

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

DEPARTMENT OF HEALTH, BUREAU)	
OF EMERGENCY MEDICAL SERVICES,)	
)	
Petitioner,)	
)	
vs.)	
)	Case Nos. 05-1446PL
STEVEN R. BOX, WILLIAM BATES,)	05-1447PL
MATTHEW WILLIAMS, AND)	05-1448PL
STEVEN B. THOMAS,)	05-1449PL
)	
Respondents.)	
_____)	

RECOMMENDED ORDER

Notice was provided and on July 26, 2005, a formal hearing was held in this case. The hearing location was the Offices of the Division of Administrative Hearings, Tallahassee, Florida. The hearing commenced at 9:00 a.m. Authority for conducting the hearing is set forth in Sections 120.569 and 120.57(1), Florida Statutes (2004). The hearing was conducted by Charles C. Adams, Administrative Law Judge.

APPEARANCES

For Petitioner: Brian J. Stabley, Esquire
Assistant Attorney General
Administrative Law
The Capitol, Plaza Level 01
Tallahassee, Florida 32399-1050

For Respondents: Brandt Hargrove, Esquire
Law Offices of Brandt Hargrove
2984 Willington Circle West
Tallahassee, Florida 32309

STATEMENT OF THE ISSUE

Should Petitioner suspend or revoke, restrict the practice, impose an administrative fine, reprimand or place on probation the Florida Certificates as Paramedics and/or Emergency Medical Technicians (EMTs) held by Respondents, based upon alleged violations of Sections 401.27(12) and 401.411(1)(a), (f) and (g), Florida Statutes (2000), as well as Florida Administrative Code Rule 64E-2.009(1)(b) (2000)?

PRELIMINARY STATEMENT

On March 8, 2005, before the State of Florida, Bureau of Emergency Medical Services, an Administrative Complaint in Case No. 2002-0655 was served on William Bates, Respondent, naming the Department of Health, Petitioner.

On March 8, 2005, before the State of Florida, Bureau of Emergency Medical Services, an Administrative Complaint in Case No. 2002-0657 was served on Matthew Williams, Respondent, naming the Department of Health, Petitioner.

On March 8, 2005, before the State of Florida, Bureau of Emergency Medical Services, an Administrative Complaint in Case No. 2002-0659 was served on Steven B. Thomas, Respondent, naming the Department of Health, Petitioner.

On March 9, 2005, before the State of Florida, Bureau of Emergency Medical Services, an Amended Administrative Complaint

in Case No. 2002-0658 was served on Steven R. Box, Respondent, naming the Department of Health, Petitioner.

On April 18, 2005, Petitioner forwarded the cases to the Division of Administrative Hearings (DOAH), the Respondents having requested a formal hearing in accordance with Section 120.57(1), Florida Statutes (2004). DOAH assigned case numbers related to the actions against the Respondents in the following sequence:

Department of Health, Petitioner,
vs. Steven R. Box, Respondent,
DOAH Case No. 05-1446PL;

Department of Health, Petitioner,
vs. William Bates, Respondent,
DOAH Case No. 05-1447PL;

Department of Health, Petitioner,
vs. Matthew Williams, Respondent,
DOAH Case No. 05-1448PL; and

Department of Health, Petitioner,
vs. Steven B. Thomas, Respondent,
DOAH Case No. 05-1449PL.

Petitioner moved to consolidate the cases. That motion was unopposed. On April 29, 2005 an order was entered consolidating the cases.

The cases were originally scheduled to be heard on June 21, 2005. Upon Respondents' unopposed motion, the cases were rescheduled for hearing on July 26, 2005.

Petitioner moved to amend the Administrative Complaints related to Respondents Bates, Williams, and Thomas and for a

second amendment to the Administrative Complaint pertaining to Respondent Box. The amendments were made to allow reference to alleged violations of Section 401.27(12), Florida Statutes (2000). The motions were unopposed. The motions were granted.

Concerning agency history in prosecuting cases such as these, the parties agree that the cases are matters of first impression.

Without opposition, Petitioner requested official recognition be made of Chapter 401, Florida Statutes (2000), and Florida Administrative Code Chapter 64E-2, in effect on February 20, 2000, and September 3, 2000. The requests were granted.

Petitioner presented Gordon Scott McDermid, Fredia Travis, Shinita Miller, William Bates, Matthew Williams, Steven Thomas, Steven R. Box, Diane Albanese, Michael Taylor, Robert D. Vick, Sr., and David Jacobsen as its witnesses. Joint Exhibits numbered 1 through 4 were admitted. Petitioner's Exhibits numbered 1 through 3 were admitted. Steven Thomas testified in his own behalf. Respondents' Composite Exhibits numbered 1 through 3 were admitted in part, as explained in the hearing transcript.

