

**BEFORE THE MINNESOTA
EMERGENCY MEDICAL SERVICES REGULATORY BOARD**

In the Matter of
Shannon Disselbrett, EMT-Basic
Certificate Number: 273690

**FINDINGS OF FACT,
CONCLUSIONS,
AND FINAL ORDER**

On June 14, 2006, the Complaint Review Panel ("Panel") of the Minnesota Emergency Medical Services Regulatory Board ("Board" or "EMS RB") initiated the above-entitled proceeding against Shannon Disselbrett, EMT-Basic ("Respondent"), by service of a Notice of Petition and Petition to Suspend Certification.

The matter came on for consideration by the Board pursuant to Minnesota Statutes section 144E.28, subdivision 5(b) (2004), at a regularly scheduled meeting on September 21, 2006, convened in Conference Room A (fourth floor), University Park Plaza, 2829 University Avenue S.E., Minneapolis, Minnesota 55414.

Rosellen Condon, Assistant Attorney General, appeared and presented oral argument on behalf of the Panel. Respondent was not present or otherwise represented at the meeting. Nathan W. Hart, Assistant Attorney General, was present as legal advisor to the Board.

The following members of the Board were present: Brenda Brown; Lori Brown; Shannon Hanson; Megan Hartigan, R.N.; Laurie Hill; Robert Jensen; Mark Lindquist, M.D.; Kevin Miller; Michael Parrish; Mark Scoenbauer; and Marlys Tanner, R.N. As a member of the Panel, Megan Hartigan, R.N., did not participate in deliberations or vote in the matter.

Based on the record and the proceedings herein, the Board makes the following:

FINDINGS OF FACT

1. On her February 16, 2000, and January 9, 2002, renewal application forms, Respondent failed to disclose her 1991 Driving Under the Influence (“DUI”) conviction.

2. On May 22, 2004, Respondent received a DUI with a .17 blood alcohol count. On July 6, 2004, she was convicted of DUI. Among other things, the court required Respondent to obtain a chemical dependency evaluation and have no alcohol violations within two years.

3. On July 19, 2004, Respondent was removed from the call schedule and roster for Tri-County Hospital Ambulance where she was employed. On December 30, 2004, the EMSRB sent Respondent a letter asking her to provide a discharge summary from a chemical treatment center, documentation of AA attendance records, and court records of Respondent’s DUI conviction. Respondent failed to respond. Follow-up letters were sent on March 23 and April 8, 2005. Respondent failed to respond to them as well.

4. On December 24, 2004, Respondent received a DUI with a .22 blood alcohol count. On January 28, 2005, she was convicted of DUI. Among other things, the court required Respondent to serve 305 days in jail or use electronic monitoring, remain law abiding, not be charged with/convicted of similar violations within six years, and complete a chemical dependency evaluation within 21 days.

5. On April 16, 2005, Respondent received a DUI with a .11 blood alcohol count. On July 21, 2005, she was convicted of DUI. Among other things, the court ordered formal supervised probation, required Respondent to provide documents to the Court Administrator of treatment completed, and directed Respondent to follow all aftercare recommendations and to submit to long-term monitoring.

6. On January 27, 2006, the Panel sent Respondent a letter concerning the above matters and requested a telephone conference with Respondent for February 28, 2006. Respondent failed to respond to that letter. The Panel telephoned Respondent at the address Respondent filed with the Board but could not reach her. The Panel contacted Respondent at another telephone number. During that telephone call, Respondent told the Panel that she had moved and had not received its January 27, 2006, letter. The Panel decided to continue the matter and issue a Notice of Conference.

7. On March 14, 2006, the Panel served a Notice of Conference on Respondent, scheduling a conference for March 24, 2006. The Notice asked Respondent to submit a written response to the Notice, which was due at the Board office by March 20, 2006. In addition, the Notice informed Respondent that her failure to attend the conference could constitute independent grounds for Board disciplinary action against her certification as an EMT-Basic under Minnesota Statutes, section 144E.30, subdivision 3.

8. Respondent failed to appear before the Panel on March 24, 2006, and provided no prior notice that she would not be present. Further, she failed to provide a written response to the allegations contained in the Notice.

Based upon the foregoing Findings of Fact, the Board makes the following:

CONCLUSIONS

1. The Board has jurisdiction in this matter pursuant to Minnesota Statutes sections 144E.28 and 144E.30 (2004).

2. Respondent was given timely and proper notice of the September 21, 2006, hearing before the Board and of her right under Minnesota Statutes section 144E.28,

subdivision 5(b), to request a contested case hearing to be conducted in accordance with Minnesota Statutes chapter 14.

3. The Panel has complied with all relevant substantive and procedural requirements of statute and rule.

4. The Panel has proven by a preponderance of the evidence that Respondent has violated Minnesota Statutes section 144E.28, subdivision 5(4), in that she is actually or potentially unable to provide emergency medical services with reasonable skill and safety to patients by reason of illness or use of alcohol.

5. The Panel has proven by a preponderance of the evidence that Respondent has violated Minnesota Statutes section 144E.30, subdivision 3, by failing to cooperate with a Board investigation.

6. As a result of the violations set forth above and Respondent's failure to request a contested case hearing within 30 days of receipt of notice of her right to do so or at any time, the Board has the authority without further proceedings to take disciplinary action against Respondent's EMT-B certification. Minn. Stat. §§ 144E.28, subds. 4 and 5, and 144E.30, subd. 3 (2004).

Based on the foregoing Findings of Fact and Conclusions, the Board issues the following:

ORDER

1. Respondent's EMT-Basic certificate is **SUSPENDED**, effective immediately. At no time subsequent to the date of this Order shall Respondent engage in any act in Minnesota which constitutes practice as an emergency medical technician as defined in Minnesota Statutes sections 144E.001 and 144E.28, nor shall she in any manner represent or hold herself out as being authorized to so practice.

2. Not later than 7 (seven) days from the date of this Order, Respondent shall surrender and cause the Board to receive her current EMT-Basic certificate card.

3. Respondent may apply to the Board for reinstatement of her certification as an EMT-Basic not earlier than 6 (six) months from the date of this Order. Any such application shall be accompanied by:

a. The results of a chemical dependency evaluation administered to Respondent at her expense by a licensed provider since the date of this Order;

b. Evidence that Respondent has successfully completed or is successfully participating in any and all treatment indicated by the chemical dependency evaluation; and

c. Evidence of compliance with all applicable continuing education or training requirements under Minnesota Statutes section 144E.28, subdivisions 7 and 8.

4. Respondent shall appear before the Panel to review any application for reinstatement submitted pursuant to paragraph 3. The burden of proof shall be on Respondent to demonstrate that she is able to provide emergency medical services in a fit and competent manner without risk of harm to the public. The Board reserves the right to approve an application for reinstatement only upon the imposition of conditions and limitations which the Board deems necessary to ensure public protection. Such conditions and limitations may include, but need not be limited to, restricted duties and practice supervision.

5. This Order is a public document.

The foregoing Findings of Fact, Conclusions, and Order constitute the Decision of the Board in this matter.

Dated this 12TH day of October, 2006.

MINNESOTA EMERGENCY MEDICAL
SERVICES REGULATORY BOARD

By: 

MICHAEL PARRISH
Board Chair

AG: #1617656-v1