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12  
13 **UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

14 COUNTY OF SANTA CLARA, TRUST  
15 WOMEN SEATTLE, LOS ANGELES LGBT  
16 CENTER, WHITMAN-WALKER CLINIC,  
17 INC. d/b/a WHITMAN-WALKER HEALTH,  
18 BRADBURY-SULLIVAN LGBT  
19 COMMUNITY CENTER, CENTER ON  
20 HALSTED, HARTFORD GYN CENTER,  
21 MAZZONI CENTER, MEDICAL STUDENTS  
22 FOR CHOICE, AGLP: THE ASSOCIATION  
23 OF LGBTQ+ PSYCHIATRISTS, AMERICAN  
ASSOCIATION OF PHYSICIANS FOR  
HUMAN RIGHTS d/b/a GLMA: HEALTH  
PROFESSIONALS ADVANCING LGBTQ  
EQUALITY, COLLEEN MCNICHOLAS,  
ROBERT BOLAN, WARD CARPENTER,  
SARAH HENN, and RANDY PUMPHREY,

Plaintiffs,

vs.

25 U.S. DEPARTMENT OF HEALTH AND  
26 HUMAN SERVICES and ALEX M. AZAR, II,  
27 in his official capacity as SECRETARY OF  
HEALTH AND HUMAN SERVICES,

Defendants.

Case No. 5:19-cv-2916

**DECLARATION OF DR. KEN MILLER  
IN SUPPORT OF PLAINTIFFS'  
PRELIMINARY INJUNCTION**

1 I, Dr. Ken Miller, declare:

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

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. Prior  
8 to my current role at the County's EMS System, I was the assistant medical director at the Orange  
9 County Emergency Medical Services Agency from 1999 to 2016 and medical director at Orange  
10 County Fire Authority from 1997 to 2016. I am a board-certified emergency physician with a  
11 subspecialty certification in emergency medical services. I have a Ph.D. in pharmacology. I have  
12 served in emergency medical services for forty-four 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 be  
16 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 work  
18 within the County. As a licensing and accrediting agency, EMS plays an oversight role in ensuring  
19 that all EMTs and paramedics uphold the ethical and professional standards of their profession.  
20 The EMS Agency strives to ensure that all County residents receive safe, quality, and effective  
21 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, Inc.  
27 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 County  
4 must be permitted by the County's EMS Agency and must operate in accordance with State laws,  
5 regulations, and guidelines, the County of Santa Clara's Ordinance Code and ambulance permit  
6 regulations, the EMS Agency's Prehospital Care Policy Manual, and any agreements entered into  
7 with the County of Santa Clara. The EMS System relies on roughly 2,374 EMTs, and 635  
8 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 refuse  
10 to provide care or to drive an ambulance because of an objection to the care the patient was currently  
11 receiving or was likely to receive, it would not be possible for that pair to simultaneously transport  
12 a patient and provide the medical aid that may be necessary to stabilize a patient, putting patient  
13 care at risk. Such a scenario could result in an otherwise avoidable fatality or serious injury.

14 7. The County's contract with Rural/Metro includes a nondiscrimination provision  
15 prohibiting it from "discriminat[ing] in the provision of services provided under this contract  
16 because of . . . sex/gender, sexual orientation, mental disability, physical disability, medical  
17 condition . . . or marital status." We require Rural/Metro and its EMT/Paramedic employees when  
18 they are dispatched to an incident scene to provide aid to any patient experiencing a medical  
19 emergency. If the EMS Agency became aware that an EMT refused to provide medically indicated  
20 care to someone in an emergency, the EMS Agency could undertake a progressive discipline  
21 process. And a refusal to provide aid to a person during an emergency could constitute grounds  
22 for discipline, under California Health & Safety Code section 1798.200.

23 I declare under penalty of perjury under the laws of the United States that the foregoing is  
24 true and correct and that this Declaration was executed on June 5, 2019 in San José, California.

25 Respectfully submitted,

26 /s/ Ken Miller MD PhD  
27 KEN MILLER