

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

In the Matter of the Certification  
of David R. Starner, Paramedic  
Certificate No. 978399

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

IT IS HEREBY STIPULATED AND AGREED by and between David R. Starner, Paramedic (“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 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 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 and Consent Order, the parties may consider the following facts as true:

a. The Board certified Respondent as a Paramedic in Minnesota on October 3, 2013.

b. On June 26, 2013, Respondent entered into a *Consent Agreement With Reprimand* with the South Dakota Board of Medical and Osteopathic Examiners (“South Dakota Board”) for failing to disclose on his Paramedic license application accusations that he was a Respondent to a Restraining Order. The South Dakota Board approved the *Consent Agreement With Reprimand* and issued a *Final Order* on June 26, 2013.

c. On October 3, 2013, Respondent applied for Paramedic certification in Minnesota. On the application submitted to the Board, Respondent answered “No” to self-disclosure question: “Has any other Health-related Licensing Authority denied, revoked, suspended, or placed conditions on your right to practice?”

d. At the time Respondent was completing his application for Paramedic certification in Minnesota, Respondent misrepresented or falsified information on the application by failing to disclose that he was subject to a denial, corrective, disciplinary, or other similar action in another jurisdiction or by another regulatory authority.

e. On November 13, 2013, the South Dakota Board issued a *Final Order* approving Respondent’s request to withdraw his Paramedic licensure while under investigation.

#### **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) (2), (5), (10), 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. 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 Paramedic certificate to provide emergency medical services. Respondent shall not engage in any act which constitutes the practice of emergency medical services in the State of Minnesota 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.

**B. Reinstatement of Certification**

8. Respondent may not petition for reinstatement of his Paramedic certificate until 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. At the time of Respondent's 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. Eligibility. Respondent is no longer subject to denial, withdrawal, disciplinary, or other similar action with the South Dakota Board of Medical and Osteopathic Examiners or by another regulatory authority.

b. Certification/Recertification Requirements. Respondent shall meet all certification/recertification requirements in effect at the time of his petition for reinstatement, including but not limited to completing the appropriate application, paying the requisite fees, and completing any necessary continuing education requirements.

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

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 a Paramedic certificate 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 a Paramedic certificate based upon his failure to meet the burden of proof.

#### **ADDITIONAL TERMS**

10. 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, Emergency Medical Services Regulatory Board, University Park Plaza, 2829 University Avenue S.E., Suite 310, Minneapolis, Minnesota 55414-3222.

11. This Stipulation and Consent Order, 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 are received after the date the Board approves the Stipulation and Consent Order shall become a part of the record and may be considered by the Board in future aspects of this proceeding.

12. In the event the Board in its discretion does not approve this settlement, this Stipulation and Consent Order is withdrawn and shall be of no evidentiary value and shall not be relied upon, introduced in any disciplinary action by either party hereto, except that Respondent

agrees that if the Board rejects this Stipulation and Consent Order and this case proceeds to hearing, 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 hereto.

13. 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 and agrees that the order to be entered pursuant to the Stipulation and Consent Order shall be the final Order herein.

14. 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**

15. 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 health professional, and as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4.

16. Respondent hereby acknowledges that he has read and understands this Stipulation and Consent Order and has voluntarily entered into the Stipulation and Consent Order without threat or promise by the Board or any of its members, employees, or agents. 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 the terms of this Stipulation and Consent Order.

CONSENT:

COMPLAINT REVIEW PANEL



DAVID R. STARNER, Paramedic  
Respondent

Dated: 8-8-2014, 2014



MATTHEW SIMPSON  
Board Member

Dated: 9-4-14, 2014

**ORDER**

Upon consideration of this Stipulation and Consent Order and all the files, records, and proceedings herein, IT IS HEREBY ORDERED the Board approves and adopts the terms of this Stipulation and Consent Order and accepts the Voluntary Surrender of Respondent's certificate to practice emergency medical services in the State of Minnesota effective this 17 day of September 2014.

MINNESOTA EMERGENCY MEDICAL  
SERVICES REGULATORY BOARD

By:



PAMELA BILADEAU  
Executive Director