

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

In the Matter of the Certification
of Lee D. Kruger, Paramedic
Certificate Number: 938449

**STIPULATION AND
CONSENT ORDER**

STIPULATION

IT IS HEREBY STIPULATED AND AGREED by and between Lee D. Kruger, Paramedic ("Respondent"), and the Complaint Review Panel ("Review Panel") of the Emergency Medical Services Regulatory Board ("Board") as follows:

JURISDICTION

1. During all times herein, Respondent has been and now is subject to the jurisdiction of the Board from which he holds a certificate as a Paramedic in the State of Minnesota.
2. 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 Gregory J. Schaefer, Assistant Attorney General, 1400 Bremer Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, telephone (651) 757-1366.

FACTS

3. For the purpose of this Stipulation, the parties may consider the following facts as true:
 - a. The Board certified Respondent as an EMT on March 1, 2007.
 - b. The Board certified Respondent as a Paramedic on April 1, 2011.
 - c. Respondent was convicted of driving while impaired ("DWI") in April, 2002, January, 2004, and September, 2009.

d. In 2013 Respondent and the Board entered into a Stipulation and Order for the Stayed Suspension of Respondent's Paramedic certificate based on Respondent's diagnosis of alcohol dependence and cannabis dependence. The suspension was stayed so long as Respondent complied with the terms of his Health Professionals Services Program ("HPSP") Participation Agreement.

e. In January, 2014, HPSP unsatisfactorily discharged Respondent for problems with three toxicology screens over a four-month period and referred this case to the Board.

STATUTES

4. 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 5(a)(1), (3), and (4), and Respondent agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action under these statutes.

DISCIPLINARY ACTION

5. Respondent consents that the Board may take the following disciplinary action in this matter and require compliance with the following terms:

A. Suspension of Certification

6. Respondent's certification as a Paramedic in the State of Minnesota is **SUSPENDED** for six months, effective May 15, 2014. 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.

7. Respondent shall surrender to the Board his Paramedic certification. 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, within ten days of the date of this Order.

B. Reinstatement

8. Respondent may petition for reinstatement of his Paramedic certification when 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. At the time of Respondent's petition, Respondent shall meet with a Board Review Panel. The meeting with the Review Panel shall be scheduled after Respondent has complied with, at a minimum, the following:

a. ***Certification Requirements.*** Respondent shall meet all certification 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.

b. ***Evaluation.*** Respondent shall submit results of any chemical dependency treatment completed. Respondent shall submit evidence documenting current sobriety efforts, including attendance at AA, and compliance with any mental health treatment.

c. ***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.

9. The Board may, at any regularly scheduled meeting following Respondent's petition for reinstatement pursuant to paragraph 8 above, take any of the following actions:

- a. Issue a Paramedic certification to Respondent;
- b. Issue a Paramedic certification 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 a Paramedic certification based upon his failure to meet the burden of proof.

ADDITIONAL TERMS

10. 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, at the Emergency Medical Services Regulatory Board, University Park Plaza, 2829 University Ave. S.E., Suite 310, Minneapolis, Minnesota 55414-3222.

11. This Stipulation and Consent Order ("Stipulation"), 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 thereof may be filed with the Board with the Stipulation. Any reports or other material related to this matter received after the date the Board approves the Stipulation shall become a part of the record and may be considered by the Board in future aspects of this proceeding.

12. In the event 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 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 or of any records relating hereto.

13. 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.

14. This Stipulation 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

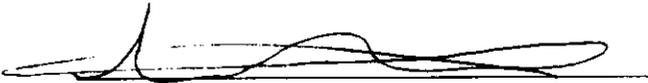
is not directly related to the specific facts and circumstances set forth in this document.

15. This Stipulation 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 is in effect, information obtained by the Board pursuant to this Stipulation 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.

16. 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.

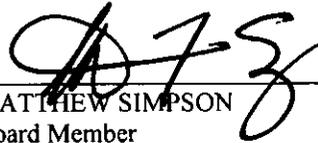
CONSENT:

EMERGENCY MEDICAL SERVICES
REGULATORY BOARD COMPLAINT
REVIEW PANEL



LEE D. KRUGER, PARAMEDIC
Respondent

Dated: 8.6.14, 2014



MATTHEW SIMPSON
Board Member

Dated: 9-4-14, 2014

ORDER

Upon consideration of this Stipulation and Consent Order and all the files, records, and proceedings herein, the Board **SUSPENDS** Respondent's Paramedic certification and adopts all of the terms described above on this 17 day of September, 2014.

MINNESOTA EMERGENCY MEDICAL
SERVICES REGULATORY BOARD

By: 
PAMELA BILADEAU
Executive Director