BEFORE THE MINNESOTA

EMERGENCY MEDICAL SERVICES REGULATORY BOARD

MINNESOTA EMS
JUL 2008
REGULATORY BOARD

In the Matter of
Shawn Van Benschoten, EMT-P
Certificate No. 252784

STIPULATION AND

WHEREAS, on December 20, 2007, Shawn Van Benschoten, EMT-P ("Respondent"), met with the Complaint Review Panel ("Panel") of the Minnesota Emergency Medical Services Board ("Board") and requested the opportunity to voluntarily surrender her Emergency Medical Technician - Paramedic ("EMT-P") certificate.

WHEREAS, the parties wish to resolve this matter without the necessity and expense of a contested case hearing by entering into this Stipulation.

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between Respondent and the Board as follows:

A. During all times material herein, Respondent has been and now is subject to the jurisdiction of the Board from which she holds an EMT-P certificate in Minnesota.

B. In the event the Board in its discretion does not approve this Stipulation, it shall be deemed withdrawn and of no evidentiary value and shall not be introduced or relied on by either party; except that Respondent agrees that, should the Board reject this Stipulation and if 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.

C. Respondent expressly waives formal hearing on all facts and legal conclusions referenced herein and any and all procedures before the Board relative to said facts and conclusions to which she might otherwise be entitled by law.

D. Respondent does not contest the facts and conclusions hereinafter following and grants that the Board may, for purposes of its proceedings relating to this Stipulation, consider the following as true:

1. In August 2004, Respondent self-referred to the Health Professionals Services Program ("HPSP") and signed a Participation Agreement and Monitoring Plan. On October 4, 2006, Respondent was discharged from HPSP for non-compliance. Respondent met with the Panel on March 8, 2007, and was referred back to HPSP.

2. On May 15, 2007, Respondent signed a new HPSP Participation Agreement and Monitoring Plan.

3. On November 1, 2007, Respondent was again discharged from HPSP for non-compliance, including:

a. Failing to submit monthly medication logs;

b. Failing to obtain a pain management assessment;

c. Testing positive for ethylglucuronide ("EtG") at a high level (1,880 ng/mL) on July 24, 2007;

d. Being discharged from a chemical dependency treatment program for unexcused absences and failing to inform her treatment provider of narcotic prescriptions and administrations.

4. On December 20, 2007, Respondent met with the Panel. Respondent denied using alcohol in July 2007, stated she missed meetings due to personal illness, and stated she was planning to obtain pain management services. Respondent also reported she was not actively working as an EMT-P and did not have any intention of doing so.

E. NOW, THEREFORE, IT IS FURTHER STIPULATED AND AGREED that upon this Stipulation the Board may adopt and implement the following order:

1. Respondent shall voluntarily surrender her EMT-P certificate in the State of Minnesota. Respondent shall personally deliver or mail the certificate to the Minnesota Emergency Medical Services Board, c/o Mary Hedges, Executive Director, 2829 University Avenue S.E., Suite 310, Minneapolis, Minnesota 55414, within ten days of the date of this Order.

2. Upon Respondent's surrender of her certificate, the Board agrees to close its files in this matter.

3. Should Respondent seek recertification in Minnesota, Respondent shall meet with the Complaint Review Panel to resolve the allegations against her.

4. This Stipulation and Order shall be deemed to be a public document.

F. IT IS FURTHER STIPULATED AND AGREED that this Stipulation shall not in any way limit or affect the authority of the Board to initiate contested case proceedings against Respondent on the basis of any act, conduct or omission of Respondent occurring before or after the date of this Stipulation that is not related to the facts, circumstances or requirements referenced herein.

G. Respondent was advised of her right to legal counsel prior to executing this Stipulation. The Stipulation was read in its entirety by Respondent prior to its execution; she understands all of its provisions; and she affirms that it was entered into freely and voluntarily by her.

H. Respondent hereby knowingly and voluntarily waives any and all claims against the Board, the Minnesota Attorney General, the State of Minnesota and their agents, employees

and representatives that may otherwise be available to Respondent relative to the action taken or authorized against Respondent's EMT-P certificate under this Stipulation.

I. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, varying this Stipulation.

CONSENT:

SHAWN VAN BENSCHOTEN, EMT-P
Respondent

Dated: 10 June, 2008

EMERGENCY MEDICAL SERVICES
REGULATORY BOARD REVIEW PANEL

For the Panel

Dated: 09-July, 2008

ORDER

Upon consideration of this Stipulation and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that the terms of this Stipulation are adopted and implemented by the Board this 18th day of July, 2008.

MINNESOTA EMERGENCY MEDICAL
SERVICES REGULATORY BOARD

Debra K. Teske

Debra K. Teske
Interim Executive Director

AG: #1993777-v1