

June 26, 2008

Dale Eickelberg
1866 Edgewater Ave.
Arden Hills, Minnesota 55112

Dear Mr. Eickelberg:

Enclosed is a copy of the fully executed Agreement for Corrective Action approved by the Emergency Medical Services Regulatory Board (EMSRB) on June 18, 2008.

The Board's Stipulation and Order states in part:

1. Your EMT-P certification is suspended for one year. The suspension is stayed as long as you comply with the requirements of the stipulation and consent order;
2. You must have no further discipline relating to patient care;
3. You must submit the written report(s) of your anger management counselor within two weeks;
4. You will have your supervisor submit reports at least quarterly addressing the items listed in the stipulation and order. If concerns arise relating to patient care your supervisor must report this immediately.

You are encouraged to take this matter seriously and abide by the stipulation and order requirements. Failure to do so may result in further action against your certification as an EMT-P.

If you have further questions, please contact Rose Olson (651.201.2804) at your convenience.

Sincerely,



Debra K. Teske
Interim Executive Director

Cc: Karen Andrews, Assistant Attorney General

Enclosure: Stipulation and Order

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

In the Matter of the Certification of
Dale R. Eickelberg, EMT-P
Certificate No.: 220170

**STIPULATION
AND ORDER**

STIPULATION

Dale R. Eickelberg, EMT-P (“Respondent”) and the Minnesota Emergency Medical Services Regulatory Board Review Panel (“Review Panel”) agree the above-referenced matter may be resolved without trial of any issue or fact as follows:

I.

JURISDICTION

1. The Minnesota Emergency Medical Services Regulatory Board (“Board”) is authorized pursuant to Minnesota Statutes Chapter 144E (2006) to regulate emergency medical services personnel and to take disciplinary action as appropriate.

2. Respondent holds a Emergency Medical Technician - Paramedic (“EMT-P”) certificate from the Board and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Consent Order.

II.

CONFERENCE

3. On February 20, 2008, Respondent appeared before the Review Panel to discuss allegations contained in a Notice of Conference dated February 1, 2008. Karen Andrews, Assistant Attorney General, represented the Review Panel at the conference. Bruce Grostephan, Esq., represented Respondent.

III.

FACTS

4. The parties agree this Stipulation and Consent Order is based upon the following facts:

a. On September 6, 2007, Respondent was dispatched to a call for an intoxicated male patient. While questioning the patient regarding his medical history, the patient swore at Respondent repeatedly. It was alleged that Respondent reacted by grabbing the patient's head and pulling him down onto the cot in the ambulance, where Respondent held the patient down for 30 to 45 seconds. It was also alleged that Respondent slammed the patient's head into the IV cabinet, located above the bench seat.

b. On September 7, 2007, Respondent submitted a written response relating to this incident. Respondent stated that as the patient was pulling away, there was a "brief scuffle at which time the back of the [patient's] head struck the cabinets." Respondent admitted things "escalated more than they should have" and stated he would handle future situations in a more "professional and less confrontational manner."

c. During an internal investigation conducted by Respondent's employer, it was determined that the patient did not pose a physical threat to Respondent or his partner at the time of this incident. The investigation found Respondent's behavior was aggressive, unprovoked, unnecessary, and excessive. Respondent was subsequently suspended from work for 80 hours and was required, among other things, to complete an anger management program.

d. At the conference with the Review Panel on February 20, 2008, Respondent denied holding the patient down on the cot for 30 to 45 seconds. Respondent stated that he and the patient were holding on to each other and fell, and that he never intentionally

grabbed the patient's head. Respondent stated he successfully completed training in January 2008 designed to help paramedics deal with intoxicated and/or violent people, and feels he now has better skills to diffuse future situations of this nature.

IV.

LAWS

5. Respondent acknowledges the conduct described in section III. above constitutes a violation of Minn. Stat. § 144E.28, subd. 5 (5), (6) (2006), and justifies the disciplinary action described in section V. below.

V.

