

Investigations Committee

Jeri Wheatley - Chair

AGENDA

Thursday, February 1, 2024

3:30 pm

**LANDON STATE OFFICE BUILDING
900 SW Jackson, Room 509; Topeka, Kansas**

VIRTUAL LOCATION(S):

From your computer, tablet or smartphone – Remember to Mute.

<https://meet.goto.com/248822197>

Dialing in using your phone – Remember to Mute.

United States: [+1 \(224\) 501-3412](tel:+12245013412)

Access Code: 248-822-197

1. CALL TO ORDER

2. CONSENT AGENDA

- 2.1. Delegated Activity Report – In February 2023, the Board’s Investigation Committee delegated their authority to the Executive Director in matters related to a renewal application.**

2.1.1. Case 2023-109-01 – *In the Matter of Tayler Dietz, EMT*

Respondent was alleged to have failed to appropriately disclose prior disciplinary action on an application for certification renewal. Evidence supports alleged behavior occurred. Executive Director House authorized the issuance of a summary proceeding order finding Respondent had committed unprofessional conduct, approved the further processing of the Respondent’s renewal application, and placed the Respondent on 365 days of probation.

2.1.2. Case 2023-114-01 – *In the Matter of Erin Kerley, EMT*

Respondent was alleged to have failed to appropriately disclose prior disciplinary action on an application for certification renewal. Evidence supports alleged behavior occurred. Executive Director House authorized the issuance of a summary proceeding order finding Respondent had committed unprofessional conduct, approved the further processing of the Respondent’s renewal application, and placed the Respondent on 365 days of probation.

2.1.3. Case 2023-115-01 – *In the Matter of Shana Klick, AEMT*

Respondent was alleged to have failed to appropriately disclose prior disciplinary action on an application for certification renewal. Evidence supports alleged behavior occurred. Executive Director House authorized the issuance of a summary proceeding order finding Respondent had committed unprofessional conduct, approved the further processing of the Respondent’s renewal application, and placed the Respondent on 365 days of probation.

2.1.4. Case 2023-117-01 – *In the Matter of Kasey Petrik, Paramedic*

Respondent was alleged to have failed to appropriately disclose prior disciplinary action on an application for certification renewal. Evidence supports alleged behavior occurred.

Executive Director House authorized the issuance of a summary proceeding order finding Respondent had committed unprofessional conduct, approved the further processing of the Respondent's renewal application, and placed the Respondent on 365 days of probation.

2.2. Case 2023-104-01 – In the Matter of Mark Brown, EMT

This matter was tabled from the December meeting. Respondent attempted to challenge the state examination for certification while holding a current Kansas certification at that level. Evidence supported the Respondent failed the cognitive portion of the examination at the level currently held. Since the December meeting, the Respondent re-challenged the state examination and was successful. Staff believes failure of the state examination for the level of certification currently held is incompetence. However, as Respondent has subsequently successfully passed the state examination, Respondent has demonstrated at least an entry-level competency. Staff recommends dismissing the case.

2.3. Case 2023-105-01 – In the Matter of Kristi Fearn, EMT

This matter was tabled from the December meeting. Respondent attempted to challenge the state examination for certification while holding a current Kansas certification at that level. Evidence supported the Respondent failed the cognitive portion of the examination at the level currently held. Since the December meeting, the Respondent re-challenged the state examination and was successful. Staff believes failure of the state examination for the level of certification currently held is incompetence. However, as Respondent has subsequently successfully passed the state examination, Respondent has demonstrated at least an entry-level competency. Staff recommends dismissing the case.

3. DISCUSSION CASES

3.1. Case 2023-037-01 – In the Matter of Cody Ulrich, EMT

Report received alleging Respondent had placed a cell phone camera in the shower for the purpose of recording a co-worker. Evidence and investigation supports Respondent having performed the alleged behavior and a criminal conviction did occur for unlawful use of a communication facility. Staff recommends the Board find Respondent has committed unprofessional conduct and suspend the Respondent's certificate for 90 days, staying the suspension as long as the Respondent is compliant with the requirements of his court ordered, supervised probation.

3.2. Case 2023-113-01 – In the Matter of Justice Morgan, Applicant

The Respondent is alleged to have made a false statement upon an agency record, specifically an application for recognition of a non-Kansas credential and failed to disclose a felony conviction. Evidence supports the alleged behavior occurred and the Respondent did have a felony conviction from approx. 7 years ago. Investigation indicates the Respondent has been sufficiently rehabilitated to warrant the public trust. Staff recommends the Board find a violation occurred for unprofessional conduct for making a false statement upon an agency record and levy a civil fine in the amount of \$25. Furthermore, staff recommends the Board approve proceeding with the further processing of the Respondent's application.