Petitioner asked that the request for admissions propounded to Respondents, wherein Respondents admitted certain facts, be made available for fact finding in the Recommended Order.

Respondent also asked that the request for admissions propounded to Petitioner, wherein Petitioner admitted certain facts, be made available for fact finding in the Recommended Order. Facts admitted upon request were deemed available for fact finding in the Recommended Order.

On August 8, 2005, a two-volume hearing transcript was filed with DOAH. Petitioner and Respondents filed proposed recommended orders which have been considered in preparing the Recommended Order.

FINDINGS OF FACT

Factual Admissions by Respondent Box

1. Respondent, Steven R. Box, possesses Florida paramedic license/certificate number 200933.
2. Respondent was issued Florida paramedic license/certificate number 200933 on February 6, 2001.
3. Respondent possesses Florida emergency medical technician license/certificate number 86759.
4. Respondent was issued Florida emergency medical technician license/certificate number 86759 on October 18, 2000.
5. Respondent's current mailing address is 308 Heron Lane, Monticello, Florida 32344.
6. As a licensed/certified paramedic and emergency medical technician, Respondent is subject to the provisions and discipline of Chapter 401 of the Florida Statutes and the

jurisdiction of the Florida Department of Health, Bureau of Emergency Medical Services.

7. Respondent attended a paramedic program at Southwest Georgia Technical College (formerly Thomas Technical Institute) in Thomasville, Georgia, from January 2000 through December 2000.

8. Michael (Mike) Taylor was Respondent's paramedic instructor at Southwest Georgia Technical College from January 2000 through December 2000.

9. William Bates, Steven B. Thomas, and Matthew A. Williams attended the paramedic program at Southwest Georgia Technical College with Respondent from January 2000 through December 2000.

10. Respondent was not certified or licensed as an EMT or paramedic by the time of submission of his EMT/Paramedic Certification Application on December 5, 2000.

11. Respondent had not passed the National Registry of EMT's examination at the time of submission of his EMT/Paramedic Certification Application on December 5, 2000.

12. Respondent was not certified as an EMT or paramedic by the National Registry of EMT's at the time of submission of his EMT/Paramedic Certification Application on December 5, 2000.

13. The Statement of Good Standing states in part:

I, the below named EMT/Paramedic, am requesting Florida certification based on training and current certification in the State of Georgia or by the National Registry of EMT's.

14. Respondent completed the top portion of the Statement of Good Standing.

15. Respondent returned the document to Michael Taylor.

16. The document was (then) returned to Respondent.

17. Time to review the document existed after it was returned.

18. Respondent failed the National Registry Exam that he took on December 13, 2000.

19. Respondent was notified by mail that he failed the December 13, 2000, National Registry of EMTs paramedic examination in January 2001.

20. Respondent failed the National Registry Exam that he took on February 23, 2001.

21. Respondent was notified by mail that he failed the February 23, 2001, National Registry Exam in March 2001.

22. Although Respondent was not licensed/certified as a Paramedic or EMT in the State of Georgia and had not passed the National Registry of EMTs examination, Respondent took and passed the Florida EMS/Paramedic examination on January 26, 2001.

Factual Admissions by Respondent Bates

23. Respondent, William Bates, possesses Florida paramedic license/certificate number 201154.

24. Respondent was issued Florida paramedic license/certificate number 201154 on May 8, 2001.

25. Respondent possesses Florida emergency medical technician license/certificate number 40414.

26. Respondent's current mailing address is 76 Toby Lane, Monticello, Florida 32344.

27. As a licensed/certified paramedic and emergency medical technician, Respondent is subject to the provisions and discipline of Chapter 401 of the Florida Statutes and the jurisdiction of the Florida Department of Health, Bureau of Emergency Medical Services.

28. Respondent attended a paramedic program at Southwest Georgia Technical College (formerly Thomas Technical Institute) in Thomasville, Georgia, from January 2000 through December 2000.

29. Michael (Mike) Taylor was Respondent's paramedic instructor at Southwest Georgia Technical College from January 2000 through December 2000.

30. Steven B. Thomas, Stephen R. Box, and Matthew A. Williams attended the paramedic program at Southwest Georgia Technical College with Respondent from January 2000 through December 2000.

31. Respondent was not certified or licensed as an EMT or paramedic by the State of Georgia at the time of submission of his EMT/Paramedic Certification Application on December 5, 2000.

32. Respondent had not passed the National Registry of EMT's examination at the time of submission of his EMT/Paramedic Certification Application on December 5, 2000.

33. Respondent was not certified as an EMT or paramedic by the National Registry of EMT's at the time of submission of his EMT/Paramedic Certification Application on December 5, 2000.

