.
3. **Quarterly Report Requirement:** During the term of probation, the Respondent shall submit quarterly reports covering each calendar quarter which shall certify, under penalty of perjury, and document compliance by the Respondent with all the terms and conditions of his probation. If the Respondent submits his quarterly reports by mail, it shall be sent as certified mail.
4. **Employment Notification:** During the term of probation, the Respondent shall notify the Agency in writing of any EMS employment. The Respondent shall inform the Agency in writing of the name and address of any prospective EMS employer prior to accepting employment.

Additionally, the 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 respondent's probation.

The Respondent shall also notify any other local EMS Agency in whose jurisdiction he practices as an EMT of the reasons for and terms and conditions of the Respondent's probation.

The 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 certified mail.

5. **Notification of Termination:** During the term of probation, the Respondent shall notify the Agency 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 termination.

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

6. **Functioning as an EMT:** The period of probation shall not run anytime that the Respondent is not present within the jurisdiction of California.

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

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

7. **Obey All Related Laws:** The 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-B. The Respondent shall not engage in any conduct that is grounds for disciplinary action pursuant to Section 1798.200 of the California Health and Safety Code.

Within seventy-two (72) hours of being arrested, cited or criminally charged for any offense, the 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-B.

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

8. **Completion of Probation:** The Respondent's certification shall be fully restored upon successful completion of probation.
9. **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 actual certification denial. Upon the initiation of such an action, or the giving of notice to the Respondent of the intent to initiate such an action, the period of probation may 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 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 Procedures Act.

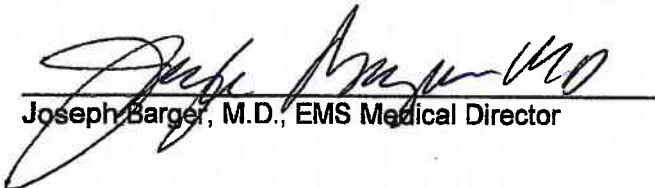
The issues to be resolved by any hearing to challenge termination of probation shall be limited to whether the Respondent has violated any term of his probation sufficient to warrant termination of probation and implementation of actual certification denial. The Respondent and the Agency shall be bound by the admissions contained in this Stipulation and neither party shall have a right to litigate the validity or invalidity of such admissions.

10. **Abstinence from the Use of Alcoholic Beverages:** The Respondent shall abstain from the use of alcoholic beverages.
11. **Alcohol Program:** The Respondent shall provide documentation of successful completion of court-ordered alcohol program within 30 days of beginning of probation period.
12. **Biological Fluid Testing:** The Respondent shall submit to routine and random biological fluid testing or drug/alcohol screening as directed by the Agency. 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/alcohol testing facility for approval by the Agency. Lab approval shall be based on criteria regulating professional laboratories and drug/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 random test, the 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 Agency requests a random test, the 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. The Respondent shall be responsible for all costs associated with the drug/alcohol screening.

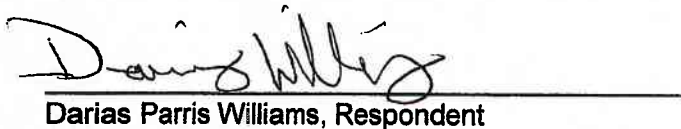
The Agency may allow the random drug testing to be conducted by a laboratory under contract with the Respondent's employer to meet the requirement of random drug testing as set forth in this section. The results of the employer's random drug testing shall be made available to the Agency in the time frames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

By order of Dr. Joseph Barger, M.D., Medical Director, on the date entered below:


Joseph Barger, M.D., EMS Medical Director

4/16/2013
Date

By signing below, I hereby accept and agree to adhere to all probationary conditions listed.


Daris Parris Williams, Respondent

4/10/13
Date

RECEIVED

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