

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

In the Matter of  
Nicholas A. Cochran, EMT  
Certification No. 1012600

**STIPULATION AND  
CONSENT ORDER  
FOR REPRIMAND  
AND STAYED SUSPENSION**

**STIPULATION**

Nicholas Aaron Cochran, EMT (“Respondent”), and the Minnesota Emergency Medical Services Regulatory Board Complaint Review Panel (“Complaint 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 register, certify, and regulate emergency medical services providers and to take disciplinary action as appropriate.

2. Respondent holds a certification from the Board to practice as an emergency medical technician (“EMT”) 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.**

**BACKGROUND**

3. On August 3, 2022, the Board received a mandatory report from Respondent’s employer regarding Respondent’s resignation in lieu of termination. Following a thorough review of all available information, the Complaint Review Panel determined the matter could be resolved by mail with a Stipulation and Consent Order for a reprimand and stayed suspension of

Respondent's certification.

4. Respondent is represented in this matter by John B. Casserly, Geraghty, O'Loughlin & Kenney, P.A. Assistant Attorney General Jamal Zayed represents the Complaint Review Panel in this matter.

### **III.**

#### **FACTS**

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

a. On December 10, 2020, the Board issued an EMT certification to Respondent, which is set to expire March 31, 2025.

b. On August 3, 2022, the Board received a mandatory report from Respondent's employer stating that Respondent resigned in lieu of termination after Respondent suggested that a coworker falsify a patient signature on a patient care report and admitted to falsifying at least two patient signatures on patient care reports.

### **IV.**

#### **LAWS**

6. Respondent acknowledges the conduct described in section III. above constitutes a violation of Minnesota Statutes section 144E.28, subdivision 5(a)(5) (unethical conduct), and subdivision 5(a)(8) (unprofessional conduct), 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:

**A. Reprimand**

7. The Board **REPRIMANDS** Respondent.

**B. Stayed Suspension**

8. The Board **SUSPENDS** respondent's certification to practice as an EMT. This suspension is **STAYED** so long as Respondent complies with the following requirements:

a. ***Successful Course Completion.*** Within six months of the date of this Order, Respondent must complete and provide a certificate of completion of courses in ethics and documentation. Each course must be preapproved by Board staff, for purposes of this Order. In order for the Board to consider approving each course, Respondent must submit the proposed course outline. Respondent is responsible for arranging and paying for all costs associated with each course.

b. ***Typewritten Report.*** Within one month of completion of all coursework, Respondent must submit to the Board a typewritten report at least five pages in length, addressing what he learned and achieved through the education. Respondent must reflect on the situations described in paragraph 5 above and describe how he will apply his knowledge if a similar situation should occur and to his future emergency medical services practice.

c. ***Training and Supervising Prohibition.*** At all times while this Order is in effect, Respondent shall not be responsible for the training or supervision of any employees involved in emergency medical services.

d. ***Report from EMS Supervisor.*** If Respondent is employed in any emergency medical services setting at any time while this Order is in effect, Respondent must cause to be submitted to the Board a report from his medical director or supervisor. The report must be submitted every three months. Each report must provide and address:

- 1) In the first report, verification Respondent's medical director or supervisor has received and reviewed a copy of this Order;
- 2) The date of Respondent's employment;
- 3) Respondent's attendance and reliability;
- 4) Respondent's ability to carry out assigned functions, and if any performance deficiencies are identified, the actions taken to address them;
- 5) Any other information the medical director or supervisor believes would assist the Board in its ultimate review of this matter.

e. ***Additional Information.*** Respondent shall provide any additional information reasonably requested by the Complaint Review Panel.

9. Respondent shall notify each present emergency medical services supervisor of this Order within ten days of the date of this Order or commencing employment. While this Order is in effect, Respondent shall notify each future emergency medical services supervisor of this Order within ten days of commencing employment.

### **C. Removal of Stayed Suspension**

10. Respondent may petition for removal of the stayed suspension following 12 months from the date of this order and upon successful completion of the requirements in paragraphs 8 and 9 above. The burden of proof shall be upon Respondent to demonstrate by a preponderance of evidence that he is capable of practicing emergency medical services in a fit and competent

manner.

