

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

In the Matter of the Certificate of  
Thomas E. Follmer, EMT-B  
Certificate No.: 268625

**STIPULATION  
AND ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between Thomas E. Follmer, EMT-B ("Respondent") and the Complaint Review Panel ("Panel") of the Emergency Medical Services Regulatory Board ("Board") as follows:

1. During all times herein, Respondent has been and now is subject to the jurisdiction of the Board from which he holds a certificate in the State of Minnesota.
2. Respondent has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Respondent has chosen to be represented by Mark Gehan. The Panel was represented by Manuel J. Cervantes, Assistant Attorney General, 1400 Bremer Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, (651) 296-7575.

**FACTS**

3. For the purpose of this stipulation, the Board may consider the following facts as true:
  - a. Respondent's driver license record revealed convictions for DUI in 1987, 2004 and 2006.
  - b. Respondent completed a 21-day inpatient treatment program and on June 28, 2006, signed an Agreement for Corrective Action agreeing to cooperate with Health Professional Services Program (HPSP).

c. On February 21, 2007, Respondent was discharged from HPSP for testing positive for cocaine.

d. On May 29, 2007, Respondent met with the Panel to discuss the above facts.

#### **STATUTES**

4. The Panel views Respondent's practices as inappropriate in such a way as to require Board action under Minn. Stat. § 144E.28, subd. 4, and Respondent agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action under these statutes.

#### **REMEDY**

5. Upon this Stipulation and all of the files, records, and proceedings herein, and without any further notice or hearing herein, Respondent does hereby consent that until further order of the Board, made after notice and hearing upon application by Respondent or the Board's own motion, the Board hereby **SUSPENDS** Licensee's License to practice as a Emergency Medical Technician (EMT-B). The suspension is **STAYED** as long as Licensee complies with the following requirements:

a. Respondent shall enter into a Participation Agreement with HPSP for monitoring of his chemical dependency within 14 days of the date of this Order. Respondent must comply with all terms of the Participation Agreement.

6. Respondent shall comply with the laws and rules of the Board. Respondent agrees that failure to comply with the Board's laws and rules shall be a violation of this stipulation and order.

7. Respondent shall fully and promptly cooperate with the Board's reasonable requests concerning compliance with this stipulation and order, including requests for explanations, documents, and/or appearances at conferences. Minn. Stat. § 144E.30, subd. 3 applies to such requests.

8. Within seven days of any change, Respondent shall provide the Board with his current address and telephone information. The information shall be sent to Mary Hedges at the Emergency Medical Services Regulatory Board, University Park Plaza, 2829 University Avenue S.E., Suite 310, Minneapolis, Minnesota 55414-3222.

9. In the event Respondent resides or practices outside the State of Minnesota, Respondent shall promptly notify the Board in writing of the location of his residence and all work sites. Periods of residency or practice outside of Minnesota will not be credited toward any period of Respondent's suspended, limited, or conditional certificate in Minnesota unless Respondent demonstrates that practice in another state conforms completely with Respondent's Minnesota certification.

10. This stipulation, related investigative reports, and other documents shall constitute the entire record of the proceeding upon which this order is based. The investigative reports, other documents, or summaries thereof, may be filed with the Board with the stipulation. Any reports or other material related to this matter which are received after the date the Board approves the stipulation and order shall become a part of the record and may be considered by the Board in future aspects of this proceeding.

11. In the event the Board in its discretion does not approve this settlement, this stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon, introduced in any disciplinary action by either party hereto, except that Respondent agrees that if

the Board rejects this stipulation and this case proceeds to hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this stipulation or of any records relating hereto.

12. Respondent waives any further hearings on this matter before the Board to which Respondent may be entitled by Minnesota or United States Constitutions, statutes, or rules and agrees that the order to be entered pursuant to the stipulation shall be the final order herein.

13. Respondent hereby acknowledges that he has read and understands this stipulation and has voluntarily entered into the stipulation without threat or promise by the Board or any of its members, employees, or agents. This stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this stipulation.

14. Under the Minnesota Government Data Practices Act, this stipulation and order is classified as public data. Minn. Stat. § 13.41, subd. 4. All documents in the record shall maintain the data classification to which they are entitled under the Minnesota Government Data Practices Act, Minn. Stat. ch. 13. They shall not, if they are not already public documents, become public merely because they are referenced herein. Pursuant to the Health Insurance Portability and Accountability Act of 1996, the Board must report the disciplinary action contained in this Stipulation and Order to the Healthcare Integrity and Protection Data Bank.

Dated: 8-2-07

Thomas E. Follmer

Thomas E. Follmer, EMT-B  
Respondent

Dated: 8/20/07

[Signature]

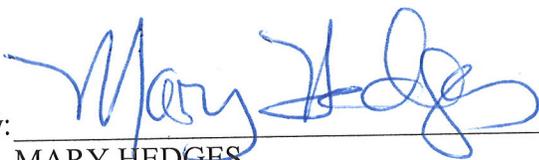
For the Panel

**ORDER**

Upon consideration of this stipulation and all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the terms of this stipulation are adopted and implemented by the Board this 7<sup>th</sup> day of September, 2007.

MINNESOTA EMERGENCY MEDICAL  
SERVICES REGULATORY BOARD

By:   
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MARY HEDGES  
Executive Director

AG: #1830679-v1