

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

In the Matter of
of Ryan G. Scharber, EMT
Certificate No. 934966

STIPULATION AND CONSENT ORDER

IT IS HEREBY STIPULATED AND AGREED by and between Ryan G. Scharber, Emergency Medical Technician ("EMT") ("Respondent"), and the Complaint Review Panel ("Review Panel") of the Minnesota 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 an EMT 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 is represented by Gregory J. Schaefer, Assistant Attorney General, 1400 Bremer Tower, 445 Minnesota Street, St. Paul, Minnesota 55101-2131, 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 June 15, 2006.

b. On November 22, 2013, Respondent pled guilty to felony Setting U.S.

Forest Land Afire and to felony Attempted Arson in United States District Court.

STATUTES

4. The Review 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)(3) (is convicted of or pleads guilty to any felony), and subdivision 5(a)(5) (engages in unethical conduct, including but not limited to conduct likely to deceive, defraud, or harm the public or demonstrating a willful or careless disregard for the health, welfare, or safety of the public), and Respondent agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify disciplinary action under these statutes.

DISCIPLINARY ACTION

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

A. Revocation

5. The Board **REVOKES** Respondent's EMT certificate to practice emergency medical services effective immediately. 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.

6. Respondent shall surrender to the Board his EMT 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.

B. Reinstatement of Certificate

7. Respondent may petition for reinstatement of his EMT certificate when the sentencing terms of his felony conviction have been completed but not before July 18, 2015, and

when Respondent 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 without risk of harm to the public. At the time of Respondent's petition, Respondent shall meet with a Review Panel. The meeting with the Review Panel shall be scheduled after Respondent has complied with, at a minimum, the following:

a. **Practical Skills Examination.** Within 90 days of the date of Respondent's petition for reinstatement, Respondent shall submit to the Board evidence of successful completion of a Board-approved EMT practical skills examination.

b. **Report From Probation Officer.** Respondent shall cause to be submitted to the Board a report from his probation officer. The report shall be submitted at the time Respondent petitions for reinstatement of his certification. The report shall provide information regarding Respondent's compliance with all terms of his probation.

c. **Mental Health Evaluation.** Within 60 days prior to petitioning, Respondent must undergo a mental health evaluation performed by a psychiatrist or a licensed psychologist. Respondent shall submit, or cause to be submitted, the credentials of the evaluator for review and preapproval by Board staff for purposes of this evaluation. The evaluation shall include the Minnesota Multiphasic Personality Inventory ("MMPI"). Respondent is responsible for the cost of the evaluation. The results shall be sent directly to the Board and shall provide and address the following:

1) Verification the evaluator has reviewed a copy of this Order and any evaluation and/or treatment records deemed pertinent by the evaluator prior to the evaluation;

- 2) Diagnosis and any recommended treatment plan, including any medications, developed for Respondent;
 - 3) Respondent's awareness of his mental and physical health status;
 - 4) The likelihood Respondent will reoffend;
 - 5) The results and interpretation of the individual tests administered, including interpretation of Respondent's MMPI test;
 - 6) Recommendations for additional evaluation or treatment;
 - 7) Recommendations regarding practice limitations and monitoring;
- and
- 8) Any other information the evaluator believes would assist the Board in its ultimate review of this matter.

d. ***Compliance With Evaluator's Recommendations.*** Respondent shall comply promptly with any recommendations for additional evaluation and treatment made by the mental health evaluator.

e. ***Waivers.*** 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.

f. ***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 any sentencing requirements.

8. The Board may, at any regularly scheduled meeting following Respondent's petition for reinstatement pursuant to paragraph 7 above, take any of the following actions:

- a. Issue an EMT certificate to Respondent;
- b. Issue an EMT 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 EMT certificate based upon his failure to meet the burden of proof.

ADDITIONAL TERMS

9. 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.

10. 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.

11. This 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.

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

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

14. 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.

15. In the event the Board in its discretion rejects this Stipulation and Consent Order or a lesser remedy than indicated in this settlement, and this case comes 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.

16. 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

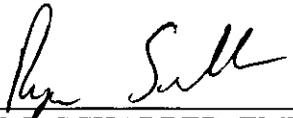
17. This Stipulation and Consent Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5. Data regarding this action will be provided to data banks as required by federal law or consistent with Board policy. While 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 Statutes section 13.41, subdivision 4.

18. 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:

MINNESOTA EMERGENCY MEDICAL
SERVICES REGULATORY BOARD
COMPLAINT REVIEW PANEL



RYAN G. SCHARBER, EMT
Respondent

Dated: 9/1/14, 2014



MATTHEW SIMPSON
Board Member

Dated: 10.6., 2014

ORDER

Upon consideration of this Stipulation and Consent Order and all the files, records, and proceedings herein, IT IS HEREBY ORDERED that Respondent's certificate to practice emergency medical services in the State of Minnesota is **REVOKED** and the terms of this Stipulation are adopted and implemented by the Board effective this 21 day of November, 2014.

MINNESOTA EMERGENCY MEDICAL
SERVICES REGULATORY BOARD

By: 

PAMELA BILADEAU
Executive Director