

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

In the Matter of  
Theresa Leonard-Menz, EMT-P  
Certificate Number: 267604

**FINDINGS OF FACT,  
CONCLUSIONS,  
AND FINAL ORDER**

On September 18, 2009, the Complaint Review Panel (“Panel”) of the Minnesota Emergency Medical Services Regulatory Board (“Board”) initiated the above-entitled proceeding against Theresa Leonard-Menz, EMT-P (“Respondent”), by service of a Notice of Petition and Petition to Suspend Certification.

The matter came on for consideration by the Board pursuant to Minnesota Statutes section 144E.28, subdivision 5(b), at a regularly scheduled meeting on November 19, 2009, convened in Conference Room A (fourth floor), University Park Plaza, 2829 University Avenue S.E., Minneapolis, Minnesota 55414. Karen B. Andrews, Assistant Attorney General, appeared and presented oral argument on behalf of the Panel. Respondent made no appearance. Nathan W. Hart, Assistant Attorney General, was present as legal advisor to the Board. As members of the Panel, Dawn Bidwell, Brenda Brown, Paula Fink Kochen, and Kevin Miller did not participate in deliberations or vote in the matter.

Based on the record and the proceedings herein, the Board makes the following:

**FINDINGS OF FACT**

1. On October 6, 2008, Respondent contacted the Health Professionals Services Program (“HPSP”) at her employer’s request. Respondent was placed on administrative leave from employment.

2. On November 3, 2008, the HPSP discharged Respondent for refusing to participate in the program and referred the matter to the Board.

3. On December 18, 2008, the Review Panel referred Respondent back to the HPSP for monitoring.

4. On January 20, 2009, the HPSP received Respondent's signed Participation Agreement and began monitoring based on Respondent's substance disorder.

5. On January 30, 2009, Respondent resigned her position as a paramedic with the employer who requested she enroll in the HPSP.

6. From November 24, 2008 to January 29, 2009, Respondent participated in outpatient chemical dependency treatment based on a diagnosis of alcohol dependence. Respondent's discharge summary identified depression/anxiety as a complicating risk factor and recommended Respondent continue participation with the HPSP.

7. On April 25, 2009 and May 27, 2009, Respondent failed to submit toxicology screens as requested by the HPSP.

8. On June 2, 2009, Respondent's employment with a second ambulance service was terminated due to unsatisfactory work performance.

9. On June 8, 2009, Respondent submitted a toxicology screen that was positive for ethyl sulfate ("EtS"), an alcohol metabolite, at 109 ng/mL.

10. On June 18, 2009, Respondent voluntarily withdrew from the HPSP and her case was referred to the Board.

11. On August 3, 2009, during the conference with the Review Panel, Respondent indicated she would rather surrender her EMT-P certificate than participate with the HPSP and comply with random toxicology screens.

Based upon the foregoing Findings of Fact, the Board makes the following:

### CONCLUSIONS

1. The Board has jurisdiction in this matter pursuant to Minnesota Statutes section 144E.28.

2. Respondent was given timely and proper notice of the November 19, 2009 hearing before the Board and of her right under Minnesota Statutes section 144E.28, subdivision 5(b), to request a contested case hearing to be conducted in accordance with Minnesota Statutes chapter 14.

3. The Panel has complied with all relevant substantive and procedural requirements of statute and rule.

4. The Panel has proven by a preponderance of the evidence that Respondent has violated Minnesota Statutes section 144E.28, subdivision 5(a)(4), because she “is actually or potentially unable to provide emergency medical services with reasonable skill and safety to patients by reason of illness, use of alcohol, drugs, chemicals, or any other material, or as a result of any mental or physical condition.”

5. As a result of the violation set forth above and Respondent’s failure to request a contested case hearing within 30 days of receipt of notice of her right to do so or at any time, the Board has the authority without further proceedings to take disciplinary action against Respondent’s EMT-P certification. Minn. Stat. § 144E.28, subs. 4 and 5.

Based on the foregoing Findings of Fact and Conclusions, the Board issues the following:

### ORDER

1. Respondent’s EMT-P certificate is **SUSPENDED**, effective immediately. At no time subsequent to the date of this Order shall Respondent engage in any act in Minnesota which

constitutes practice as an emergency medical technician, nor shall she in any manner represent or hold herself out as being authorized to so practice.

2. Not later than 10 days from the date of this Order, Respondent shall surrender and cause the Board to receive her current EMT-P certificate card.

3. Respondent may petition the Board for reinstatement of her EMT-P certification not earlier than 12 months from the date of this Order. Any such petition shall be accompanied by evidence of 12 months of uninterrupted sobriety and evidence of compliance with all applicable continuing education or training requirements under Minnesota Statutes section 144E.28, subdivisions 7 and 8.

4. Respondent shall appear before the Panel to review any petition for reinstatement submitted pursuant to paragraph 3. The burden of proof shall be on Respondent to demonstrate that she is able to provide emergency medical services in a fit and competent manner without risk of harm to the public. The Board reserves the right to approve a petition for reinstatement only upon the imposition of conditions and limitations which the Board deems necessary to ensure public protection.

5. This Order is a public document.

The foregoing Findings of Fact, Conclusions, and Order constitute the Decision of the Board in this matter.

Dated: November 19, 2009

MINNESOTA EMERGENCY MEDICAL  
SERVICES REGULATORY BOARD



By: \_\_\_\_\_

JAMES RIEBER, CHAIR