BEFORE THE MINNESOTA

EMERGENCY MEDICAL SERVICES REGULATORY BOARD

In the Matter of
Christopher R. Tibbetts, FR
Registration Number: 969474

STIPULATION AND CONSENT ORDER

STIPULATION

IT IS HEREBY STIPULATED AND AGREED by and between Christopher R. Tibbetts, First Responder ("FR") ("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 is registered as an FR 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, the parties may consider the following facts as true:

a. The Board registered Respondent as an FR on March 15, 2012.

b. On December 17, 1998, Respondent was convicted of Driving While under the Influence of Drugs/Marijuana.

c. On February 3, 2003, Respondent was convicted of Possession Small Amount Marijuana.

d. On April 7, 2003, Respondent was convicted of Driving After Revocation.

e. On January 3, 2014, Respondent was convicted of Fourth-Degree Driving While Impaired. He remains on probation until January 2016.

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.27, subdivisions 4 and 5(a)(3) and (4), 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

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

A. Suspension

5. Respondent's FR registration to practice emergency medical services is indefinitely **SUSPENDED** 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 FR registration. Respondent shall personally deliver or mail the registration 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

7. Respondent may petition for reinstatement of his FR registration 18 months from the date of this Stipulation and Consent Order and when he 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 Review Panel. The meeting with the Review Panel shall be scheduled after Respondent has complied with, at a minimum, the following:

a. ***Registration Requirements.*** Respondent shall meet all registration 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.

b. ***Evaluation.*** Respondent shall submit evidence documenting current sobriety efforts, including attendance at AA, and current medical conditions which may interfere with compliance of any monitoring.

c. ***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 all 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 FR registration to Respondent;

b. Issue an FR registration 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 FR registration based upon his failure to meet the burden of proof.

V.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

9. 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:

10. The Review Panel shall schedule a hearing before the Board. At least 20 days prior to 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.

11. 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.

12. 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. Unless stated otherwise in 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.

13. 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 this order is in effect.

14. 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 registration.

15. Nothing herein shall limit the Review Panel's or the Board's right to temporarily suspend Respondent's registration pursuant to Minnesota Statutes section 144E.27, subdivision 6, based on a violation of this Stipulation and Consent Order or based on conduct of Respondent not specifically referred to herein.

VI.

ADDITIONAL TERMS

16. 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 Ave. S.E., Suite 310, Minneapolis, Minnesota 55414-3222.

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

18. In the event the Board in its discretion does not approve this settlement, this Stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon or introduced in any disciplinary action by either party hereto, except that Respondent agrees that if the Board rejects this Stipulation and this case proceeds to hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation or of any records relating hereto.

19. 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.

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

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

22. 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 shall be the final Order herein.

23. This Stipulation 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 NOTICE

24. This Stipulation 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 is in effect, information obtained by the Board pursuant to this Stipulation is considered active investigative data on a licensed or registered health professional and, as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4.

25. Respondent hereby acknowledges that he has read and understands this Stipulation and has voluntarily entered into this Stipulation without threat or promise by the

Board or any of its members, employees, or agents. 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:

CHRISTOPHER R. TIBBETTS, FR
Respondent

Dated: 11-14-2014

COMPLAINT REVIEW PANEL

MATTHEW SIMPSON
Board Member

Dated: 11.20.2014

ORDER

Upon consideration of this Stipulation and Consent Order and all the files, records, and proceedings herein, the Board indefinitely **SUSPENDS** Respondent's FR registration and adopts all of the terms described above on this 25 day of November, 2014.

MINNESOTA EMERGENCY MEDICAL
SERVICES REGULATORY BOARD

By: _____
PAMELA BILADEAU
Executive Director