DISCIPLINARY ACTION

The parties agree the Board may take the following disciplinary action and require compliance with the following terms:

A. Stayed Suspension

6. The Board hereby **SUSPENDS** Respondent's EMT-P certificate for one year. The suspension is **STAYED** so long as Respondent complies with the following requirements:

a. No Further Discipline. Respondent shall not be subject to further discipline relating to patient care.

b. Report from Counselor. Respondent shall submit to the Board the written report(s) of his anger management counselor(s) within two weeks of the date of this order.

c. Reports From Employment Supervisor. Respondent shall cause to be submitted to the Board a report from Respondent's employment supervisor. Any concerns relating to Respondent's patient care shall be reported to the Board immediately. Otherwise, each report shall be submitted quarterly and shall provide and address:

- 1) Respondent's ability to perform assigned tasks;
- 2) Respondent's ability to handle stress;
- 3) The number of hours Respondent worked during the reporting period; and
- 4) Any other information the employer believes would assist the Board in its ultimate review of this matter.

7. Respondent shall notify each present and future supervisor of this Stipulation and Consent Order within ten days of the date of the order or commencing employment. Respondent shall provide the supervisor with a copy of the entire signed Stipulation and Consent Order.

B. Removal of Stayed Suspension

8. The stayed suspension of Respondent's certificate may be administratively removed after one year from the date of this order upon Respondent's compliance with paragraph V.6.

VI.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

9. It is Respondent's responsibility to ensure all reports, evaluations, and documentation required to be filed with the Board pursuant to this Stipulation and Consent Order are timely filed by those preparing the report, evaluation, or documentation. Failure to file reports, evaluations, and documentation on or before their due date is a violation of this Stipulation and Consent Order.

A. Noncompliance With Requirements for Stayed Suspension

10. If the Review Panel has probable cause to believe Respondent has failed to comply with or has violated any of the requirements for staying the suspension as outlined in

paragraph 6 above, the Review Panel may remove the stayed suspension pursuant to the procedures outlined in paragraph 11 below, with the following additions and exceptions:

a. The removal of the stayed suspension shall take effect upon service of an Order of Removal of Stayed Suspension (“Order of Removal”). Respondent agrees that the Review Panel is authorized to issue an Order of Removal, which shall remain in effect and shall have the full force and effect of an order of the Board until the Board makes a final determination pursuant to the procedures outlined in paragraph 11 below. The Order of Removal shall confirm the Review Panel has probable cause to believe Respondent has failed to comply with or has violated one or more of the requirements for staying the suspension of Respondent’s EMT-P certificate. Respondent further agrees an Order of Removal issued pursuant to this paragraph shall be deemed a public document under the Minnesota Government Data Practices Act. Respondent waives any right to a conference or hearing before removal of the stayed suspension.

b. The Review Panel shall schedule the hearing pursuant to paragraph 11.a. below to be held within 60 days of the notice.

B. Noncompliance With Stipulation and Consent Order

11. If Respondent fails to comply with or violates this Stipulation and Consent Order or it is determined Respondent has further violated Minnesota Statutes chapter 144E (2006) or Minnesota Rules chapter 4690 (2005), the Review Panel may, in its discretion, seek additional discipline either by initiating a contested case proceeding pursuant to Minnesota Statutes chapter 14 (2006) or by bringing the matter directly to the Board pursuant to the following procedure:

a. The Review Panel shall schedule a hearing before the Board. At least

20 days before the hearing, the Review Panel shall mail Respondent a notice of the violation(s) alleged by the Review Panel. In addition, the notice shall designate the time and place of the hearing. Within ten days after the notice is mailed, Respondent shall submit a written response to the allegations. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

b. The Review Panel, in its discretion, may schedule a conference with Respondent prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through agreement.

c. Prior to the hearing before the Board, the Review Panel and Respondent may submit affidavits and written argument in support of their positions. At the hearing, the Review Panel and Respondent may present oral argument. Argument shall not refer to matters outside the record. The evidentiary record shall be limited to the affidavits submitted prior to the hearing and this Stipulation and Consent Order. Unless stated otherwise in this Stipulation and Consent Order, the Review Panel shall have the burden of proving by a preponderance of the evidence that a violation has occurred. If Respondent has failed to submit a timely response to the allegations, Respondent may not contest the allegations, but may present argument concerning the appropriateness of additional discipline. Respondent waives a hearing before an administrative law judge, discovery, cross-examination of adverse witnesses, and other procedures governing hearings pursuant to Minnesota Statutes chapter 14.

d. Respondent's correction of a violation prior to the conference, hearing, or meeting of the Board may be taken into account by the Board but shall not limit the Board's authority to impose discipline for the violation. A decision by the Review Panel not to seek discipline when it first learns of a violation will not waive the Review Panel's right to later seek

discipline for that violation, either alone or in combination with other violations, at any time while Respondent's certificate is suspended or the suspension is stayed.

e. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board will dismiss the allegations. If a violation is proved, the Board may impose additional discipline, including additional requirements for the stayed suspension, removal of the stayed suspension, an additional period of suspension, or revocation of Respondent's certificate.

f. Nothing herein shall limit the Review Panel's or the Board's right to temporarily suspend Respondent's certificate pursuant to Minnesota Statutes section 144E.19, subdivision 3 (2006), based on a violation of this Stipulation and Consent Order or based on conduct of Respondent not specifically referred to herein.

