

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

In the Matter of the  
Certificate of  
Ryan J. Berscheid, EMT-B  
Date of Birth: 08/13/77  
Certificate No. 500340

**STIPULATION AND ORDER FOR  
SUSPENSION OF CERTIFICATE**

IT IS HEREBY STIPULATED AND AGREED, by and between Ryan J. Berscheid, EMT-B ("Respondent") and the Complaint Review Committee ("Committee") of the Minnesota Emergency Medical Services Regulatory Board ("Board") as follows:

1. During all times material herein, Respondent has been and now is subject to the jurisdiction of the Board by which he was issued a certificate as an emergency medical technician.

**ALLEGATIONS OF FACT**

2. Respondent neither admits nor denies the following allegations of fact but grants that for purposes of this Stipulation and Order only, the Board may consider each statement as if it were true:

a. On April 15, 2002, while working as an attendant for a Twin Cities ambulance service in the transfer between hospitals of Patient #1, a 16-year-old psychiatric patient who evidenced no trauma, Respondent:

1) Interrogated the patient regarding why she attempted to cut her wrist, discussed her parents' divorce, and disclosed personal information about himself and his family to the patient;

- 2) Lifted the back of the patient's sweatshirt and auscultated her lungs with a stethoscope;
- 3) Lifted the front of the patient's sweatshirt and palpated her abdomen;
- 4) Pulled down the patient's pajama bottoms below her knees;
- 5) Inserted his finger into the patient's rectum.

b. Respondent was terminated by the ambulance service for gross misconduct in connection with Patient #1, effective April 17, 2002.

c. 1) In addition to Patient #1, Respondent pulled down the pants or underwear of one or more other patients during ambulance runs while employed by the same service.

2) In the case of at least one such person, Patient #2, a disabled minor female, during a transfer between hospitals on March 4, 2002, after pulling down her underwear and causing her to roll on her side, Respondent looked at the Patient #2's buttocks while spreading the cheeks with his hands.

3. On July 31, 2002, criminal charges were filed against Respondent in Anoka County District Court in connection with the conduct described above.

#### STATUTES

4. Respondent agrees that the conduct cited in 2.a-c, above, if proven, would constitute grounds for the Board to revoke, suspend or otherwise act against Respondent's certificate. *See* Minn. Stat. § 144E.28, subd. 5 (5) (unethical conduct, including conduct likely to harm the public) and (6) (the maltreatment of patients).

## REMEDY

5. Upon this Stipulation and all of the files, records and proceedings herein, without further notice or hearing, Respondent consents that the Board may make and issue an order in this matter as follows:

a. Respondent's certification as an emergency medical technician in the State of Minnesota is **SUSPENDED**, effective immediately.

b. Not later than three (3) days from the date of this Order, Respondent shall surrender and cause the Board to receive his current EMT certificate card.

c. At no time subsequent to the date of this Order shall Respondent engage in any act in Minnesota which constitutes practice as an emergency medical technician as defined in Minnesota Statutes, sections 144E.001 and 144E.28, nor shall he in any manner represent or hold himself out as being authorized to do so.

d. In the event Respondent fails to comply with paragraph c, immediately above, the Board may seek injunctive relief and/or refer the matter to criminal law enforcement officials as unauthorized practice.

e. 1) Respondent may not petition the Board for re-certification as an emergency medical technician except upon the conclusion of all criminal proceedings involving the conduct described in paragraph 2, including the conclusion of any and all appeals. In the event of a conviction, no petition for re-certification may be submitted earlier than one (1) year from the date of sentencing; except that if the sentence includes incarceration, Respondent may not petition earlier than one (1) year from the date of his release from the correctional facility. Any petition for re-certification shall include evidence that Respondent has satisfied all reinstatement requirements under Minnesota Statutes, section 144E.28, subdivision 8, and paid

any related fee. Any petition submitted subsequent to a conviction shall also include evidence of Respondent's compliance with all terms and conditions of probation or parole.

2) In connection with any petition for re-certification, the burden of proof shall be upon Respondent to demonstrate to the Board that he is able to provide emergency medical services in a fit and competent manner without risk of harm to the public.

3) The Board reserves the right to grant a petition for re-certification only upon the imposition of conditions and limitations which the Board deems necessary to ensure public protection. Such conditions and limitations may include but need not be limited to restricted duties, practice supervision, Respondent's participation in therapy or other treatment, periodic reports to the Board, and summary procedures for certificate revocation in the event of a future violation.

#### **ADDITIONAL TERMS**

6. If 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 nor introduced in any disciplinary action by either party hereto, except that Respondent agrees that should the Board reject this Stipulation and if 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.

7. This Stipulation shall not in any way limit or affect the authority of the Board to take disciplinary action against Respondent on the basis of any act, conduct or omission of Respondent occurring before or after the date of the Order which is not related to the facts, circumstances or requirements referenced herein.

8. Respondent waives any hearing on this matter to which he may be entitled by constitution, statute, or rule and agrees that the Order to be entered pursuant to this Stipulation shall be the final order herein.

9. Respondent has voluntarily entered into this Stipulation without threat or promise by the Board or any of its employees or representatives, and after consultation with and advice from Respondent's counsel.

10. Under the Minnesota Government Data Practices Act, this Stipulation and Order is classified as public data. Minn. Stat. § 13.41, subd. 4. Pursuant to federal rule, the Board must report the disciplinary action contained in this Stipulation and Order to the National Practitioner Data Bank. 45 C.F.R., part 60.

11. 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.

Dated: 8/19, 2002

Dated: 08/20/, 2002

Ryan Bersch  
RYAN J. BERSCHIED  
Respondent

Martin Scheuer  
For the Committee

**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 5<sup>th</sup> day of September, 2002.

MINNESOTA EMERGENCY  
MEDICAL SERVICES  
REGULATORY BOARD

By: \_\_\_\_\_

  
MARY F. HEDGES  
Executive Director

AG: #706408-v1