

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

In the Matter of
Marie A. Waldemarsen, Paramedic
Certificate No. 954512

**STIPULATION AND
CONSENT ORDER**

STIPULATION

Marie A. Waldemarsen, Paramedic (“Respondent”), and the Minnesota Emergency Medical Services Regulatory Board Complaint Review Panel (“Review Panel”) agree the above-referenced matter may be resolved without trial of any issue or fact as follows:

I.

JURISDICTION

1. The Minnesota Emergency Medical Services Regulatory Board (“Board”) is authorized pursuant to Minnesota Statutes sections 144E.001 to 144E.52 to certify and regulate emergency medical services providers and to take disciplinary action as appropriate.

2. Respondent holds a certificate from the Board to practice as a paramedic in the State of Minnesota and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Consent Order.

II.

CONFERENCE

3. On June 15, 2015, Respondent appeared before the Review Panel, composed of Board members Aaron M. Burnett, J. B. Guiton, and Matthew Simpson, to discuss allegations contained in a Notice of Conference dated May 20, 2015. Gregory J. Schaefer, Assistant Attorney General, represented the Review Panel at the conference.

4. Respondent was advised by the Board's representatives that she may choose to be represented by legal counsel in this matter. Respondent knowingly waived legal representation.

III.

FACTS

5. The parties agree this Stipulation and Consent Order is based upon the following facts:

a. Respondent was certified in Minnesota as an emergency medical technician ("EMT") on July 2, 2002, and as an EMT paramedic on July 6, 2009.

b. Respondent was employed by a licensed Minnesota ambulance service. On or about March 31, 2015, Respondent disclosed to her emergency medical services supervisor and to her director that she had diverted narcotics from her employer for her own use.

c. Respondent and the Board entered into a Stipulation to Cease Providing Emergency Medical Services on May 20, 2015.

d. On August 26, 2015, Respondent was charged in Ramsey County, Minnesota, with felony theft in violation of Minnesota Statutes section 609.52, subdivision 2(a)(1).

IV.

LAWS

6. Respondent acknowledges the conduct described in section III. above constitutes a violation of Minnesota Statutes section 144E.28, subdivision 5(a)(4) (is actually or potentially unable to provide emergency medical services with reasonable skill and safety to patients by reason of illness, use of alcohol, drugs, chemicals, or any other material, or as a result of any other mental or physical condition); (5) (engaged 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 (8) (engaged in unprofessional conduct or any other conduct which has the potential for causing harm to the public, including any departure from or failure to conform to the minimum standards of acceptable and prevailing practice without actual injury having to be established); and justifies the disciplinary action described in section V. below.

V.

DISCIPLINARY ACTION

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

7. The Board hereby **RESCINDS** the May 20, 2015, Stipulation to Cease Providing Emergency Medical Services, which shall have no future force or effect.

A. Suspension

8. The Board **SUSPENDS** Respondent's certification to practice as a paramedic. Respondent shall not engage in any act which constitutes the practice of emergency medical services in Minnesota and shall not imply by words or conduct that Respondent is authorized to practice emergency medical services.

B. Reinstatement of Certification

9. Respondent may request reinstatement of her certification following a minimum of 12 months. The burden of proof shall be upon Respondent to demonstrate by a preponderance of the evidence that she is capable of practicing emergency medical services in a fit and competent manner, is successfully participating in a program of chemical dependency rehabilitation, and has been sober and free from mood-altering chemicals during the 12 months

immediately preceding her request. At the time of Respondent's request, Respondent shall meet with a Review Panel and comply with, at a minimum, the following:

a. ***Self-Report.*** Respondent shall submit to the Board a report from Respondent herself. The report shall be submitted at the time Respondent petitions for reinstatement of her certification. The report shall provide and address:

1) Respondent's sobriety, including the date Respondent last used mood-altering chemicals, including alcohol, and the circumstances surrounding any use while this Order is in effect;

