

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

In the Matter of  
Tyler D. Palm, Paramedic Applicant  
Certificate Number: 949495

**STIPULATION AND  
CONSENT ORDER**

**STIPULATION**

IT IS HEREBY STIPULATED AND AGREED by and between Tyler D. Palm, Paramedic Applicant (“Respondent”), and the Complaint Review Panel (“Review Panel”) of the Emergency Medical Services Regulatory Board (“Board”) as follows:

**I.**

**JURISDICTION**

1. The Board is authorized pursuant to Minnesota Statutes section 144E to certify and regulate emergency medical services paramedics 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 from which he is certified as an Emergency Medical Technician (“EMT”) in the State of Minnesota.
3. 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 55101-2131, telephone (651) 757-1366.

**II.**

**FACTS**

4. For the purpose of this Stipulation, the parties may consider the following facts as true:

- a. The Board certified Respondent as an EMT on January 30, 2009.
- b. Respondent applied for certification as a Paramedic in Minnesota on September 29, 2014.
- c. On September 10, 2014, Respondent was convicted of Driving While under the Influence in Benton County, pursuant to Minnesota Statutes section 169A.20, subdivision 1(l). Respondent was placed on probation for six years.
- d. On March 16, 2015, Respondent met with the Review Panel to discuss his application for certification as a Paramedic.

**III.**

**STATUTES**

5. The Review Panel views Respondent's conduct as inappropriate in such a way as to require Board action under Minnesota Statutes section 144E.28, subdivisions 4 and 5(a)(3) (is convicted or pleads guilty or nolo contendere to any gross misdemeanor relating to the illegal use of drugs or alcohol) and (4) (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 conditions), 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.

#### REMEDY

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

6. The Board **GRANTS** Respondent a certificate to practice as a Paramedic. The Board **LIMITS** and **CONDITIONS** Respondent's Paramedic certificate as follows:

a. Respondent's practice as a Paramedic is limited to a hospital setting approved in advance by the Review Panel.

b. Respondent shall complete eight (8) hours of course work Level One DUI Program as ordered by the court.

c. Respondent's supervisor shall submit a written report to the Board every six months. The reports must address the following:

- 1) The number of days missed due to illness;
- 2) The supervisor's opinion as to Respondent's ability to provide competent Paramedic services; and
- 3) Any other information the supervisor believes would assist the Board in its ultimate review of this matter.

7. Respondent may petition for an unconditional Paramedic certificate 24 months from the date of this Stipulation and Consent Order and 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 Review Panel.

8. If requested by the Board at any time during the petition process, Respondent shall complete and sign health records waivers and chemical dependency treatment records waivers supplied by the Board to allow representatives of the Board to discuss Respondent's case with and to obtain written evaluations and reports and copies of all of Respondent's health, mental health, or chemical dependency records from his physician, mental health professional/therapist, chemical dependency counselor, or others from whom Respondent has sought or obtained treatment, support, or assistance.

9. 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.

10. The Board may, at any regularly scheduled meeting following Respondent's petition for removal of the limitations and conditions pursuant to paragraph 7 above, take any of the following actions:

- a. Issue an Order of Unconditional Paramedic Certification to Respondent;
- b. Issue a Paramedic certificate 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 an unconditional Paramedic certification based upon his failure to meet the burden of proof.

## V.

### **CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS**

11. It is Respondent's responsibility to ensure all reports, evaluations, and documentation required to be filed with the Board pursuant to this Stipulation are timely filed

by those preparing the reports, evaluations, and documentation. Failure to file reports, evaluations, and documentation on or before their due dates is a violation of this Stipulation.

12. 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 20 days prior to 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. Unless stated otherwise in 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 prior to 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 will 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 this order is in effect.

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

f. Nothing herein shall limit 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.

## **VI.**

### **ADDITIONAL TERMS**

13. Within seven days of any change, Respondent shall provide the Board with his current address and telephone information. The information shall be sent to Robert M. Norlen, Interim Executive Director, Emergency Medical Services Regulatory Board, University Park Plaza, 2829 University Ave. S.E., Suite 310, Minneapolis, Minnesota 55414-3222.

14. 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 which may be 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.

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 Consent Order, which may otherwise be available to Respondent.

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

17. Respondent is responsible for all costs incurred as a result of compliance with this Stipulation and Consent Order.

18. 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 or 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.

19. Respondent waives a contested case hearing and all other procedures 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.

20. 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.

## **VII.**

### **DATA PRACTICES NOTICE**

21. 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.

22. Respondent hereby acknowledges that he has read and understands this Stipulation and has voluntarily entered into this Stipulation. 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:

COMPLAINT REVIEW PANEL

  
\_\_\_\_\_  
TYLER D. PALM, PARAMEDIC APPLICANT  
Respondent

  
\_\_\_\_\_  
MATTHEW SIMPSON  
Board Member

Dated: 5/13/15

Dated: 5.21.2015

**ORDER**

Upon consideration of this Stipulation and Consent Order and all the files, records, and proceedings, IT IS ORDERED that Respondent's certification as a Paramedic is placed in a **LIMITED** and **CONDITIONAL** status and that all the terms of this Stipulation are adopted and implemented by the Board on this 21 day of May, 2015.

MINNESOTA EMERGENCY MEDICAL  
SERVICES REGULATORY BOARD

By:   
\_\_\_\_\_  
ROBERT M. NORLEN  
Interim Executive Director