34. The Statement of Good Standing states in part:

I, the below named EMT/Paramedic, am requesting Florida certification based on training and current certification in the State of Georgia or by the National Registry of EMT's.

35. Respondent completed the top portion of the Statement of Good Standing.

36. Respondent returned the document to Michael Taylor.

37. Respondent failed the National Registry of EMTs Exam that he took on February 23, 2001.

38. Respondent was notified that he failed National Registry Exam.

39. Although Respondent was not licensed/certified as a Paramedic or EMT in the State of Georgia and had not passed the National Registry of EMTs examination, Respondent took and passed the Florida EMS/Paramedic examination on April 27, 2001.

Factual Admissions by Respondent Williams

40. Respondent, Matthew Williams, possesses Florida paramedic license/certificate number 201152.

41. Respondent was issued Florida paramedic license/certificate number 201152 on April 10, 2001.

42. Respondent possesses Florida emergency medical technician license/certificate number 80942.

43. Respondent's current mailing address is 24701 Highway 301 North, Lawtey, Florida 32058.

44. As a licensed/certified paramedic and emergency medical technician, Respondent is subject to the provisions and discipline of Chapter 401 of the Florida Statutes and the jurisdiction of the Florida Department of Health, Bureau of Emergency Medical Services.

45. Respondent attended a paramedic program at Southwest Georgia Technical College (formerly Thomas Technical Institute) in Thomasville, Georgia, from January 2000 through December 2000.

46. Michael (Mike) Taylor was Respondent's paramedic instructor at Southwest Georgia Technical College from January 2000 through December 2000.

47. Steven Thomas, Steven R. Box, and William Bates attended the paramedic program at Southwest Georgia Technical College with Respondent from January 2000 through December 2000.

48. Respondent was not certified or licensed as an EMT or paramedic by the time of submission of his EMT/Paramedic Certification Application on December 5, 2000.

49. Respondent had not passed the National Registry of EMT's examination at the time of submission of his EMT/Paramedic Certification Application on December 5, 2000.

50. Respondent was not certified as an EMT or paramedic by the National Registry of EMT's at the time of submission of his EMT/Paramedic Certification Application on December 5, 2000.

51. The Statement of Good Standing states in part:

I, the below named EMT/Paramedic, am requesting Florida certification based on training and current certification in the State of Georgia or by the National Registry of EMT's.

52. Respondent completed the top portion of the Statement of Good Standing.

53. Respondent returned the document to Michael Taylor.

54. Respondent failed the National Registry Exam that he took on February 23, 2001.

55. Respondent was notified that he failed the National Registry Exam.

56. Although Respondent was not licensed/certified as a Paramedic or EMT in the State of Georgia and had not passed the National Registry of EMTs examination, Respondent took and passed the Florida EMS/Paramedic examination on March 30, 2001.

Factual Admissions by Respondent Thomas

57. Respondent, Steven Thomas, possesses Florida paramedic license/certificate number 201150.

58. Respondent was issued Florida paramedic license/certificate number 201150 on April 10, 2001.

59. Respondent possesses Florida emergency medical technician license/certificate number 72189.

60. Respondent's current mailing address is 575 South Waukeenah Street, Monticello, Florida 32344.

61. As a licensed/certified paramedic and emergency medical technician, Respondent is subject to the provisions and discipline of Chapter 401 of the Florida Statutes and the jurisdiction of the Florida Department of Health, Bureau of Emergency Medical Services.

62. Respondent attended a paramedic program at Southwest Georgia Technical College (formerly Thomas Technical Institute) in Thomasville, Georgia, from January 2000 through December 2000.

63. Michael (Mike) Taylor was Respondent's paramedic instructor at Southwest Georgia Technical College from January 2000 through December 2000.

64. William Bates, Steven R. Box, and Matthew A. Williams attended the paramedic program at Southwest Georgia Technical College with Respondent from January 2000 through December 2000.

65. Respondent was not certified or licensed as an EMT or paramedic by the time of submission of his EMT/Paramedic Certification Application on December 5, 2000.

66. Respondent had not passed the National Registry of EMT's examination at the time of submission of his EMT/Paramedic Certification Application on December 5, 2000.

67. Respondent was not certified as an EMT or paramedic by the National Registry of EMT's at the time of submission of his EMT/Paramedic Certification Application on December 5, 2000.

68. The Statement of Good Standing states in part:

I, the below named EMT/Paramedic, am requesting Florida certification based on training and current certification in the State of Georgia or by the National Registry of EMT's.

