

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

In the Matter of the Certificate
of Brian B. Bigger, EMT
Certificate No. 911830

STIPULATION AND ORDER

STIPULATION

IT IS HEREBY STIPULATED AND AGREED, by and between Brian B. Bigger, EMT (“Respondent”), and the Complaint Review Panel (“Review Panel”) of the Minnesota Emergency Medical Services Regulatory Board (“Board”) that this matter may be resolved without trial of any issue or fact as follows:

I.

JURISDICTION

1. The Board is authorized pursuant to Minnesota Statutes chapter 144E to certify and regulate Emergency Medical Technicians and to take disciplinary action as appropriate.
2. Respondent holds a certificate from the Board to provide emergency medical services as an Emergency Medical Technician in the State of Minnesota and is subject to the jurisdiction of the Board.
3. 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 Bryan D. Huffman, Assistant Attorney General, and Gregory J. Schaefer, Assistant Attorney General, 1400 Bremer Tower, 445 Minnesota Street, St. Paul, Minnesota 55101-2131, telephone (651) 757-1366.

II.

FACTS

4. For the purpose of this stipulation, the parties may consider the following facts as true:

a. On June 19, 2003, Respondent applied for a First Responder registration and self-disclosed two Gross Misdemeanors for illegal use of alcohol and a Felony forged-check conviction.

b. The Board registered Respondent as a First Responder on September 23, 2003, without notice of two additional Gross Misdemeanor convictions that were not disclosed on Respondent's June 19, 2003 application.

c. On May 19, 2005, Respondent applied for an EMT certification. At the time of application, Respondent failed to disclose any convictions for misdemeanors, gross misdemeanors, or felonies.

d. The Board certified Respondent as an EMT on June 30, 2005.

e. On subsequent renewal applications for EMT certification completed by Respondent on January 26, 2007; March 13, 2009; February 18, 2011; and March 29, 2013, Respondent answered "No" on self-disclosures to questions related to any convictions.

f. Respondent failed to disclose the following convictions on his 2005 application for EMT certification and his 2007, 2009, and 2011 applications for recertification:

March 20, 1991	Gross Misdemeanor giving false information to police
April 30, 1992	Felony offering forged check (later changed to a misdemeanor)
April 13, 1995	Gross Misdemeanor issue worthless check
February 3, 2011	Felony Theft false representation

g. Respondent failed to disclose the following convictions on his 2013 application for EMT recertification:

September 20, 1990	Misdemeanor theft
September 27, 1990	Misdemeanor issue worthless check
March 20, 1991	Gross Misdemeanor giving false information to police
October 10, 1991	Misdemeanor issue worthless checks
March 24, 1992	Misdemeanor theft by swindle
April 30, 1992	Felony offering forged check (later changed to a misdemeanor)
April 6, 1993	Misdemeanor theft by swindle
April 13, 1995	Gross Misdemeanor issue worthless check
January 5, 1998	Misdemeanor theft by check, dishonored check
October 26, 1998	Misdemeanor theft — property
January 2, 2004	Misdemeanor issue dishonored check
November 21, 2006	Misdemeanor bad check
March 12, 2009	Misdemeanor issue dishonored check
November 19, 2009	Misdemeanor issue dishonored check
December 20, 2010	Misdemeanor Theft by check (two counts)
February 3, 2011	Felony Theft false representation

h. Respondent was charged with Felony Theft by swindle in Becker County, Minnesota, on May 3, 2013.

i. Respondent falsified his application for EMT certification in 2005 and recertifications in 2007, 2009, 2011, and 2013; therefore, he did not meet the requirements for renewal of his EMT certification.

III.

STATUTES

5. The Review Panel views Respondent’s conduct as inappropriate in such a way as to require Board action under Minnesota Statutes section 144E.28, subdivision 4. Respondent agrees that the conduct cited above constitutes a violation of Minnesota Statutes section 144E.28,

subdivisions 4 and 5(a)(2), (3), (5), (8), and (12), and justifies the disciplinary action described in section IV. below.

IV.

DISCIPLINARY ACTION

6. Respondent consents that the Board may take the following disciplinary action and require compliance with the following terms:

A. Voluntary Surrender

a. The Board accepts Respondent's **VOLUNTARY SURRENDER** of his EMT 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.

b. Respondent shall surrender to the Board his EMT 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 55414-3222, within ten days of the date of this order.

B. Reinstatement

c. Respondent may not petition for reinstatement of his EMT certificate until he 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 and does not pose a risk of harm to the public. At the time of Respondent's petition, Respondent shall meet with a Review Panel and complete the following:

1) ***Practical Skills Examination.*** Within 90 days of the date of Respondent's petition for reinstatement, Respondent shall submit to the Board evidence of successful completion of a Board-approved EMT practical skills examination.

2) ***Registration/Reregistration Requirements.*** Respondent shall meet all registration/reregistration 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. Continuing education requirements must be verified by date and signature of each course instructor and by a medical director of a licensed ambulance service or education program.

3) ***Evaluation.*** Respondent shall submit results of any mental health treatment received. Respondent shall submit evidence documenting compliance with any mental health treatment.

4) ***Additional Information.*** Respondent shall provide any additional information relevant to his petition reasonably requested by the Review Panel, including a fit-for-duty evaluation to be conducted by a provider approved by the Board. Respondent shall also provide proof of completion of all sentencing requirements.

7. The Board may, at any regularly scheduled meeting following Respondent's petition for reinstatement pursuant to paragraph 6 above, take any of the following actions:

- a. Issue an EMT certificate to Respondent;
- b. Issue an EMT certificate 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 an EMT certificate based upon his failure to meet the burden of proof.

V.

ADDITIONAL TERMS

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 Pamela Biladeau, Executive Director, Emergency Medical Services Regulatory Board, 2829 University Avenue S.E., Suite 310, Minneapolis, Minnesota 55414-3222.

9. This Stipulation and Order, 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 therefore, may be filed with the Board with the Stipulation and Order. Any reports or other material related to this matter which may be 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.

10. In the event the Board, in its discretion, does not approve this settlement, this Stipulation and Order 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 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 and Order or of any records relating hereto.

11. Respondent waives the contested case hearing and all other procedures 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 and Order shall be the final order herein.

12. This Stipulation and 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.

VI.

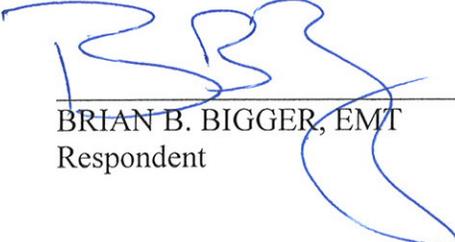
DATA PRACTICES NOTICES

13. This Stipulation and 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. While this Stipulation and Order is in effect, information obtained by the Board pursuant to this Stipulation and Order is considered active investigative data on a licensed health professional and, as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4.

14. Respondent hereby acknowledges that he has read and understands this stipulation and has voluntarily entered into it. 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: 12-22-13

Dated: 1-8-2014



BRIAN B. BIGGER, EMT
Respondent



FOR THE COMPLAINT REVIEW PANEL

ORDER

Upon consideration of this Stipulation and Order, IT IS HEREBY ORDERED that the Board accepts the **VOLUNTARY SURRENDER** of Respondent's certification and the terms of this Stipulation are adopted and implemented by the Board this 16 day of January, 2014.

MINNESOTA EMERGENCY MEDICAL
SERVICES REGULATORY BOARD

By: 
PAMELA BILADEAU
Executive Director