

November 23, 2009

Robert Jostad  
4956 164<sup>th</sup> Ave. S.E.  
Kindred, Minnesota 58051

Dear Mr. Jostad:

Enclosed is a copy of the fully executed Stipulation & Consent Order approved by the Emergency Medical Services Regulatory Board (EMSRB) on August 20, 2009.

The Board's Stipulation and Order states in part:

1. The Stipulation and Consent Order voluntarily surrendering your EMT-P certification is rescinded;
2. You are hereby granted certification as an EMT-B with conditions.
3. You shall have reports submitted by your EMS supervisor on a quarterly basis.
4. You will notify each present and future EMS supervisor of this Stipulation and Consent Order.
5. Comply with any other requirements stated in the Stipulation and Consent Order.

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

Sincerely,



Katherine Burke Moore  
Executive Director

Cc: Karen Andrews, Assistant Attorney General

Enclosure: Stipulation and Consent Order

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



In the Matter of  
Robert Jostad, EMT-B Applicant  
Respondent Number: 512633

**STIPULATION AND  
CONSENT ORDER**

**STIPULATION**

Robert Jostad, EMT-B Applicant (“Respondent”), and the Complaint Review Panel (“Review Panel”) of the Minnesota Emergency Medical Services Regulatory Board (“Board”) agree 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 to certify and regulate emergency medical technicians and to take disciplinary action as appropriate.
2. Respondent has applied for certification as an Emergency Medical Technician - Basic (“EMT-B”) in the State of Minnesota and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Consent Order.

**II.**

**CONFERENCE**

3. On March 16, 2009, Respondent appeared before the Review Panel to discuss allegations contained in a Notice of Conference dated February 19, 2009. Karen Andrews, Assistant Attorney General, represented the Review Panel at the conference.
4. Respondent was advised by the Board’s representatives that he may choose to be represented by legal counsel in this matter. Respondent knowingly waived legal representation.

### III.

#### FACTS

5. The parties agree this Stipulation and Consent Order is based upon the following facts:

a. On November 20, 2008, the Board approved a Stipulation and Consent Order (“2008 Consent Order”) for Voluntary Surrender of Respondent’s Emergency Medical Technician - Paramedic (“EMT-P”) certificate in Minnesota. The 2008 Consent Order was based on Respondent’s ongoing practice deficiencies while working as an EMT-P in Minnesota.

b. On February 3, 2009, Respondent contacted the Board to apply for an Emergency Medical Technician - Basic (“EMT-B”) certificate. Respondent indicated he had been denied EMT-B certification in North Dakota based on the surrender of his EMT-P certificate in Minnesota.

c. On March 16, 2009, at the conference with the Review Panel, Respondent stated his past performance issues were caused by too much stress as a paramedic and that he feels working as an EMT-B will be a “better fit.” Respondent indicated he hoped to obtain employment with a small BLS ambulance service in Kindred, North Dakota.

d. On April 13, 2009, the Review Panel notified Respondent by mail that he would be granted certification as an EMT-B under a conditional Stipulation and Consent Order after he fulfilled the following requirements:

1) Take and complete an EMT-B refresher course and testing by a Board-approved training program; and

2) Provide documentation to the Board of completion of the EMT-B refresher course.

e. On July 10, 2009, the Board received confirmation that Respondent had completed an EMT-B refresher course.

#### IV.

#### LAWS

6. Respondent acknowledges the conduct described in section III. justifies the disciplinary action described in section V. under Minnesota Statutes section 144E.28, subdivision 5(a)(4).

#### V.

#### DISCIPLINARY ACTION

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

7. The Board hereby **RESCINDS** the November 20, 2008, Stipulation and Consent Order, which shall have no future force or effect.

8. The Board **GRANTS** Respondent's application for certification as an EMT-B.

9. The Board places the following **CONDITIONS** on Respondent's EMT-B certification:

a. Report From EMS Supervisor. Respondent shall cause to be submitted to the Board reports from his EMS supervisor, if Respondent is employed in EMS. The reports must be submitted every three months and each report must provide and address:

1) In the first report, verification Respondent's supervisor has received and reviewed a copy of this Stipulation and Consent Order;

2) The date of Respondent's employment;

3) Respondent's attendance and reliability;

- 4) Respondent's ability to carry out assigned functions;
- 5) Respondent's ability to handle stress;
- 6) The average number of hours Respondent worked each week

during the reporting period; and

- 7) Any other information the supervisor believes would assist the Board in its ultimate review of this matter.

b. Certification Requirements. Respondent shall meet all certification requirements for an EMT-B, including completing the appropriate application, paying the requisite fees, and completing any necessary continuing education requirements.

10. Respondent shall notify each present and future EMS supervisor of this Stipulation and Consent Order within ten days of the date of the Order or commencing employment. Respondent shall provide the supervisor with a copy of the entire signed Stipulation and Consent Order.