69. Respondent completed the top portion of the Statement of Good Standing.

70. Respondent returned the document to Michael Taylor.

71. Respondent failed the National Registry Exam that he took on February 23, 2001.

72. Respondent was notified that he failed the National Registry of Exam.

73. Although Respondent was not licensed/certified as a Paramedic or EMT in the State of Georgia and had not passed the National Registry of EMTs examination, Respondent took and passed the Florida EMS/Paramedic examination on March 30, 2001.

Facts Admitted by Petitioner

74. Paramedic instructor Mike Taylor solicited Robert Vick to sign said applications.

75. Respondents completed the paramedic education program given at Southwest Georgia Technical College.

Additional Facts

76. The Florida Bureau of Emergency Medical Services never approved the program provided by Thomas Technical Institute, or Southwest Georgia Technical College in Thomasville, Georgia, to educate paramedics. Neither of the Georgia institutions received a Florida Certificate of Approval for their paramedic training program.

77. None of the Florida officials affiliated with the Florida Bureau of Emergency Medical Services who testified at hearing are familiar with the details of the paramedic training received by Respondents in Georgia.

78. As of May 17, 2005, the Georgia Department of Human Resources, Division of Public Health, Office of Emergency Medical Services/Trauma certified that none of the Respondents had ever received what Georgia refers to as an EMS license, for these purposes equivalent to a Florida Paramedic Certificate.

79. Likewise, on May 23, 2005, the National Registry of Emergency Medical Technicians provided information establishing that Respondents were never nationally registered as paramedics.

80. In the year 2000, Florida required non-Florida candidates seeking certification to become a Florida paramedic to submit two documents. The first document was referred to as an Emergency Medical Services Profile Data Form Paramedic Certification Application (the Profile Data Form). The second document was referred to as a Statement of Good Standing from State Certifying Agency or National Registry (the Statement of Good Standing). The title for the second document pertaining to state certifying agency was in relation to another state than Florida. In the instance where an out of state applicant made application to take the Florida exam for certification to become a paramedic, there was also the expectation that he or she attach a copy of the out of state certificate issued from the other state or a copy of his or her National Registry Certification as a paramedic, as a pre-condition to sitting for the Florida exam.

81. In the event that some of the information called for in the application documents were missing, the proper course would be for the reviewing agency to return the application documents, with an explanation to the applicant of the deficiencies found within the application documents.

82. David Jacobson is the Program Director of the Certification Unit within the Medical Quality Assurance Division of the Department of Health. He refers to the documentation necessary for non-Florida applicants to sit for the paramedic examination in Florida during the year 2000. There would need to be information about out-of-state certification provided through the Statement of Good Standing, together with a copy of the Georgia certification card that enabled the Respondents to work in the state of Georgia. This pertains to the need for a certificate number and the expiration date of the certificate, as well as a copy of the Georgia certification card. In the absence of this information, the Respondents should have been issued a deficiency letter asking for clarification of the missing information.

83. The application documents provided by Respondents to support their request to take the Florida examination to become a Florida paramedic were processed through Shroeder Measurement Technology (Shroeder), a contracting agent for the Florida Bureau of Emergency Medical Services. Its status as agent

called for Shroeder to follow legal requirements for application review, to include the return of deficient application documents with an explanation of the problems found in reviewing the materials.

84. In pertinent part the Profile Data Form in effect in the year 2000 stated:

1.0 Exam Purpose & Level

1.1 Florida Exam & Certification
Paramedic - Total Fee \$85

* * *

7. Professional Education (Attach copy of certificate and CPR or ACLS card.)
Enter Training Program Code
From Back of Form

A. Name of Florida Training Program Competition Date

MO DAY YEAR

B. Out-of-State Certified:

(Name of State) (Certificate Number) (Expiration Date)

C. Nationally Registered:

(National Registry Number) (Expiration Date)

* * *

E. HIV/AIDS Training 4 hours minimum inservice required.

No. Hours Date Completed

8. Professional Rescuer Card

For EMT and two man CPR Card, for paramedic an ACLS card.

(Issuing Organization) (Course Level) Renewal Date)

9. OATH: I certify (A) I am free from addiction to alcohol or any controlled substance and that (B) I am free from any physical or mental defect or disease that might impair my ability to perform as an emergency medical technician or paramedic. I understand that any fraudulent entry may be considered as cause for rejection or subsequent voiding of certification. I understand that applications are public records and must be received 30 days prior to the exam date.

Applicant Signature: _____

Sworn to and subscribed before me this ____ day of _____, ____.

85. In relation to the Statement of Good Standing, it set forth:

Applicants with out-of-state certification are to complete Part I and mail this form to the issuing state certification board or National Registry. Part II is to be completed by the state certifying agency or National Registry, P.O. Box 29233, Columbus, OH 43229. The agency will then mail or fax this form to Florida EMS per instructions in Part III.

