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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

14 CITY AND COUNTY OF SAN FRANCISCO,
15 Plaintiff,

16 vs.

17 ALEX M. AZAR II, et al.,
18 Defendants.

19 STATE OF CALIFORNIA, by and through
ATTORNEY GENERAL XAVIER BECERRA,
20 Plaintiff,

21 vs.

22 ALEX M. AZAR, et al.,
23 Defendants.

24 COUNTY OF SANTA CLARA, et al.,
25 Plaintiffs,

26 vs.

27 U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES, et al.,
28 Defendants.

No. C 19-02405 WHA
Related to
No. C 19-02769 WHA
No. C 19-02916 WHA

**DECLARATION OF KEN MILLER,
M.D., Ph.D., MEDICAL DIRECTOR
OF COUNTY OF SANTA CLARA
EMS AGENCY, IN SUPPORT OF
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT AND IN
SUPPORT OF THEIR OPPOSITION
TO DEFENDANTS' MOTION TO
DISMISS OR, IN THE
ALTERNATIVE, FOR SUMMARY
JUDGMENT**

Date: October 30, 2019
Time: 8:00 AM
Courtroom: 12
Judge: Hon. William H. Alsup
Action Filed: 5/2/2019

1 I, KEN MILLER, M.D., Ph.D., declare:

2 1. I am a resident of the State of California. I submit this declaration in support of
3 the County of Santa Clara's ("County"), and its co-plaintiffs', Motion for Summary Judgment. I
4 am over the age of 18 and have personal knowledge of all the facts stated herein. If called as a
5 witness, I could and would testify competently to all the matters set forth below.

6 2. I am the Medical Director for the County of Santa Clara's Emergency Medical
7 Services (EMS) Agency and the County's EMS System. I have held this position since 2016.
8 Prior to my current role at the County's EMS System, I was the assistant medical director at the
9 Orange County Emergency Medical Services Agency from 1999 to 2016 and medical director at
10 Orange County Fire Authority from 1997 to 2016. I am a board-certified emergency physician
11 with a subspecialty certification in emergency medical services. I have a Ph.D. in pharmacology.
12 I have served in emergency medical services for forty-five years.

13 3. The County's EMS Agency is responsible for all certification and credential
14 processing for Emergency Medical Technicians (EMTs) who work within the County, including
15 firefighters trained as EMTs. Within the County, every EMT who responds to an EMS call must
16 be accredited and licensed by the County's EMS Agency. And, while the State is responsible for
17 licensing paramedics, the EMS Agency accredits paramedics, wherever they are employed, to
18 work within the County. As a licensing and accrediting agency, EMS plays an oversight role in
19 ensuring that all EMTs and paramedics uphold the ethical and professional standards of their
20 profession. The EMS Agency strives to ensure that all County residents receive safe, quality, and
21 effective prehospital care.

22 4. The County's EMS Agency oversees emergency medical response operations
23 throughout the County. The EMS System includes fourteen 9-1-1 dispatch centers (six of which
24 provide emergency medical dispatch), eight non-9-1-1 permitted ground ambulance providers,
25 eleven fire departments, two air ambulance providers, and eleven hospitals to coordinate response
26 to medical emergencies. The County of Santa Clara contracts with Rural/Metro of California,
27 Inc. to provide emergency medical response and ambulance transportation throughout most of the
28 County in response to 9-1-1 calls, except in the City of Palo Alto and the campus of Stanford

1 University, where emergency medical response and ambulance transportation in response to 9-1-1
2 calls is provided by the City of Palo Alto's fire department.

3 5. All ambulance service providers and air ambulance service providers in the
4 County must be permitted by the County's EMS Agency and must operate in accordance with
5 State laws, regulations, and guidelines, the County of Santa Clara's Ordinance Code and
6 ambulance permit regulations, the EMS Agency's Prehospital Care Policy Manual, and any
7 agreements entered into with the County of Santa Clara. The EMS System relies on roughly
8 2,374 EMTs, and 635 paramedics to provide emergency prehospital care to County residents.

9 6. EMTs are often dispatched as part of a two-person team. If one person were to
10 refuse to provide care or to drive an ambulance because of an objection to the care the patient was
11 currently receiving or was likely to receive, it would not be possible for that pair to
12 simultaneously transport a patient and provide the medical aid that may be necessary to stabilize a
13 patient, putting patient care at risk. Such a scenario could result in an otherwise avoidable fatality
14 or serious injury.

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