11. Respondent may petition to have the conditions removed from his certification at any regularly scheduled Board meeting following 12 months from the date of the Order, provided Respondent's petition is received by the Board at least 30 days before the Board meeting. At the time of Respondent's petition, Respondent shall have the burden of proving by a preponderance of the evidence that Respondent is capable of providing emergency medical services without conditions and has complied with the conditions above; however, Respondent's compliance with the conditions may not create the presumption that the conditions should be removed. Upon consideration of the evidence submitted by Respondent or obtained through Board investigation, the Board may remove, amend, or continue the conditions imposed by this Order.

## VI.

### CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

12. It is Respondent's responsibility to ensure all payments, reports, evaluations, and documentation required to be filed with the Board pursuant to this Stipulation and Consent Order are timely filed by those making the payment or preparing the report, evaluation, or documentation. Failure to make payments or file reports on or before their due date is a violation of this Stipulation and Consent Order. The information contained in the reports, evaluations, and documentation is confidential and shall be submitted to the Board by United States mail, courier, or personal delivery only.

13. If Respondent fails to comply with or violates this Stipulation and Consent Order, the Review 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 Review Panel shall schedule a hearing before the Board. At least 30 days before the hearing, the Review Panel shall mail Respondent a notice of the violation(s) alleged by the Review 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 Review 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 Review Panel and Respondent may submit affidavits and written argument in support of their positions. At the hearing, the Review 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 Consent Order. The Review 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 before 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 Review Panel not to seek discipline when it first learns of a violation shall not waive the Review Panel's right to later seek discipline for that violation, either alone or in combination with other violations, at any time while Respondent's certification is in a conditional status.

e. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board shall dismiss the allegations. If a violation is proved, the Board may impose additional discipline, including additional conditions or limitations on Respondent's practice, suspension, or revocation of Respondent's certification.

f. Nothing herein limits the Review Panel's or the Board's right to temporarily suspend Respondent's certification pursuant to Minnesota Statutes section 144E.28,

subdivision 6, based on a violation of this Stipulation and Consent Order or based on conduct of Respondent not specifically referred to herein.

## VII.

### ADDITIONAL INFORMATION

14. Within ten days of execution of this Stipulation and Consent Order, Respondent shall provide the Board with the addresses and telephone numbers of Respondent's residence and all agencies or facilities and locations at which Respondent has become employed or performs emergency medical services. Respondent shall inform the Board within ten days if he becomes employed at any additional agencies or facilities or moves and shall provide the new or additional address and telephone number.

15. Within ten days of execution of this Stipulation and Consent Order, Respondent shall provide the Board with the names of all states in which Respondent is certified to practice as an EMT-B or has applied for certification as an EMT-B.

16. Respondent waives the contested case hearing and all other procedures before the Board to which Respondent may be entitled under the Minnesota and United States constitutions, statutes, or rules.

17. 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 Consent Order, which may otherwise be available to Respondent.

18. This Stipulation and Consent 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.

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

20. Respondent has read, understands, and agrees to this Stipulation and Consent Order and has voluntarily signed the Stipulation and Consent Order. Respondent is aware this Stipulation and Consent Order must be approved by the Board before it goes into effect. The Board may either approve the Stipulation and Consent Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Respondent, the Stipulation and Consent 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 Consent Order, it will be of no effect except as specified in the following paragraph.

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

22. This Stipulation and Consent Order does 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.

## **VIII.**

### **DATA PRACTICES NOTICES**

23. This Stipulation and Consent 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 Consent 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.

24. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation.

CONSENT:

EMERGENCY MEDICAL SERVICES  
REGULATORY BOARD COMPLAINT  
REVIEW PANEL

  
\_\_\_\_\_  
Robert Jostad, EMT-B Applicant  
Respondent

Dated: Aug. 5, 2009

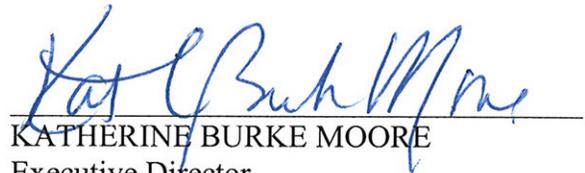
  
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Dawn Bidwell  
Board Member

Dated: 8-27-09, 2009

**ORDER**

Upon consideration of the Stipulation, the Board **RESCINDS** the November 20, 2008 Consent Order, **GRANTS** Respondent's application for EMT-B certification, places Respondent's certification in a **CONDITIONAL** status and adopts all of the terms described above on this 20<sup>th</sup> day of August, 2009.

MINNESOTA EMERGENCY MEDICAL  
SERVICES REGULATORY BOARD

  
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KATHERINE BURKE MOORE  
Executive Director

AG: #2482707-v1