Part I. To be completed by applicant:

I, the below named EMT/paramedic, am requesting Florida Certification based on training and current certification in the State of _____ or by National Registry of EMTs.

Name: _____ S.S#: _____

Applicant's Current Address: _____

Certificate Type: EMT-Basic
Paramedic Certificate No. _____
Other: _____ Expiration Date _____

Part II. To Be Completed by National Registry or State Certifying Agency. Please assist by verifying this individual is certified and in good standing according to your certification policies.

- A. Is the above certificate current and valid in the _____ EMS Office or with the National Registry of EMTs? (State) Yes No
If no, why not? _____
- B. Has the above certificate ever been revoked or suspended? Yes No
If yes, please explain _____
- C. Has the above individual ever been convicted of a felony? Yes No
Unknown
- D. Do you know of any reason certification in Florida should be denied? Yes No
If yes, why? _____

Verifying Person's Name: _____ Title: _____
Agency Name: _____
Phone Number: _____ Date: _____

Part III To be mailed to:

The return of this form is necessary before processing can be completed. Mail or Fax to Shroeder Measurement Technologies, Inc., 2494 Bayshore Blvd., Suite 201, Dunedin, FL 34698, or Fax to (727) 738-8522. Direct questions to EMS, 2020 Capital Circle Southeast, Bin C18, Tallahassee, FL 32399-1738, (850) 487-1911.

86. Michael Taylor, who holds certification as a paramedic in Florida and Georgia, instructed Respondents in their paramedic training at Thomas Technical Institute. Before the Respondents enrolled in the training in early 2000, Mr. Taylor was approached by Respondent Bates, Chief of the Jefferson County Fire Rescue Unit. Chief Bates told Mr. Taylor that personnel within the fire rescue unit needed to undergo training in a paramedic training course that had flexible hours for attending the course. An arrangement was made in which the Respondents would attend a couple of days a week and the personnel within the fire rescue unit could leave school to respond to emergencies in Jefferson County, with the understanding that the course work that was missed could be made up later. Jefferson County, Florida, and Thomasville, Georgia, are in close proximity.

87. Chief Bates and other Respondents were told by Mr. Taylor that since they were attending a non-Florida paramedic course that they would have to pass the National Registry Examination before they could sit for the Florida

Paramedic examination to become certified as a paramedic in Florida. At that time successful passage of the National Registry Examination served as a basis for certification in Georgia, as well as registration with the United States Department of Transportation. The course undertaken in Georgia at that time was one in which the state of Georgia used the United States Department of Transportation guidelines in preparing the students to sit for the National Registry Examination.

88. Mr. Taylor provided Respondents with copies of the Profile Data Form and Statement of Good Standing necessary to apply to sit for the Florida examination to become a paramedic. Mr. Taylor went over these forms with Respondents early on in 2000 when Respondents began their training in Georgia.

89. Mr. Taylor instructed the Respondents to fill out a portion of the Statement of Good Standing early in the year 2000. They wrote certain information in Part I of the forms and turned the forms back in to Mr. Taylor. They wrote "Georgia" as their training location and place of certification, upon Mr. Taylor's instruction, while providing their names, social security numbers, addresses and checking the box for certificate type as "paramedic." At that time Respondents were not yet and never have been licensed in Georgia as paramedics.

90. Mr. Taylor took the Respondents' Statements of Good Standing and had them signed by Robert D. Vick, Sr., of the Georgia Office of EMS. Mr. Vick was and is the Regional Program Director for that agency. He is an EMTCT, ACLS. Mr. Taylor was proceeding with the understanding that Mr. Vick had the authority to execute the documents. This is in relation to the portion of the Statement of Good Standing which is Part II. These arrangements with Mr. Vick were made in December 2000. Part II to the Statements of Good Standing were signed by Mr. Vick and dated December 8, 2000. He signed under his title as EMS Coordinator/DHR, Region 8 EMS Office/Georgia DHR.

91. Mr. Taylor persuaded Mr. Vick to sign Part II of the Statements of Good Standing realizing that the Respondents were not certified in Georgia. Mr. Taylor persuaded Mr. Vick that Mr. Vick needed to sign the documents before the Respondents could take the Florida Paramedic Examination. Mr. Taylor made Mr. Vick aware that the Respondents had not taken the National Registry Examination when Mr. Vick signed Part II of the Statements of Good Standing for Respondents, contributing to the impression that Respondents were certified as Georgia paramedics.

92. After Mr. Vick signed his name on Part II to the Statements of Good Standing, the documents were returned to the Respondents.

