

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

In the Matter of
Tracy Pletschett, EMT
Certificate No: 501146

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

On January 24, 2001, the Minnesota Emergency Medical Services Regulatory Board ("Board") served a Notice of and Order for Prehearing Conference and Hearing ("Notice of Hearing") together with a Notice of Appearance upon Tracy Pletschett ("Respondent"), by first-class mail at 134 Brook Avenue, NE, Apt. 106, Clearbrook, MN 56634 and at RR1, Box 19, Gonvick, MN 56644, her last known addresses filed with the Board. Respondent did not return a Notice of Appearance to the Office of Administrative Hearings.

The Notice of Hearing served on Respondent scheduled a prehearing conference for February 27, 2001, and contained the following language:

If Respondent fails to appear without the advance consent of the administrative law judge at the prehearing conference in this matter, Respondent is in default and the allegations or issues in this notice are true without further evidence and the Board may revoke, suspend, and take other action against Respondent's certificate to practice as an Emergency Medical Technician in the State of Minnesota.

Respondent failed to appear at the prehearing conference, file a Notice of Appearance, or make any request for a continuance or any other relief.

On March 8, 2001, Administrative Law Judge George A. Beck ("ALJ") issued Findings of Fact, Conclusions of Law, and Recommendation in the above-entitled matter.

The Board convened to consider the matter on April 19, 2001, at the Archer House Hotel, 212 Division Street, Northfield, Minnesota, 55057. The following members of the Board were present to participate in deliberations and vote: Daniel Hankins, M.D., Board Chair;

Robert Anderson; John Baerg; Bob Dahm; Steve Haavisto; Steven Nesseth; John Prondzinski; and Martin Scheerer. Paul R. Kempainen, Assistant Attorney General, was present as legal advisor to the Board.

Board members Gary Wingrove, Michael Guthrie and Michael R. Wilcox, M.D. did not participate in deliberations and did not vote in the matter. Mary Hedges, Executive Director, Wayne Arrowood, Licensing Specialist and JoAnn Champagne, EMS Supervisor, also did not participate in the Board's deliberations. Rosellen Condon, Assistant Attorney General, appeared and presented oral argument for the Board's Complaint Review Committee. Respondent did not appear.

Based on the case record and the proceedings in this matter, the Board makes the following:

FINDINGS OF FACT

Pursuant to Minnesota Rules 1400.6000, the allegations in the Notice of Hearing are taken as true and the Board hereby accepts the report of the ALJ and adopts and issues the following Findings of Fact:

1. On January 4, 2000, Respondent was terminated at her place of employment for failure to respond to 911 calls when scheduled. The Respondent did not respond to 911 calls during her shifts on: November 7, December 27, December 30, 1999 and January 3, 2000.
2. On several occasions, specifically February 8 and March 13, 2000, an investigator from the Board tried to call Respondent at separate addresses requesting a response to the written complaint no later than May 2, 2000. No information was received.

3. On July 6, 2000, the Board's Complaint Review Committee served Respondent a Notice of Conference scheduling a conference on August 23, 2000. Respondent failed to attend the conference or to notify the Board she would be unable to attend.

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, subd. 4 and subd. 5(b) and (c), and 144E.30.
2. The Board gave proper notice of the prehearing conference and hearing in this matter and has fulfilled all relevant substantive and procedural requirements of law and rules.
3. Respondent is in default herein under Minnesota Rules 1400.6000 as a result of her failure to appear at the prehearing conference.
4. Under Minnesota Rules 1400.6000, the allegations contained in the Notice of Hearing may be taken as true or deemed proven without further evidence when a party fails to appear at the prehearing conference.
5. Under Minnesota Rules 1400.7300, subpart 5, the Board Review Panel has the burden of establishing the statutory violations charged by a preponderance of the evidence. As a result of Respondent's default, the Board Review Panel has met its burden of proof.
6. The Board has authority to take disciplinary action against Emergency Medical Technicians, including Respondent, under Minnesota Statutes sections 144E.28, subds. 4 and 5.
7. That Respondent's conduct constitutes a violation of Minnesota Statutes sections 144E.28, subd. 5(a)(5), and 144E.30, subd. 3.

8. As a result of the statutory violations set forth above, the Board has the power to take disciplinary action against Respondent as set forth in Minnesota Statutes sections 144E.28, subds. 4 and 5 and 144E.30.

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

ORDER

1. IT IS HEREBY ORDERED that the certificate of Respondent as an Emergency Medical Technician in the State of Minnesota is **REVOKED** immediately for an indefinite period of time.
2. IT IS FURTHER ORDERED that during the period of revocation, Respondent shall not engage in any conduct which constitutes the practice of Emergency Medical Technician as authorized in Minnesota Statutes section 144E.28 subdivision 1.
3. IT IS FURTHER ORDERED that Respondent surrender to the Board her Emergency Medical Technician certificate. Respondent shall personally deliver or mail the certificate to the Minnesota Emergency Medical Services Regulatory Board, Mary Hedges, Executive Director, 2829 University Avenue S.E., Suite 301, Minneapolis, Minnesota 55414, within ten days of the date of her receipt of this Order.
4. IT IS FURTHER ORDERED that Respondent may petition the Board to have the revocation status removed from her certificate at such time as she is willing to respond to the Findings of Fact set forth above. She must meet with the Complaint Review Committee prior to her petition being addressed by the Board. Her certificate may be reinstated, if at all, as the evidence dictates and based upon the need to protect the public. The burden of proof shall be upon Respondent to demonstrate by a preponderance of the evidence that she is capable of conducting herself in a fit and competent manner as an Emergency Medical Technician. In

petitioning for removal of the revocation, Respondent shall comply with or provide the Board with, at a minimum, the following:

- a. A response from Respondent to each separate incident set forth in the Findings of Fact.
- b. Any other information the Respondent believes would assist the Board in its ultimate review of this matter.

5. IT IS FURTHER ORDERED that Respondent shall meet all reregistration requirements in effect at the time of her petition, including but not limited to completing the appropriate application, paying the requisite fees, and completing any necessary continuing education requirements.

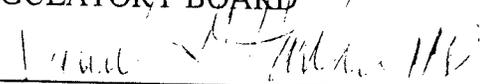
6. IT IS FURTHER ORDERED that the Board may, at any regularly scheduled meeting following Respondent's petition for reinstatement of her certificate and her meeting with a Complaint Review Committee, take any of the following actions:

- a. Issue an Emergency Medical Technician certificate to Respondent;
- b. Issue an Emergency Medical Technician certificate to Respondent conditioned upon further reports to the Board and limitations placed upon the scope of Respondent's practice; or
- c. Continue the revocation of Respondent's license upon her failure to meet the burden of proof.

Dated: 1 May, 2001

STATE OF MINNESOTA

EMERGENCY MEDICAL SERVICES
REGULATORY BOARD



DANIEL HANKINS, M.D.
Chair