3.3. Case 2023-116-01 – In the Matter of Richard Moyers, Applicant

The Respondent is alleged to have made a false statement upon an agency record, specifically an application for recognition of a non-Kansas credential and failed to disclose a felony conviction. Evidence supports the alleged behavior occurred and the Respondent did have a felony conviction from approx. 27 years ago. Investigation indicates the Respondent has been sufficiently rehabilitated to warrant the public trust. Staff recommends the Board find a violation occurred for unprofessional conduct for making a false statement upon an agency record and

levy a civil fine in the amount of \$25. Furthermore, staff recommends the Board approve proceeding with the further processing of the Respondent's application.

3.4. Case 2023-112-01 – In the Matter of Gabriel Salmon, Applicant

The Respondent is alleged to have made a false statement upon an agency record, specifically an application for initial EMS provider certification and failed to disclose a potential felony conviction. Evidence supports the statements made by Respondent were true. The alleged felony crime was committed during Respondent's military enlistment and the disciplinary action appears to have been an administrative action taken by the U.S. Army. Respondent demonstrated a separation of service under honorable conditions. Staff recommends the Board approve proceeding with the further processing of the Respondent's application, and if certification is granted, Respondent be placed on 365 days of probation. Staff believes this to be appropriate given the administrative action occurred 3 years ago and the behavior leading to the administrative action involved the distribution of controlled substances.

3.5. Case 2022-059-01 – In the Matter of Jeremiah Brown, Paramedic

Case 2022-059-02 – In the Matter of Charlotte Dick, EMT

Case 2022-059-03 – In the Matter of Skyler Rudman, EMT

Case 2022-059-04 – In the Matter of Casey Arnold, EMT

Case 2022-059-05 – In the Matter of Donnie Wessel, EMT

Case 2022-059-06 – In the Matter of Michelle Dougherty, EMT

Case 2022-059-07 – In the Matter of Rooks County EMS, Operator

Respondents are alleged to have utilized an unlicensed private vehicle to transport a patient against the directive of the ambulance service's director and subsequently acted in a manner failing to safeguard the patient. Evidence supports the alleged behavior occurred and additionally, Respondents falsified the patient care report, a patient record.

Staff recommends the Board find the following:

Respondents Brown, Dick, and Rudman – for failure to safeguard a patient with potential harm to the patient as well as falsifying a patient's record – levy a civil fine in the amount of \$100 to each Respondent.

Respondents Arnold, Wessel, and Dougherty – for falsifying a patient's record – levy a civil fine in the amount of \$25 to each Respondent.

Rooks County EMS – a violation occurred for the usage of an unlicensed vehicle as an ambulance. However, operator's appointed service director advised crew of proper procedure and options that would have been in compliance with law, therefore staff recommends no further action be taken for the violation.

3.6. Case 2023-006-01 – In the Matter of Jesse Duncan, EMT

Case 2023-006-02 – In the Matter of Cherryvale EMS, Operator

Respondent is alleged to have provided response and render emergency care with an expired EMS provider certificate over an approximate 10 day period. Operator in this matter is alleged to have failed to verify the recertification status of one of their providers. Evidence supports the incident occurred as alleged. Staff recommends the Board find Respondent Duncan falsely represented himself as a valid and certified EMS provider and levy a civil fine in the amount of \$75. Furthermore, staff recommends the Board find Respondent Cherryvale EMS failed to provide adequate ambulance service and acted in an unprofessional manner by failing to ensure all providers being used as EMS providers are valid and currently certified to function as such in Kansas and to levy a fine in the amount of \$2,600.

3.7. Case 2023-013-01 – In the Matter of Cassandra Shepherd, Paramedic

Case 2023-013-02 – In the Matter of American Medical Response, Operator

Respondent is alleged to have provided response and render emergency care with an expired EMS provider certificate prior to it being identified on that date. Operator in this matter is

alleged to have failed to verify the recertification status of one of their providers. Evidence supports the incident occurred as alleged. Staff recommends the Board find Respondent Shepherd has falsely represented herself as a valid and certified EMS provider and levy a civil fine in the amount of \$75. Furthermore, staff recommends the Board find Respondent American Medical Response acted in an unprofessional manner by failing to ensure all providers being used as EMS providers for their service are valid and currently certified to function as such in Kansas and to levy a fine in the amount of \$250.

3.8. Case 2023-118-01 – *In the Matter of Sarah McDaniel, Applicant*

The Respondent is the holder of a suspended and expired Kansas AEMT certificate and submitted an application to reinstate the expired certificate. Respondent's certificate was suspended for failure to comply with a Board order. Respondent continued to represent herself as an EMS provider for nearly 7 months. Staff recommends proceeding with the further processing of the Respondent's reinstatement application and upon approval, the Board suspend the Respondent's AEMT certificate for a period of no less than 3 months as this is a 3rd offense and the levying of a civil fine has not proven effective in ensuring compliance.

4. ADJOURNMENT