93. Mr. Vick in his testimony verified the requirements for a person to obtain a Georgia paramedic certificate in the year 2000. Georgia used the United States Department of Transportation National Registry Examination as the test instrument for the Georgia certification. In addition to passing the Georgia Paramedic Course in advance of that examination, there was also the requirement for some paperwork in association with a reciprocity arrangement between the Georgia licensing authority and the United States Department of Transportation National Registry.

94. As Mr. Vick recalls his conversation with Mr. Taylor concerning the signing of Part II to the Statements of Good Standing, Mr. Taylor told Mr. Vick that the Respondents had completed the Georgia Paramedic Course and were preparing to take the United States Department of Transportation National Registry Examination within a few days, to be followed by the Florida Paramedic Examination a few days after that. This meant, to Mr. Vick's understanding, the Florida examination was going to be taken at a time before the National Registry Examination results were made known to the Respondents. Mr. Taylor told Mr. Vick that Jefferson County desperately needed, what Mr. Vick refers to as ACLS folks on ambulances. Mr. Vick perceived that participation in this out-of-sequence preparation of necessary documents would speed up the

opportunity for the Respondents to sit for the Florida examination and to be certified as paramedics in Florida.

95. Mr. Vick executed Part II to the Statements of Good Standing in the portion that verified his name, title, agency name, phone number and date. Otherwise information imparted within Part II was the product of someone else. Other information in the Statements of Good Standing indicate current and valid Georgia certificates, never subject to discipline, held by a person never convicted of a felony and about whom nothing was known which should cause Florida to deny certification of the applicant. This latter information was contained in the Statement of Good Standing submitted by Respondents in support of their requests to take the Florida Paramedic Examination. This act by Respondents was contrary to the expectation in the documents that Georgia or the National Registry would mail or fax the documents to Shroeder.

96. Although he did not provide all called for information within Part II, to the Statements of Good Standing, Mr. Vick realized that the Respondents did not have a current and valid Georgia Paramedic Certificate or recognition by the National Registry.

97. Chief Bates of the Jefferson County Fire Rescue, in his testimony conceded the need to complete the paramedic training course in Georgia and pass the National Registry

Examination as a participant in a non-Florida paramedic training program, before submitting his application to Florida to take the Florida Examination. He attended the training course in Georgia because he believed that it was impractical to work a fulltime job and attend the Tallahassee Community College paramedic training course.

98. Chief Bates submitted the Profile Data Form and Statement of Good Standing as part of the process for obtaining a Florida paramedic certificate.

99. Chief Bates remembers the Statement of Good Standing being returned to him in December 2000. He had the opportunity to read the contents of the Statement of Good Standing but did not.

100. Chief Bates realized based upon remarks by Mr. Taylor that the Statement of Good Standing was part of the application to take the Florida examination to become a paramedic. Chief Bates submitted that Statement of Good Standing together with the Profile Data Form to support his request to sit for the Florida paramedic's examination.

101. In reference to the Profile Data Form, Chief Bates filled out Section 1 through 6, but did not provide any information in response to Section 7, Professional Education, or Section 8, Professional Rescuer Cards. This form was signed by him under oath on December 5, 2000. In executing the form Chief

Bates realized that he had a duty to provide truthful information.

102. The application process leading to the examination session had been arranged through Shroeder.

103. Chief Bates has no recollection of reviewing Section 401.27(12), Florida Statutes (2000), and he did not review Florida Administrative Code Rule 64E-2.009 in effect when he took the Florida examination, as these laws set out requirements for standing the Florida Examination.

104. Matthew Williams had been employed by the Jefferson County Fire Rescue. He now is employed by the City of Jacksonville Fire Rescue. He attended the Thomas Technical Institute because it was geographically closer to his house than a Florida program. He understood that upon completion of the training to become a paramedic he had to take the National Registry Examination and fill out an application to sit for the Florida examination before becoming a paramedic in Florida.

105. In January following receipt of the Statement of Good Standing, he filled in Part I. He returned the form to Mr. Taylor and next saw it before his graduation in December 2000. He had the opportunity to review the Statement of Good Standing but never did. In particular, he did not review the completed Part II within the Statement of Good Standing.

106. Mr. Williams filled out the Profile Data Form in Sections 1 through 6. He did not provide information in Sections 7 and 8. In completing the Profile Data Form Mr. Williams signed his signature under oath. He along with the other Respondents in completing that form recognized, as the form states, "I understand that any fraudulent entry may be considered in this cause for rejection or subsequent voiding of certification."

107. Steven Thomas is a Lieutenant firefighter paramedic with the Jefferson County Fire Rescue. He understood that he had to take and pass the written and practical parts of the National Registry Examination, to be followed by an application and passage of the Florida Examination before he could be certified as a Florida paramedic. The Florida Examination would follow the submission of an application to Florida. He attended his paramedic training in Georgia because it was close to where he lived.