VII.

ADDITIONAL INFORMATION

12. In the event Respondent should leave Minnesota to reside or to provide emergency medical services outside of the state, Respondent shall give the Board written notification of the new location, as well as dates of departure and return. Periods of residency and practice outside of Minnesota will not apply to the reduction of any period of Respondent's suspension or stayed suspension in Minnesota unless Respondent demonstrates that the practice in another state conforms completely with this Stipulation and Consent Order. If Respondent leaves the state, the terms of this order continue to apply unless waived in writing.

13. Within ten days of execution of this Stipulation and Consent Order, Respondent shall provide the Board with the addresses and telephone numbers of Respondent's residence and all agencies or facilities and locations at which Respondent has become employed or performs

volunteer emergency medical services. Respondent shall inform the Board within ten days if he becomes employed at any additional agencies or facilities or moves and shall provide the new or additional address and telephone number.

14. Within ten days of execution of this Stipulation and Consent Order, Respondent shall provide the Board with the names of all states in which Respondent is authorized to provide emergency medical services or has applied for certification.

15. Respondent waives the contested case hearing and all other procedures before the Board to which Respondent may be entitled under the Minnesota and United States constitutions, statutes, or rules.

16. Respondent waives any claims against the Board, the Minnesota Attorney General, the State of Minnesota, and their agents, employees, and representatives related to the investigation of the conduct herein, or the negotiation or execution of this Stipulation and Consent Order, which may otherwise be available to Respondent.

17. This Stipulation and Consent Order, the files, records, and proceedings associated with this matter shall constitute the entire record and may be reviewed by the Board in its consideration of this matter.

18. Either party may seek enforcement of this Stipulation and Consent Order in any appropriate civil court.

19. Respondent has read, understands, and agrees to this Stipulation and Consent Order and has voluntarily signed the Stipulation and Consent Order. Respondent is aware this Stipulation and Consent Order must be approved by the Board before it goes into effect. The Board may either approve the Stipulation and Consent Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Respondent, the Stipulation and

Consent Order will take effect and the order as modified will be issued. If the changes are unacceptable to Respondent or the Board rejects the Stipulation and Consent Order, it will be of no effect except as specified in the following paragraph.

20. Respondent agrees that if the Board rejects this Stipulation and Consent Order or a lesser remedy than indicated in this settlement, and this case comes again before the Board, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Consent Order or of any records relating to it.

21. This Stipulation and Consent Order shall not limit the Board's authority to proceed against Respondent by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Respondent which constitutes grounds for disciplinary action and which is not directly related to the specific facts and circumstances set forth in this document.

VIII.

DATA PRACTICES NOTICES

22. This Stipulation and Consent Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5 (2006). Data regarding this action will be provided to data banks as required by Federal law or consistent with Board policy. While this Stipulation and Consent Order is in effect, information obtained by the Board pursuant to this Order is considered active investigative data on a licensed health professional, and as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4 (2006).

23. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation.

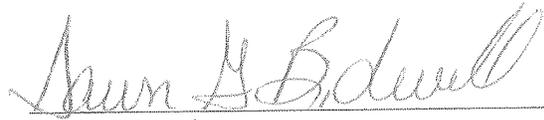
CONSENT:

EMERGENCY MEDICAL SERVICES
REGULATORY BOARD REVIEW PANEL



DALE EICKELBERG, EMT-P
Respondent

Dated: 05-07- , 2008



For the Panel

Dated: 06-09-08 , 2008

ORDER

Upon consideration of the Stipulation, the Board **SUSPENDS** Respondent's EMT-P certification. The Board **STAYS** the suspension upon Respondent's compliance with the requirements outlined in the Stipulation and adopts all other terms of the Stipulation on this

20th day of June, 2008.

MINNESOTA EMERGENCY MEDICAL
SERVICES REGULATORY BOARD

By: Debra K. Teske
DEBRA K. TESKE
Interim Executive Director

AG: #1993836-v1