EMSRB
Minnesota Emergency Medical Services Regulatory Board

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June 29, 2011

Goldy P. Thiel
544 112th Lane N.W.
Coon Rapids, Minnesota 55448

Dear Mr. Thiel:

Enclosed is a copy of the fully executed Stipulation & Consent Order approved by the Emergency Medical Services Regulatory Board (EMSRB) on June 29, 2011.

The Board's Stipulation and Order states in part:

1. Your EMT-Paramedic certificate is indefinitely suspended. The suspension is stayed as long as you comply with the following requirements;
2. Contact and enroll in the Health Professionals Services Program (HPSP) if you have not already done so;
3. Abstain completely from alcohol and all mood-altering chemicals unless prescribed.
4. You may petition for removal of the stipulation and order upon successful completion of the HPSP program.

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

Sincerely,

Pamela Biladeau
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 Certificate
of Goldy P. Thiel, EMT-P
Certificate No.: 513530

**STIPULATION AND ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between Goldy P. Thiel, EMT-P ("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. Although aware of his right to representation by counsel, Respondent has knowingly and expressly waived that right. The Panel was represented by Nathan W. Hart, Assistant Attorney General, 1400 Bremer Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, telephone (651) 296-7575.

**FACTS**

3. For the purpose of this stipulation, the Board may consider the following facts as true:

a. On November 1, 2010, the Board received a mandatory report that Respondent had diverted narcotics for personal use. The complaint alleged that a review of the Onmicell medication-dispensing system used by Respondent's employer revealed that Respondent had accessed the system at least twice and often multiple times during each shift he worked and exited the system indicating a "null transaction." The "null transaction" indicated

Respondent did not remove any medications to replenish the narcotics pouch he carried during each shift he worked.

b. The pharmacy manager, pharmacist, and EMS manager accessed the Omnicell system to inspect the medications stored there. Inspection of the vials showed the Dilaudid and morphine vials appeared to have a puncture in the center of the protective dust cover. The vials were removed and replaced with untampered vials.

c. Respondent was scheduled to work on October 30, 2010. At the start of the shift, Respondent met with the operations manager and operations supervisor to discuss the possible diversion of drugs. During that meeting, Respondent admitted diverting the narcotics for personal use. Respondent stated that he began diverting narcotics during the summer of 2010 following neck surgery. Respondent admitted administering a dose of morphine to a patient and injecting himself with the remainder from the syringe instead of wasting it. Respondent further stated he was unable to obtain enough from narcotics left over from patients and began accessing the Omnicell system and replacing the amount taken from the vials with saline.

d. Respondent also worked for another ambulance service at that time and admitted diverting narcotics while working there.

e. Respondent was asked whether he wanted to receive immediate medical treatment for his addiction, to which he responded he would. Respondent also requested information on the Health Professionals Services Program ("HPSP").

f. Respondent entered Dellwood Recovery Center for chemical dependency treatment and also enrolled in HPSP.

## 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 may make and enter an order **CONDITIONING** and **RESTRICTING** Respondent's certificate to practice in the State of Minnesota. Respondent's certificate to practice emergency medical services is **INDEFINITELY SUSPENDED.** The suspension is **STAYED** so long as Respondent complies with the following requirements:

a. If Respondent has not already done so, within 15 days from the date of this order, he shall contact HPSP and enter into a Participation Agreement and Monitoring Plan.

b. Respondent shall abstain completely from alcohol and all mood-altering chemicals unless they are prescribed by a physician or dentist who has first been informed of Respondent's chemical dependency history. Respondent shall fully comply with the HPSP Participation Agreement and Monitoring Plan and any modifications thereto as determined by HPSP. Any noncompliance with the Participation Agreement and Monitoring Plan shall be deemed to be noncompliance with this stipulation and order.

6. This stipulation and order shall remain in effect until Respondent successfully completes the HPSP Participation Agreement and Monitoring Plan. Upon notification from

HPSP that Respondent has been discharged for successful completion, Respondent may petition for reinstatement of an unconditional certificate. Upon hearing the petition, the Board may continue, modify, or remove the conditions set out herein.

7. 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.

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

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

10. 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.

## CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

A. Noncompliance With Requirements for Stayed Suspension

11. If the 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 5 above, the Panel may remove the stay of suspension pursuant to the procedures outlined in paragraph 12 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 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 12 below or until the complaint is dismissed and the order is rescinded by the Panel. The Order of Removal shall confirm the 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 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 Panel shall schedule the hearing pursuant to paragraph 12 below to be held within 60 days of service of the Order of Removal.

B. Noncompliance With Stipulation and Order

12. If Respondent fails to comply with or violates this stipulation and order, the Panel may, in its discretion, seek additional discipline either by initiating a contested case proceeding

pursuant to Minnesota Statutes chapter 14 or by bringing the matter directly to the Board pursuant to the following procedure:

a. The Panel shall schedule a hearing before the Board. At least 20 days before the hearing, the Panel shall mail Respondent a notice of the violation(s) alleged by the 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 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 Panel and Respondent may submit affidavits and written argument in support of their positions. At the hearing, the 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 order. Unless stated otherwise in this stipulation and order, the 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 Panel not to seek discipline when it first learns of a violation will not waive the 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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: 3/22/11

GOLDY P. THIEL, EMT-P
Respondent

Dated: 4/18/2011

Dawn Bidwell
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 29 day of June, 2011.

MINNESOTA EMERGENCY MEDICAL
SERVICES REGULATORY BOARD

By: Pamela Biladeau
PAMELA BILADEAU
Executive Director