

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

In the Matter of
the Certificate of
Dennis Walkoviak, EMT-Basic
Date of Birth: 8/2/50
Certificate Number: 239021

**STIPULATION AND ORDER
ACCEPTING VOLUNTARY
SURRENDER OF CERTIFICATE**

IT IS HEREBY STIPULATED AND AGREED, by and between Dennis Walkoviak, EMT-Basic (“Respondent”), and the Complaint Review Committee (“Committee”) of the Minnesota Emergency Medical Services Regulatory Board (“Board”) as follows:

1. During all times herein, Respondent has been and now is subject to the jurisdiction of the Board from which he holds a certificate 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. Although aware of his right to representation by counsel, Respondent has knowingly and expressly waived that right. The Committee was represented by Rosellen Condon, Assistant Attorney General, 1400 NCL Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, telephone (651) 296-7575. Nathan W. Hart, Assistant Attorney General, currently represents the Committee.

FACTS

3. For the purpose of this stipulation, the Board may consider the following facts as true. On or about July 24, 2000, Respondent resigned his position as an Emergency Medical Technician-Basic (“EMT-Basic”) with the ambulance service where he worked based on the following occurrence:

a. On July 22, 2000, Respondent was on call for the ambulance service. On that date, he was called to the scene of a bicycle accident. He drove his pickup to the fire hall where he met the other paramedic to proceed to the accident call.

b. On arrival at the scene, Respondent and the other crew member immediately attended to the injured party. A Minnesota State Patrol officer directly across from Respondent noticed a strong odor of alcohol coming from his breath. The injured individual was placed on a backboard and placed in the rear of the ambulance. The Minnesota State Patrol officer approached Respondent and asked if he would be driving the ambulance, and he stated, "Yes." Respondent was instructed to walk back to the squad car and asked to blow into the P.B.T. He blew into the instrument with the result of .156. Respondent then left the vehicle and performed the Horizontal Gaze Nystagmus. Respondent failed this test with six clues. When he removed his sunglasses, Respondent's eyes were watery, glassy, and bloodshot.

c. Respondent was placed under arrest for Driving Under the Influence and transported to the Koochiching County L.E.C.

d. On July 24, 2000, Respondent entered Rational Alternatives, a six-week alcohol information program with a 12-week aftercare program.

e. Respondent does not wish to retain his EMT-Basic certificate.

STATUTES

4. The Committee views Respondent's practices as inappropriate in such a way as to require Board action under Minn. Stat. § 144E.28, subd. 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. Grounds for discipline: Minn. Stat. § 144E.28, subd. 5(1), (4), (5), and (6).

REMEDY

5. Respondent shall mail to the Board his current EMT-B certificate within seven days of the effective date of this Stipulation and Order. Respondent shall not engage in any act which constitutes the practice of Emergency Medicine Technician-Basic as defined in Minn. Stat. § 144E.28 and shall not imply by words or conduct that he is authorized to practice.

6. Respondent may not petition for renewal of his certificate for 12 months from the effective date of this Order. At that time, Respondent must meet with the Complaint Review Committee, and the burden of proof shall be upon him to demonstrate to the Committee's satisfaction by a preponderance of the evidence that he is capable of practicing 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 previous 12 months.

7. Respondent shall meet all reregistration requirements according to Minn. Stat. § 144E.28, subd. 8, in effect at the time of his petition for an unconditional certificate.

8. The Board may, at any regularly scheduled meeting following Respondent's petition for reinstatement pursuant to paragraph 6 above, take any of the following actions:

- a. Reissue a certificate to Respondent;
- b. Reissue a certificate to Respondent with limitations upon the scope of Respondent's practice and with conditions for Respondent's practice; or
- c. Deny Respondent's petition for reinstatement of his certificate upon his failure to meet the burden of proof for a minimum of 12 months.

9. This 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 are received after the date the Board approves the stipulation and order shall become a part of the record and may be considered by the Board in future aspects of this proceeding.

10. 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 nor introduced in any disciplinary action by either party hereto 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.

11. 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.

12. Respondent hereby acknowledges that he has read and understands this stipulation and has voluntarily entered into the 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.

13. Under the Minnesota Government Data Practices Act, this stipulation and order is classified as public data. Minn. Stat. § 13.41, subd. 4. All documents in the record shall maintain the data classification to which they are entitled under the Minnesota Government Data Practices Act, Minn. Stat. ch. 13. They shall not, if they are not already public documents, become public merely because they are referenced herein. Pursuant to federal rule (45 C.F.R.

part 60), the Board must report the disciplinary action contained in this stipulation and order to the National Practitioner Data Bank.

Dated: 9 March, 2001

Dated: 4/19, 2001

Dennis Walkoviak
DENNIS WALKOVIK, EMT-Basic
Respondent

Gary L. Wiggins
FOR THE COMMITTEE

ORDER

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

IT IS HEREBY ORDERED that the terms of this stipulation are adopted and implemented by the Board this 19th day of April, 2001.

MINNESOTA EMERGENCY
MEDICAL SERVICES
REGULATORY BOARD

By: Mary Hedges