

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

In the Matter of
James O. Klava
Certificate No. EMT-P 513532

**ORDER OF
REINSTATEMENT
AND PROBATION**

WHEREAS, pursuant to a Stipulation and Order (“consent order”), the certificate of James O. Klava (“Respondent”) to practice as an emergency medical technician-paramedic (“EMT-P”) in the State of Minnesota was suspended by the Minnesota Emergency Medical Services Regulatory Board (“Board”), effective September 6, 2001;

WHEREAS, in accordance with the consent order, Respondent was authorized to petition and did petition the Board for the reinstatement of his certification as an EMT-P not earlier than 180 days from the effective date of the consent order;

WHEREAS, on October 31, 2002, Respondent met with the Board’s Complaint Review Panel (“Panel”) to review the petition, which included evidence that Respondent is successfully participating in the Health Professionals Services Program (“HPSP”); and

WHEREAS, Respondent’s petition was subsequently considered by the remainder of the Board at a regularly scheduled Board meeting and granted on the terms and conditions hereinafter set forth.

NOW THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

1. Respondent’s certificate to practice as an EMT-P in Minnesota is reinstated, effective immediately.
2. Respondent shall be on probation with the Board for the period set forth in paragraph 5.
3. During probation, Respondent shall comply fully with the following terms and conditions:

a. Respondent shall continue to participate in HPSP in accordance with the terms of his program participation agreement and related monitoring plan, and any amendments thereto;

b. Within 10 days of any Board request therefor, Respondent shall execute and return health records waiver authorizations which permit the Board to obtain all records relating to Respondent's health status and any treatment, including any and all records maintained by HPSP; and

c. Within seven days of any change, Respondent shall provide the Board with his current address and telephone number.

4. a. If Respondent fails to comply with any term, condition or requirement of this Order, is discharged from HPSP for non-compliance subsequent to the date of this Order, engages in any act or omission substantially similar to any of those described in paragraph D of the consent order, pleads guilty to or is otherwise convicted of any crime related to the illegal use of drugs or alcohol, or if he is for any reason rendered incapable of practicing as an emergency medical technician with reasonable skill and safety to patients, the same shall authorize the Board again to suspend for an indefinite period of time or to revoke Respondent's EMT-P certificate. During any period of suspension or revocation ordered under this part, Respondent shall not practice as an emergency medical technician in Minnesota, nor shall he hold himself out in any manner as being authorized to do so;

b. The existence of any of the violations or causes referenced in 4.a shall be determined by the Board at a regular or special meeting thereof. Respondent shall be given not less than thirty (30) days' notice of the meeting. The notice shall specify all allegations and shall be accompanied by copies of all supporting documents and any written statements to be submitted to the Board. Respondent may likewise submit documents and written statements and shall have the opportunity to address the Board at the meeting. The Board's decision shall be based upon its judgment as to the preponderance of the evidence;

c. Any decision of the Board under 4.a-b indefinitely suspending or revoking Respondent's certificate shall be final and binding upon Respondent. In the event the Board indefinitely suspends or revokes Respondent's certificate as provided under 4.a-b, Respondent shall not petition for reinstatement earlier than one (1) year from the date of suspension or revocation.

5. If there are no violations of this Order, all of its terms shall expire without further proceedings upon Respondent's successful completion of HPSP. Successful completion shall be determined by the Panel upon its receipt and review of a verifiable written statement from HPSP that Respondent has satisfied all program requirements.

6. Except as referenced in paragraph 4.a, this Order supersedes the consent order.

7. This Order is a public document.

I, James O. Klava, hereby acknowledge that I have been informed by the Board of my option to be represented by legal counsel in this matter; I have read and understand the foregoing Order; and I consent to the Board's issuance of said Order.


JAMES O. KLAVA
Respondent

Dated: Nov. 9th, 2002

The instant Order is adopted and implemented by the Board this 21st day of November, 2002.

MINNESOTA EMERGENCY
MEDICAL SERVICES
REGULATORY BOARD

By: 
MARY F. HEDGES
Executive Director