108. Lieutenant Thomas filled in information in early 2000 concerning the Statement of Good Standing Form, Part 1. The Statement of Good Standing was returned to him near the end of the school term. He did not review the contents of the Statement of Good Standing, although he was provided the opportunity to conduct a review.

109. In executing the Profile Data Form, Lieutenant Thomas filled in information in Sections 1 through 6. He did not fill in information in Sections 7 and 8. He signed the form under oath on December 5, 2000.

110. Lieutenant Thomas failed the National Registry Examination twice.

111. Steven R. Box was employed by the Jefferson County Fire Rescue in 2000 and now works with the Tallahassee Fire Department as a firefighter/paramedic. He understood that to sit for the Florida Paramedic Examination he had to be certified by the National Registry. He understood that completion of the Statement of Good Standing was a necessary prerequisite for taking the Florida examination.

112. When the Statement of Good Standing was filled out in Part 1 as described, Mr. Box gave it back to Mike Taylor to be returned to Mr. Box at the end of the year 2000. Once returned, Mr. Box glanced over the form and noticed that the form had been signed by someone else. That other person was Robert Vick.

113. In filling out the Profile Data Form, Mr. Box made no entries in Sections 7 and 8. He had filled out Sections 1 through 6. He signed the form under oath on December 5, 2000.

114. Mr. Box took the Profile Data Form and the Statement of Good Standing to Shroeder in Dunedin, Florida, at the end of December 2000.

CONCLUSIONS OF LAW

115. The Division of Administrative Hearings has jurisdiction over the parties and the subject matter of this proceeding in accordance with Sections 120.569, and 120.57(1), Florida Statutes (2004).

116. This is a disciplinary case. Therefore, Petitioner has the burden of proving the allegations in the Amended Administrative Complaints and Second Amended Administrative Complaint by clear and convincing evidence. See § 120.57(1)(j), Fla. Stat. (2004); see also Department of Banking and Finance, Division of Securities and Investor Protection v. Osborne Stern and Company, 670 So. 2d 932 (Fla. 1996); Ferris v. Turlington, 510 So. 2d 292 (Fla. 1987), and Slomowitz v. Walker, 429 So. 2d 797 (Fla. 4th DCA 1983).

117. The Amended Administrative Complaints charging Respondents William Bates, Matthew Williams and Steven Thomas refer to their respective EMT and Paramedic Certificates. The Second Amended Administrative Complaint charging Respondent Steven R. Box refers to his Paramedic Certificate alone.

118. The factual allegations within the Amended Administrative Complaints and the Second Amended Administrative Complaint describe Respondents' attendance at the Thomas Technical Institute. Reference is made to the preparation of the Statement of Good Standing by Respondents, the involvement

with that process by Mike Taylor and Robert Vick and the balance of the application process, which would include the submission of the Profile Data Form and the circumstances associated with these activities deemed improper by Petitioner.

119. The Amended Administrative Complaints and the Second Amended Administrative Complaint all include three counts of alleged violations that are the same.

120. Count I calls for discipline based upon an alleged violation of Section 401.411(1)(f), Florida Statutes (2000), which states:

The department may deny, suspend, or revoke a license, certificate, or permit or may reprimand or fine any licensee, certificate-holder, or other person operating under this part for any of the following grounds:

* * *

(f) Knowingly making false or fraudulent claims; procuring, attempting to procure, or renewing a certificate, license, or permit by fakery, fraudulent action, or misrepresentation.

121. Count I goes on to state:

Respondent violated Section 401.411(1)(f) of the Florida Statutes as he procured his paramedic certification by fakery, fraudulent action, or misrepresentation by making false or fraudulent claims on his licensure application that he was a certified paramedic in the State of Georgia and/or passed the National Registry Examination when at the time of his application he was not a certified paramedic in the State of Georgia and had not passed

the National Registry Examination;
therefore, Respondent's license is subject
to discipline by this Bureau.

122. Count II calls for discipline based upon an alleged
violation of Section 401.411(1)(g), Florida Statutes (2000),
which states:

(1) The department may deny, suspend, or
revoke a license, certificate, or permit or
may reprimand or fine any licensee,
certificateholder, or other person operating
under this part for any of the following
grounds:

* * *

(g) Unprofessional conduct, including, but
not limited to, any departure from or
failure to conform to the minimal prevailing
standards of acceptable practice as an
emergency medical technician or paramedic,
including undertaking activities that the
emergency medical technician or paramedic is
not qualified by training or experience to
perform.