## 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.

#### **A. Noncompliance With Requirements for Stayed Suspension**

12. If the Complaint Review Panel has probable cause to believe Respondent has failed to comply with or has violated any of the requirements for staying the suspension as outlined in paragraphs 8 and 9 above, the Complaint Review Panel may remove the stayed suspension pursuant to the procedures outlined in paragraph 13 below, with the following additions and exceptions:

a. The removal of the stayed suspension shall take effect upon service of an Order of Removal of Stayed Suspension (“Order of Removal”). Respondent agrees that the Complaint Review Panel is authorized to issue an Order of Removal, which shall remain in effect and shall have the full force and effect of an order of the Board until the Board makes a final determination pursuant to the procedures outlined in paragraph 13 below. The Order of Removal shall confirm the Complaint Review Panel has probable cause to believe Respondent has failed to comply with or has violated one or more of the requirements for staying the

suspension of Respondent's certification. Respondent further agrees an Order of Removal issued pursuant to this paragraph shall be deemed a public document under the Minnesota Government Data Practices Act. Respondent waives any right to a conference or hearing before removal of the stayed suspension.

b. The Complaint Review Panel shall schedule the hearing pursuant to paragraph a. below to be held within 60 days of the notice.

**B. Noncompliance With Stipulation and Consent Order**

13. If Respondent fails to comply with or violates this Stipulation and Consent Order, the Complaint 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 Complaint Review Panel shall schedule a hearing before the Board. At least 20 days before the hearing, the Complaint Review Panel shall mail Respondent a notice of the violation(s) alleged by the Complaint 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 Complaint 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 Complaint Review Panel and Respondent may submit affidavits and written argument in support of their positions. At the hearing, the Complaint 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 Complaint 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 considered by the Board but shall not limit the Board's authority to impose discipline for the violation. A decision by the Complaint Review Panel not to seek discipline when it first learns of a violation shall not waive the Complaint 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 or while the suspension is stayed.

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.

f. Nothing herein shall limit the Complaint Review Panel's or the Board's right to temporarily suspend Respondent's certification pursuant to Minnesota Statutes section 144E.28, subdivision 6, based on a violation of this Stipulation and Consent Order or based on conduct of Respondent not specifically referred to herein.

## **VII.**

### **ADDITIONAL INFORMATION**

14. In the event Respondent should leave Minnesota to reside or to practice outside of the state, Respondent shall give the Board written notification of the new location, as well as dates of departure and return. If Respondent leaves the state, the terms of this Stipulation and Consent Order continue to apply unless waived in writing. Respondent agrees that if Respondent chooses to practice in another state, his practice must conform completely with this Stipulation and Consent Order.

15. Within ten days of execution of this Stipulation and Consent Order, Respondent shall provide the Board with the addresses and telephone numbers of Respondent's residence and all agencies or facilities and locations at which Respondent has become employed or performs volunteer emergency medical services. Respondent shall inform the Board within ten days if Respondent becomes employed at any additional agencies or facilities or moves and shall provide the new or additional address and telephone number.

16. 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 registered or certified to practice emergency medical services or has applied for certification as an EMT.

## **VIII.**

### **OTHER INFORMATION**

17. 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.

18. 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.

19. 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.

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

21. 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.

22. 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.

23. 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.

## **IX.**

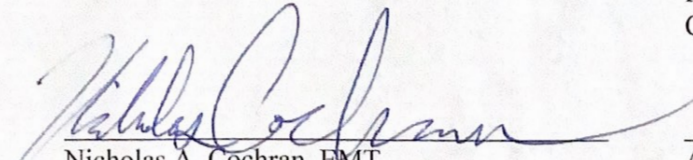
### **DATA PRACTICES NOTICES**

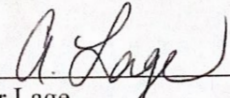
24. This Stipulation and Consent Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5. Therefore, employers and other individuals will be able to see this entire Stipulation and Consent Order by searching Respondent's 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 licensing agency, and as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4, and 144E.305, subdivision 3(a).

25. 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

  
\_\_\_\_\_  
Nicholas A. Cochran, EMT  
Respondent

  
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Amber Lage  
Complaint Review Panel Chair

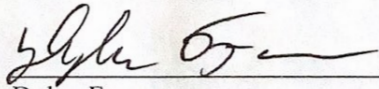
Dated: 06/06/23

Dated: 6/6/23

**ORDER**

Upon consideration of the Stipulation, the Board **REPRIMANDS** Respondent and places Respondent's certification in a **SUSPENDED** status. The Board **STAYS** the suspension upon Respondent's compliance with the requirements outlined in the Stipulation and adopts all other terms of the Order on 15<sup>th</sup> day of JUNE 2023.

MINNESOTA EMERGENCY MEDICAL  
SERVICES REGULATORY BOARD

  
\_\_\_\_\_  
Dylan Ferguson  
Executive Director