

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

In the Matter of the Certificate  
of Matthew R. Peterson, Paramedic  
Certificate No. 269489

**STIPULATION AND ORDER  
FOR VOLUNTARY SURRENDER  
OF CERTIFICATE**

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

**I.**

**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 55101-2131, telephone (651) 757-1366.

**II.**

**FACTS**

3. For the purpose of this Stipulation and Order only, the parties may consider the following facts as true:

a. Respondent became registered as a First Responder in Minnesota on January 18, 1996.

b. Respondent became certified as an Emergency Medical Technician in Minnesota on April 19, 1996.

c. Respondent became certified as a Paramedic in Minnesota on July 17, 1998.

d. On November 8, 2013, Respondent reported to the Health Professionals Services Program (“HPSP”) that he had diverted controlled substances from work sites by substituting saline in vials of morphine and Dilaudid.

e. On November 26, 2013, the United States Drug Enforcement Agency (“DEA”) issued a Report of Theft or Loss of Controlled Substances from a health system in St. Paul, Minnesota. The report revealed that Respondent, an Emergency Medical Services employee, had self-reported the diversion of vials containing the controlled substances hydromorphone (totaling 146 milliliters) and morphine (totaling 189 milliliters) from three ambulance bases.

f. Respondent did not meet the eligibility requirements to participate in HPSP, and his case was referred to the Board.

g. Following a thorough review of all available information, the Review Panel determined the matter could be resolved by mail.

### **III.**

#### **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)(4), (5), and (8), 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.

#### DISCIPLINARY ACTION

5. Upon this Stipulation and all of the files, records, and proceedings herein, and without further notice or hearing, the parties agree the Board may take the following disciplinary action and require compliance with the following terms:

##### A. Voluntary Surrender

6. The Board accepts Respondent's **VOLUNTARY SURRENDER** of his certificate to provide emergency medical services. Respondent shall not engage in any act which constitutes the practice of emergency medical services as defined in Minnesota Statutes section 144E and Rules Chapter 4690 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 55414-3222, within ten days of the date of this Order.

##### B. Reinstatement of Certification

8. Respondent may not petition for reinstatement of his certification until he is able to demonstrate by a preponderance of the evidence that he is capable of providing emergency medical services in a fit and competent manner, is successfully participating in a program of chemical dependency rehabilitation, and has been sober and free from mood-altering chemicals during the 12 months immediately preceding his petition. At the time of his petition, Respondent shall meet with a Board Review Panel. The meeting with the Board Review Panel shall be scheduled after Respondent has complied with, at a minimum, the following:

a. Additional Information. Respondent shall provide any additional information relevant to his petition reasonably requested by the Review Panel.

b. Recertification Requirements. Respondent shall meet all recertification requirements in effect at the time of his petition to reinstate his certificate, including but not limited to successfully completing ALCS and paramedic refresher courses. In addition, Respondent shall complete the appropriate application and pay the requisite fees to reinstate his certificate.

c. Self-Report. Respondent shall submit to the Review Panel a report addressing his sobriety, including the date Respondent last used mood-altering chemicals, including alcohol, and the circumstances surrounding any use while this Stipulation and Order is in effect.

d. Documentation. Respondent shall submit to the Review Panel documentation of any treatment and participation in a chemical dependency rehabilitation program, including attendance at a chemical dependency support group, such as Alcoholics Anonymous, during the 12 months preceding the petition. Evidence of participation shall include but need not be limited to attendance sheets that have been legibly signed or initiated and dated by a participant who attended the meeting.

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 Paramedic certification to Respondent;

b. Issue 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 Paramedic certification based upon his failure to meet the burden of proof.

V.

**CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS**

10. If Respondent fails to comply with or violates this Stipulation and 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 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 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 Order. Unless stated otherwise in this Stipulation and 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 certificate 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 revocation of Respondent's certificate.

f. Nothing herein shall limit the Review Panel's or the Board's right to temporarily suspend Respondent's certificate pursuant to Minnesota Statutes section 144E.28, subdivision 6, based on a violation of this Stipulation and Order or based on conduct of Respondent not specifically referred to herein.

## **VI.**

### **ADDITIONAL TERMS**

11. Within ten 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, Emergency Medical Services Regulatory Board, University Park Plaza, 2829 University Ave. S.E., Suite 310, Minneapolis, Minnesota 55414-3222.

12. This Stipulation and Order, related investigative reports, summaries thereof, and other documents shall constitute the entire record and may be reviewed by the Board in its consideration of this matter.

13. Respondent agrees that if the Board rejects this Stipulation and Order or a lesser remedy than indicated in this settlement, and the case comes before the Board, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Order or of any records relating to it.

14. Respondent waives the contested case hearing and all other procedures before the Board to which Respondent may be entitled under the Minnesota or United States Constitutions, statutes, or rules and agrees that the order to be entered pursuant to the Stipulation and Order shall be the final Order herein.

15. This Stipulation and 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.

## **VII.**

### **DATA PRACTICES NOTICES**

16. This Stipulation and 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 Order is in effect, information obtained by the Board pursuant to this Stipulation and Order 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.

17. Respondent hereby acknowledges that he has read and understands this Stipulation and Order and has voluntarily entered into it. This Stipulation and Order 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 and Order.

COMPLAINT REVIEW PANEL

  
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MATTHEW R. PETERSON, PARAMEDIC  
Respondent

Dated: February 5, 2014

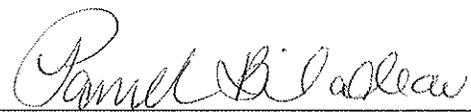
  
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MATT SIMPSON  
Board Member

Dated: MARCH, 3, 2014

**ORDER**

Upon consideration of this Stipulation and Order, the Board accepts the **VOLUNTARY SURRENDER** of Respondent's certificate and adopts all other terms of the Stipulation on this 25 day of April, 2014.

MINNESOTA EMERGENCY MEDICAL  
SERVICES REGULATORY BOARD

By:   
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PAMELA BILADEAU  
Executive Director