

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

In the Matter of the Certificate
of John A. Shanoff, EMT (Applicant)
Certificate No. 526013

**STIPULATION AND
CONSENT ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between John A. Shanoff, Emergency Medical Technician (“EMT”) applicant (“Respondent”), and the Complaint Review Panel (“CRP”) 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 CRP is represented by Gregory J. Schaefer, Assistant Attorney General, 1400 Bremer Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, telephone (651) 757-1406.

FACTS

3. For purposes of this Stipulation and Consent Order only, the parties agree that the following facts are true. While Respondent was certified as an EMT, the following occurred:
 - a. Respondent was convicted of DWI in August 2006 and March 2007.
 - b. Respondent was referred to the Health Professionals Services Program (“HPSP”) on November 16, 2010, to enroll as a condition of granting certification.

c. On February 1, 2011, Respondent was discharged from HPSP for not remaining in contact with HPSP.

d. In October 2011, Respondent was charged with DWI and convicted on August 10, 2012.

e. Respondent's EMT certificate expired on March 31, 2012.

f. Respondent entered outpatient chemical dependency treatment through Effective Living Center, Inc., on December 17, 2012.

STATUTES

4. The CRP 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), (4), and (8), 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

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

A. Stayed Suspension

6. Respondent's certificate as an EMT in the State of Minnesota is **SUSPENDED** effective immediately. The suspension is **STAYED** so long as Respondent complies with the following requirements:

a. **Contact With the HPSP.** Respondent shall contact the HPSP at (651) 643-2120 to initiate reenrollment in the program within 14 days of the date of this Order.

b. ***Participation Agreement.*** Respondent shall enter into a Participation Agreement with the HPSP for monitoring of his chemical dependency within 60 days of the date of this Order. Respondent must comply with all terms of the Participation Agreement. At a minimum, the Participation Agreement must include the following terms:

1) The Participation Agreement shall be effective for a minimum of 12 months.

2) Respondent shall completely abstain from any and all mood-altering chemicals, including alcohol, unless expressly prescribed in writing by a physician, dentist, or other health care professional who is providing care and treatment to Respondent. Within three (3) days of when a physician, dentist, or other authorized health care professional prescribes controlled substances to Respondent, Respondent must inform the HPSP in writing of the prescription and the condition being treated.

3) Respondent shall submit to urine or blood screenings to determine the presence or absence of alcohol or drugs upon the request of the HPSP. Respondent shall be responsible for the cost of the screening.

B. Removal of Stayed Suspension

7. Before petitioning for removal of the stayed suspension, Respondent shall meet with the CRP to review his petition and any evidence in support of the petition. Respondent shall provide any information relevant to his petition reasonably requested by the CRP.

8. Any petition for re-certification shall include evidence that Respondent has satisfied all reinstatement requirements under Minnesota Statutes section 144E.28, subdivision 7, and pay any related fee.

9. In connection with any petition for re-certification, the burden of proof shall be upon Respondent to demonstrate to the Board that he is able to provide emergency care skills in a fit and competent manner without risk of harm to the public.

10. The Board reserves the right to grant a petition for re-certification only upon the imposition of conditions and limitations which the Board deems necessary to ensure public protection. Such conditions and limitations may include but need not be limited to restricted duties, practice supervision, Respondent's participation in therapy or other treatment, periodic reports to the Board, and summary procedures for certification revocation in the event of a future violation.

11. The stayed suspension of Respondent's certification may be administratively removed upon the HPSP's written notification to the Board of Respondent's successful completion of the terms of the Participation Agreement and upon written notification to Respondent by the Board of the removal of the stayed suspension.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

12. If Respondent fails to comply with or violates this Stipulation and Consent Order, the CRP 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 CRP shall schedule a hearing before the Board. At least 30 days before the hearing, the CRP shall mail Respondent a notice of the violation(s) alleged by the CRP. 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 CRP, 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 CRP and Respondent may submit affidavits and written argument in support of their positions. At the hearing, the CRP 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 CRP 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 before 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 CRP not to seek discipline when it first learns of a violation shall not waive the CRP'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 in a conditional status.

e. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board shall dismiss the allegations. If a violation is proved, the

Board may impose additional discipline, including additional conditions or limitations on Respondent's practice, a period of suspension, additional conditions of reinstatement, or revocation of Respondent's certification.

f. Nothing herein shall limit the CRP'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.

ADDITIONAL TERMS

13. 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.

14. 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.

15. This Stipulation and Consent Order and 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.

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

17. 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 either 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 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.

18. 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.

19. 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 NOTICES

20. 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 Order is considered active investigative data on a licensed or certified health professional, and as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4.

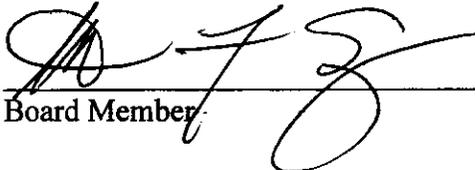
21. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation and Consent Order.

CONSENT:

MINNESOTA EMERGENCY MEDICAL SERVICES REGULATORY BOARD



JOHN A. SHANOFF, EMT
Respondent



Board Member

Dated: 5/30/, 2013

Dated: 6-5-, 2013

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 2 day of August, 2013.

MINNESOTA EMERGENCY MEDICAL SERVICES REGULATORY BOARD

By: 

PAMELA BILADEAU
Executive Director