2) Respondent's treatment and participation in a chemical dependency rehabilitation program, including weekly attendance at a chemical dependency support group such as Alcoholics Anonymous during the 12 months preceding the petition; evidence of participation shall include, but need not be limited to, attendance sheets on a form provided by the Board that have been legibly signed or initialed and dated by a participant who attended the weekly meeting;

3) Respondent's physical and mental health status, treatment plan, medications, and compliance with treatment;

4) Respondent's work schedule;

5) Respondent's future plans as an emergency medical services provider and the steps she has taken to prepare herself to return to practice; and

6) Any other information Respondent believes would assist the Board in its ultimate review of this matter.

b. ***Reports Verifying Sobriety.*** Respondent shall cause to be submitted to the Board reports from two adult persons, at least one of whom is not related to Respondent by blood

or marriage, who can attest to Respondent's sobriety. These reports shall be submitted at the time Respondent petitions for reinstatement of her certification. Each report shall provide and address:

- 1) Respondent's regular participation in a chemical dependency support group such as AA or other structured chemical dependency rehabilitation program;
- 2) Respondent's sobriety, including the date she last used mood-altering chemicals, including alcohol; and
- 3) Any other information the reporter believes would assist the Board in its ultimate review of this matter.

c. ***Report From Health Care Professional.*** Respondent shall cause to be submitted to the Board a report from any health care professional whom Respondent consults for physical health, mental health, or chemical dependency treatment while this Order is in effect. The reports shall be submitted at the time Respondent petitions for reinstatement of her certification. The report shall provide and address:

- 1) Verification the health care professional has reviewed this Order;
 - 2) Identification of diagnoses and any plans of treatment, including medications, devised for Respondent;
 - 3) Respondent's progress with therapy and compliance with the treatment plan;
 - 4) A statement regarding Respondent's mental health status;
 - 5) A statement regarding Respondent's sobriety;
 - 6) Recommendations for additional treatment, therapy, or monitoring;
- and

7) Any other information the health care professional believes would assist the Board in its ultimate review of this matter.

d. **Report of Prescribed Mood-Altering Chemicals.** Respondent shall cause to be submitted to the Board a report from any and all physicians, dentists, and other authorized health care professionals who have prescribed mood-altering chemicals for Respondent during the period this Order is in effect. Each report is due at the time of petition and shall provide and address:

1) The name, dosage, frequency, and purpose of the mood-altering chemicals for Respondent;

2) Confirmation the physician, dentist, or other health care professional has been informed of Respondent's chemical dependency history; and

3) Any other information the reporter believes would assist the Board in its ultimate review of this matter.

e. **Report From Pain Management Specialist.** Respondent shall cause to be submitted to the Board a report from any pain management specialist whom Respondent consults while this Order is in effect. The reports shall be submitted to the Board at the time Respondent petitions for reinstatement of her certification. Each report shall provide and address:

1) Verification the pain management specialist has reviewed this Order;

2) Identification of diagnoses and any plans of treatment, including medications, devised for Respondent; any changes in the treatment plan shall be identified in a subsequent report;

3) A statement of the involvement between Respondent and the pain management specialist, including the number and frequency of meetings;

4) Respondent's progress with therapy and compliance with the treatment plan;

5) A statement regarding Respondent's mental health status;

6) A statement regarding Respondent's sobriety;

7) Recommendations for additional treatment, therapy, or monitoring;

and

8) Any other information the pain management specialist believes would assist the Board in its ultimate review of this matter.

f. ***Report From Probation Officer.*** Respondent shall cause to be submitted to the Board a report from her probation officer. The report shall be submitted at the time Respondent petitions for reinstatement of her certification. The report shall provide information regarding Respondent's compliance with all terms of her probation, including results of random drug testing and any criminal charges against her.

