

February 4, 2008

Brian DeLong
1117 128th Ave. N.E.
Blaine, Minnesota 55434

Dear Mr. DeLong:

Enclosed is a copy of the fully executed Agreement for Corrective Action approved by the Emergency Medical Services Regulatory Board (EMSRB) on January 24, 2008.

The Board's Stipulation and Order states in part:

1. You will be issued an EMT-Paramedic certificate which will be immediately suspended for a minimum of three months.
2. You must complete an ethics course which has been pre-approved by the Board;
3. You must submit documentation of successful completion of the ethics course, along with a written report summarizing what you learned in the course, and how it relates to your conduct.
4. You may petition for reinstatement of your EMT-P certification no sooner than three months from the date of suspension.

You are encouraged to take this matter seriously and abide by the stipulation and order requirements. Failure to do so may result in further action against your certification as an EMT-P.

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

Sincerely,



Mary Hedges
Executive Director

Cc: Karen Andrews, Assistant Attorney General

Enclosure: Stipulation and Order

BEFORE THE MINNESOTA
EMERGENCY MEDICAL SERVICES REGULATORY BOARD

In the Matter of:
Brian Delong, EMT-P Applicant
Applicant No.: 936567

**STIPULATION
AND ORDER**

STIPULATION

IT IS HEREBY STIPULATED AND AGREED by and between Brian Delong, EMT-P Applicant (“Respondent”) and the Complaint Review Panel (“Panel”) of the Emergency Medical Services Regulatory Board (“Board”) that the above-referenced 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 (2006) to certify and regulate emergency medical services personnel and to take disciplinary action as appropriate.
2. During all times herein, Respondent has been and now 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. Although aware of his right to representation by counsel, Respondent has knowingly and expressly waived that right. The Panel was represented by Karen B. Andrews, Assistant Attorney General, 1400 Bremer Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, (651) 296-0140.

II.

FACTS

4. The parties agree this Stipulation and Order is based upon the following facts:
 - a. On May 24, 2007, Respondent faxed an altered Minnesota Emergency Medical Technician-Basic (“EMT-B”) certificate to Life Link III, showing an expiration date of March 31, 2009. Respondent’s Minnesota EMT-B certificate actually expired on March 31, 2007.
 - b. In June 2007, while the investigation relating to the altered EMT-B certificate was pending, Respondent applied for certification as an Emergency Medical Technician-Paramedic (“EMT-P”).
 - c. On July 15, 2007, in response to a letter questioning Respondent about the altered EMT-B certificate above, Respondent admitted to altering his EMT-B certificate. Respondent stated he did so without knowing the consequences of his actions.
 - d. On August 16, 2007, the Panel denied Respondent’s application for certification as an EMT-P. Respondent appealed the denial to the Panel.
 - e. On September 17, 2007, Respondent appeared before the Panel to discuss these allegations, which were contained in a Notice of Conference dated September 6, 2007. Respondent stated that after he realized his EMT-B certificate had lapsed, he initially chose not to recertify because there was “too much red tape” involved. However, when he realized an EMT-B certificate was needed for certification as an EMT-P, he “panicked” and submitted a forged EMT-B certificate. Respondent acknowledged that he treated at least 10 patients without possessing a valid EMT-B certificate. Respondent admitted that his actions subjected his employer to significant liability.

III.

STATUTES

5. The Panel views Respondent's practices as inappropriate in such a way as to require Board action under Minn. Stat. § 144E.28, subdivision 5 (2006), and Respondent agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action under these statutes.

IV.

DISCIPLINARY ACTION

The parties agree the Board may take the following disciplinary action and require compliance with the following terms:

A. Conditional License

6. The Board grants Respondent a **CONDITIONAL** EMT-P certificate, with the conditions described in paragraphs 7, 8, 9, and 10 below.

B. Suspension

7. The Board immediately **SUSPENDS** Respondent's EMT-P certification for a minimum of three (3) months. Respondent shall not engage in any act which constitutes practice as an EMT-P as defined in Minnesota Statutes sections 144E.001 and 144E.28, nor shall Respondent in any manner represent or hold himself out as being authorized to do so.

C. Removal of Suspension

8. Respondent may not petition for removal of the suspended status of his certificate for at least three (3) months after the effective date of the stipulation and order. At the time of Respondent's petition, Respondent must demonstrate compliance with, at a minimum, the following:

a. Respondent shall complete at least four (4) hours of ethics coursework that has been pre-approved by the Board.

b. Respondent shall submit to the Board documentation verifying that he has successfully completed the ethics coursework, along with a written report summarizing what he learned in the course and how it relates to his past conduct. Respondent's report shall be typewritten in his own words, double-spaced, and at least two pages in length.

D. Residency Information

9. Within seven (7) days of any change, Respondent shall provide the Board with his current address and telephone information. The information shall be sent to Rose K. Olson 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 conditional/suspended certificate in Minnesota unless Respondent demonstrates that practice in another state conforms completely with Respondent's Minnesota certification.

E. Reprimand

11. The Board **REPRIMANDS** Respondent for the conduct outlined in section II, above.

V.

ADDITIONAL TERMS

12. 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.

13. 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.

14. Respondent waives the contested case hearing and all other procedures before the Board to which he may be entitled by Minnesota or United States Constitutions, statutes, or rules.

15. 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 Order, which may otherwise be available to Respondent.

16. This Stipulation and 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.

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

18. Respondent is aware this Stipulation and Order must be approved by the Board before it goes into effect. The Board may either approve the Stipulation and Order as approved,

approve it subject to specified changes, or reject it. If the changes are acceptable to Respondent, the Stipulation and Order will take effect and the order as modified will be issued. If the changes are unacceptable to Respondent or the Board rejects the Stipulation and Order, it will be of no effect except as specified in the following paragraph.

19. Respondent agrees that if the Board rejects this Stipulation and 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 Order or of any records relating to it.

20. 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.

21. 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.

22. This Stipulation and Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes § 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 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.

23. 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.

Dated: 11-27-07

Dated: 12/20/07



Brian DeLong
Respondent



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 24th day of January, 2008.

MINNESOTA EMERGENCY MEDICAL
SERVICES REGULATORY BOARD

By: 

MARY HEDGES
Executive Director