

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

In the Matter of the Certificate
of Kevin J. Kaszas, Paramedic
Certificate No. 229603

**STIPULATION AND
CONSENT ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between Kevin J. Kaszas, Paramedic ("Respondent"), and the Complaint Review Panel ("Review Panel") of the Emergency Medical Services Regulatory Board ("Board") as follows:

JURISDICTION

1. During all times herein, Respondent has been and now is subject to the jurisdiction of the Board from which he holds a certificate as a Paramedic 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. The Review Panel was represented by Gregory J. Schaefer, Assistant Attorney General, 1400 Bremer Tower, 445 Minnesota Street, St. Paul, Minnesota 55101-2131, telephone (651) 757-1406.

FACTS

3. For purposes of this Stipulation and Consent Order only, the parties agree the following facts are true. Prior to and while Respondent was certified as a Paramedic the following occurred:

a. Respondent became certified as a Paramedic in Minnesota on March 19, 1997.

b. On February 6, 2013, Respondent answered “yes” to a conviction, guilty plea, or nolo contendere to any felony; any gross misdemeanor relating to assault, sexual misconduct, or the illegal use of drugs or alcohol; any misdemeanor relating to sexual misconduct or the illegal use of drugs or alcohol; or has had any other health-related licensing authority denied, revoked, suspended, or placed in a conditional status affecting his right to practice.

c. On January 14, 2013, Respondent was convicted of Driving While Under the Influence (“DWI”) of alcohol. Respondent’s blood alcohol content was .23 at the time of the incident on September 23, 2011.

d. From October 25, 2011, to February 6, 2012, Respondent received inpatient chemical dependency treatment at Hazelden. Respondent was diagnosed with alcohol dependence with physiological dependence.

e. Respondent was referred to the Health Professionals Services Program (“HPSP”) on March 14, 2013, and required to enroll in the program as a condition of granting certification. Respondent’s Paramedic certification was renewed by the Board on May 9, 2013, after he signed a Participation Agreement with HPSP.

f. On May 30, 2013, the Board was notified of Respondent’s voluntary withdrawal from HPSP.

STATUTES

4. The Review Panel views Respondent's conduct as inappropriate in such a way as to justify Board action under Minnesota Statutes section 144E.28, subdivisions 4 and 5(a)(3) and (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.

DISCIPLINARY ACTION

5. Upon this Stipulation and all of the files, records, and proceedings herein, and without any further notice or hearing, the parties agree the Board may take the following disciplinary action and require compliance with the following terms:

A. Voluntary Surrender

6. The Board accepts Respondent's **VOLUNTARY SURRENDER** of his Paramedic certificate. Respondent shall not engage in any act which constitutes the practice of emergency medical services and shall not imply by words or conduct that Respondent is authorized to do so.

7. Respondent shall surrender to the Board his Paramedic certificate. Respondent shall personally deliver or mail the certificate to the Minnesota Emergency Medical Services Regulatory Board, c/o Pamela Biladeau, Executive Director, 2829 University Avenue S.E., Suite 310, Minneapolis, Minnesota 55414, within ten days of the date of this Order.

8. 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 Consent Order.

B. Reinstatement of Certification

9. Respondent may not petition for reinstatement of his Paramedic certification until Respondent is able to demonstrate by a preponderance of the evidence that he is capable of performing emergency medical services in a fit and competent manner without risk of harm to the public. At the time of Respondent's petition, Respondent shall meet with a Review Panel and comply with, at a minimum, the following:

a. ***Recertification Requirements.*** Respondent shall meet all recertification requirements in effect at the time of his petition for reinstatement, including but not limited to completing the appropriate application, paying the requisite fees, and completing any necessary continuing education requirements.

b. ***Self-Report.*** Respondent shall submit to the Review Panel a report addressing his sobriety, including the date Respondent last used mood-altering chemicals, including alcohol, and the circumstances surrounding any use while this Stipulation and Consent Order is in effect.

c. ***Documentation.*** Respondent shall submit to the Review Panel documentation of any treatment and participation in a chemical dependency rehabilitation program, including attendance at a chemical dependency support group, such as Alcoholics Anonymous, during the 12 months preceding the petition. Evidence of participation shall include but need not be limited to attendance sheets that have been legibly signed or initialed and dated by a participant who attended the meeting.

10. The Board may, at any regularly scheduled meeting following Respondent's petition for reinstatement pursuant to paragraph 9 above, take any of the following actions:

- a. Issue a paramedic certification to Respondent;
- b. Issue a paramedic certification to Respondent with limitations upon the scope of Respondent's practice and/or with conditions for Respondent's practice; or
- c. Deny Respondent's request for issuance of a paramedic certification based upon his failure to meet the burden of proof.

11. Respondent shall fully and promptly cooperate with the Board's reasonable requests concerning compliance with this Stipulation and Consent Order, including requests for

explanations, documents, office inspections, and/or appearances at conferences. Minnesota Statutes section 144E.30, subdivision 3, applies to such requests.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

12. If Respondent fails to comply with or violates this Stipulation and Consent Order, the Review Panel may seek injunctive relief, refer the matter to criminal law enforcement officials as unauthorized practice, seek additional discipline by initiating a contested case proceeding pursuant to Minnesota Statutes chapter 14 , or bring the matter directly to the Board pursuant to the following procedure:

a. The Review Panel shall schedule a hearing before the Board. At least thirty (30) 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 (10) 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. 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 certification 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 an additional period of suspension, or revocation of Respondent's certification.

ADDITIONAL TERMS

13. 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.

14. 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.

15. The 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.

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

17. 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 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 Stipulation and Consent 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.

18. 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.

19. 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.

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

DATA PRACTICES NOTICE

21. 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. Data regarding this action will be provided to data banks as required by Federal law or consistent with Board policy.

CONSENT:

MINNESOTA EMERGENCY MEDICAL
SERVICES REGULATORY BOARD



KEVIN J. KASZAS, PARAMEDIC
Respondent



BOARD MEMBER

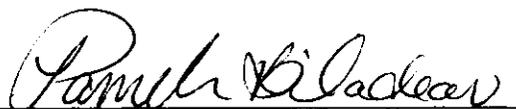
Dated: July 22, 2013

Dated: August 5, 2013

ORDER

Upon consideration of this Stipulation and Consent Order and all the files, records, and proceedings herein, IT IS HEREBY ORDERED that the terms of this Stipulation and Consent Order are adopted and implemented by the Board this 6th day of August 2013.

MINNESOTA EMERGENCY MEDICAL
SERVICES REGULATORY BOARD

By: 

PAMELA BILADEAU
Executive Director