g. ***Random Alcohol and Drug Screens.*** At any time during the petition process, the Board may direct Respondent, without prior notice, to submit to laboratory hair, blood, and urine screenings to determine the presence or absence of alcohol or drugs. The Board may contact Respondent by telephone, letter, or through personal contact by an agent to direct her to submit to the tests. Respondent shall provide the directed specimen, using a collection site and process approved by the Board, not later than 6:00 p.m. on the day she is contacted by the Board. Respondent shall abstain from substances known to interfere with the toxicology screening process, including but not limited to certain foods, beverages, over-the-counter

medications, and other products that contain poppy seeds, hemp seeds, and ethyl alcohol. Examples include but are not limited to nonalcoholic beer or wine; some desserts, salad dressings, soups, and herbal remedies; and hand-sanitizing and mouthwash products. Respondent shall arrange with her employer for release from work for purposes of fulfilling the requirements of the laboratory screening. The specimens shall be handled through legal chain-of-custody methods and tested at a facility approved by the Board. The results of the screens shall be reported directly to the Board. Respondent is responsible for the cost of the screens.

h. ***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 her physician, mental health treatment professional/therapist, chemical dependency counselor, or others from whom Respondent has sought or obtained treatment, support, or assistance.

i. ***Additional Information.*** Respondent shall provide any additional information relevant to her petition reasonably requested by the Board.

j. ***Certification Requirements.*** Respondent shall meet all certification requirements in effect at the time of her petition for reinstatement, including but not limited to completing the appropriate application, paying requisite fees, and completing any necessary certification or continuing education requirements.

10. The Board may, at any regularly scheduled meeting following Respondent's petition for reinstatement pursuant to paragraph 9 above, take any of the following actions:

a. Issue certification to Respondent;

b. Issue certification to Respondent with limitations upon the scope of Respondent's practice and/or with conditions for Respondent's practice; or

c. Continue the suspension of Respondent's certification upon her failure to meet the burden of proof.

VI.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

11. It is Respondent's responsibility to ensure all payments, reports, evaluations, and documentation required to be filed with the Board pursuant to this Stipulation and Consent Order are timely filed by those making the payment or preparing the report, evaluation, or documentation. Failure to make payments or file reports on or before their due date is a violation of this Stipulation and Consent Order. The information contained in the reports, evaluations, and documentation is confidential and shall be submitted to the Board by United States Mail, courier, or personal delivery only.

12. 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:

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

b. 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.

c. 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. 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.

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 Review Panel not to seek discipline when it first learns of a violation shall 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 Respondent's certification is in a suspended 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, an additional period of suspension, additional conditions of reinstatement, or revocation of Respondent's certification.

VII.

ADDITIONAL INFORMATION

13. Within ten days of execution of this Stipulation and Consent Order, Respondent shall provide the Board with the names of all states in which Respondent is certified to practice emergency medical services or has applied for certification as an emergency medical services provider.

14. 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.

15. Respondent waives any claims against the Board, the Minnesota Attorney General's Office, 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.

16. 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.

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

18. 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.

19. 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.

20. 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.

VIII.

DATA PRACTICES NOTICES

21. 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. Therefore, employers and other individuals will be able to see this entire Stipulation and Consent Order by searching Respondent's name on the Board's website, or by requesting a copy of this Stipulation and Consent Order from the Board. Data regarding this action will be provided to data banks as required by Federal law and 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.

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

CONSENT:

EMERGENCY MEDICAL SERVICES
REGULATORY BOARD
COMPLAINT REVIEW PANEL

Marie Waldemarsen
MARIE A. WALDEMARSEN, PARAMEDIC
Respondent

Dated: 11/18/15

Matthew Simpson
MATTHEW SIMPSON
Board Member

Dated: 11.19.2015

ORDER

Upon consideration of the Stipulation, the Board **RESCINDS** the May 20, 2015, Stipulation to Cease Providing Emergency Medical Services, places Respondent's license in a **SUSPENDED** status, and adopts all of the terms described above on this 19th day of November, 2015.

MINNESOTA EMERGENCY MEDICAL
SERVICES REGULATORY BOARD

Robert M. Norken
~~ANTHONY SPECTOR~~ Robert M. Norken
~~Executive Director~~ Field Services Supervisor