BEFORE THE MINNESOTA

EMERGENCY MEDICAL SERVICES REGULATORY BOARD

In the Matter of the Certificate
Of David S. Pecora, Paramedic
Certificate No.: 952514

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED by and between David S. Pecora, Paramedic ("Respondent"), and the Complaint Review Panel ("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 Panel was represented by Gregory J. Schaefer, Assistant Attorney General, 1400 Bremer Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, telephone (651) 757-1406.

FACTS

3. The parties agree for purposes of this Stipulation and Order only, the following facts are true. Prior to, and while Respondent was certified as a Paramedic, the following occurred:

a. On February 17, 2009, and March 8, 2011 the Respondent answered "no" to having been convicted, pled guilty or nolo contendere to any felony; any gross misdemeanor relating to assault, sexual misconduct, or the illegal use of drugs or alcohol; or any misdemeanor

relating to sexual misconduct, or the illegal use of drugs or alcohol; or has any other health-related licensing authority denied, revoked, suspended or placed conditions on your right to practice. Respondent was granted Paramedic certification by the Board on February 18, 2009 based in part on his "no" answers.

b. During investigation it was discovered Respondent had been convicted on April 28, 2006 in Monongalia County, West Virginia of misdemeanor obtaining money, goods or services by false pretenses. The State of West Virginia Board of Examiners for Registered Professional Nurses suspended the Respondents nursing license on July 10, 2007 for failure to comply with a drug screening program as required by the National Confederation of Professional Services.

c. Based on the disciplinary action taken against his West Virginia nursing license, The Florida Board of Nursing issued a reprimand, imposed a civil penalty and suspended Respondent's nursing license. The Florida Board of Medicine, responsible for licensing Physicians Assistants, also issued a restriction of practice, imposed a civil penalty, issued a reprimand and placed the Respondent on probation on April 21, 2009.

d. On August 20, 2011 Respondent applied to the North Dakota Board of Medical Examiners to practice as a physician assistant. On July 6, 2012 the application was denied for failing to disclose the discipline in West Virginia and Florida.

e. On March 17, 2012 Respondent applied to the Minnesota Board of Nursing for a nursing license. On August 2, 2012 Respondent entered into a Stipulation and Consent Order denying licensure based on the discipline in West Virginia and Florida.

STATUTES

4. The Panel views Respondent's conduct as inappropriate in such a way as to justify Board action under Minnesota Statutes section 144E.28, subdivisions 4 and 5 (a) (2) (3) and (7) 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. Upon this Stipulation and all of the files, records, and proceedings herein, and without any further notice or hearing herein, Respondent does hereby consent that until further order of the Board, made after notice and hearing upon application by Respondent or the Board's own motion, the Board may make and enter an order **SUSPENDING** Respondent's certificate to practice in the State of Minnesota. Respondent's certificate to practice emergency medical services is **INDEFINITELY SUSPENDED.**

6. The Board accepts Respondent's **SUSPENSION** of his Paramedic certificate. 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 certificate. 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.

8. This Stipulation and Consent Order shall remain in effect until Respondent successfully petitions for reinstatement. Respondent may petition for reinstatement of an unconditional certificate. Upon hearing the petition, the Board may continue, modify, or remove the conditions set out herein.

9. Respondent shall comply with the laws and rules of the Board. Respondent agrees that failure to comply with the Board's laws and rules shall be a violation of this Stipulation and Consent Order.

10. Respondent shall fully and promptly cooperate with the Board's reasonable requests concerning compliance with this Stipulation and Consent Order, including requests for explanations, documents, office inspections, and/or appearances at conferences. Minnesota Statutes section 144E.30, subdivision 3, applies to such requests.

11. 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 Avenue S.E., Suite 310, Minneapolis, Minnesota 55414-3222.

12. In the event Respondent resides or practices outside the State of Minnesota, Respondent shall promptly notify the Board in writing of the location of his residence and all work sites. Periods of residency or practice outside of Minnesota will not be credited toward any period of Respondent's suspended, limited, or conditional certificate in Minnesota unless Respondent demonstrates that practice in another state conforms completely with Respondent's Minnesota certification.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

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

thirty (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 (10) 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 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 Respondent's certification is suspended or the suspension is stayed.

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 an additional period of suspension, or revocation of Respondent's certification.

ADDITIONAL TERMS

14. 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.

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. The 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.

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

18. 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 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 Stipulation and Consent 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.

19. 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.

20. This Stipulation and Consent Order 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.

DATA PRACTICES NOTICE

21. 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 Stipulation and Consent Order is considered active investigative data on a licensed health professional, and as such, is classified as confidential data pursuant to Minnesota Statute section 13.41, subdivision 4.

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

CONSENT:

David S. Pecora, Paramedic
Respondent

Dated: 4/01, 2014

MINNESOTA EMERGENCY MEDICAL SERVICES REGULATORY BOARD

Board Member

Dated: 5-7-, 2014

ORDER

Upon consideration of this Stipulation and Consent Order and all the files, records, and proceedings herein, IT IS HEREBY ORDERED that the terms of this Stipulation and Consent Order are adopted and implemented by the Board this 19 day of May 2014.

MINNESOTA EMERGENCY MEDICAL SERVICES REGULATORY BOARD

By: Pamela Biladeau
PAMELA BILADEAU
Executive Director