123. Count II goes on to state:

Respondent violated Section 401.411(1)(g) of
the Florida Statutes by engaging in
unprofessional conduct when he made false or
fraudulent claims on his licensure
application that he was a certified
paramedic in the State of Georgia and/or
passed the National Registry Examination
when at the time of his application he was
not a certified paramedic in the State of
Georgia and had not passed the National
Registry Examination; therefore,
Respondent's license is subject to
discipline by this Bureau.

124. Count III refers to Section 401.411(1)(a), Florida Statutes (2000), which states:

(1) The department may deny, suspend, or revoke a license, certificate, or permit or may reprimand or fine any licensee, certificateholder, or other person operating under this part for any of the following grounds:

(a) The violation of any rule of the department or any provision of this part.

125. Count III refers to Section 401.27(12), Florida Statutes (2000), which states:

(2) An applicant for certification who is an out-of-state trained emergency medical technician or paramedic must provide proof of current emergency medical technician or paramedic certification or registration based upon successful completion of the United States Department of Transportation emergency medical technician or paramedic training curriculum and hold a current certificate of successful course completion in cardiopulmonary resuscitation (CPR) or advanced cardiac life support for emergency medical technicians or paramedics, respectively, to be eligible for the certification examination. The applicant must successfully complete the certification examination within 1 year after the date of the receipt of his or her application by the department. After 1 year, the applicant must submit a new application, meet all eligibility requirements, and submit all fees to reestablish eligibility to take the certification examination.

126. Count III refers to Florida Administrative Code Rule 64E-2.009(1)(b) (2000), which states:

(1) Qualifications and Procedures for Certification in addition to those contained in section 401.27, F.S.--To be qualified for paramedic certification, an individual must:

* * *

(b) currently hold a valid paramedic certification from the National Registry of Emergency Medical Technicians or be currently certified in another state or U.S. Territory and have the certifying authority submit to the department DH Form 1164, January 1998, Statement of Good Standing, which is incorporated by reference in section 64E-2.008, F.A.C., and

127. Count III goes on to state:

Respondent violated Sections 401.411.11(1)(a) and 401.27(12) of the Florida Statutes and Rule 64E-2.009(1)(b) of the Florida Administrative Code as Respondent was not qualified for paramedic certification because at the time he submitted his application, Respondent did not hold a valid paramedic certificate from the National Registry of Emergency Medical Technicians and was not currently certified in another state as a paramedic despite his representations that he was; therefore, Respondent's license is subject to discipline by this Bureau.

128. Pertaining to Count I, associated with their paramedic certificates, all Respondents violated Section 401.411(1)(f), Florida Statutes (2000), and are subject to discipline. They procured their Florida Paramedic Certificates by making false claims, while engaging in fakery, fraudulent action, and misrepresentation. As out-of-state trained paramedics, they had no paramedic certification from Georgia or registration based upon successful completion of the United States Department of Transportation Paramedic Curriculum, to

include passage of the National Registry Examination, as a means to be eligible for the certification examination in Florida. Complicity on the part of Mike Taylor and Robert Vick in Respondents' pursuits to become Florida paramedics through illegitimate means does not excuse Respondents. The failure by Shroeder to recognize the problems with the application documents submitted by Respondents to permit them to sit for the examination to become a Florida paramedic does not relieve Respondents of misconduct that took place before Shroeder took custody of the documents and continuing after that time. On their face, the documents submitted by Respondents were in a manner designed to create the impression that Respondents were qualified to take the Florida Examination, when they knew they were not.

129. Pertaining to Count II Respondents violated Section 401.411(1)(g), Florida Statutes (2000), by engaging in unprofessional conduct related to their paramedic certificates in applying for the right to sit for the Florida Paramedic Examination, when not entitled to take the examination and they are subject to discipline. Shroeder's acceptance of the documents to allow Respondents to sit for the paramedic certification examination does not relieve the Respondents from their misleading statements within the application documents nor

lend authenticity to the paramedic certificates obtained following successful completion of the examination.

130. Pertaining to Count III all Respondents violated Section 401.411(1)(a), Florida Statutes (2000) by failing to comply with Section 401.27(12), Florida Statutes (2000), and Florida Administrative Code Rule 64E-2.009(1)(b) (2000), related to their paramedic certificates. When Respondents sought paramedic certification in Florida through the process previously described, they subjected themselves to discipline.

131. The proof of violations has been by clear and convincing evidence.

132. None of the acts by Respondents Bates, Williams, and Thomas were associated with their EMT certificates and they cannot be disciplined under Counts I through III related to their EMT Certificates.

RECOMMENDATION

Upon consideration of the facts found and the conclusions of law reached, it is

RECOMMENDED:

That a final order be entered revoking the paramedic certificates held by Respondents, while dismissing the cases against Respondents Bates, Williams, and Thomas related to their EMT certificates.

DONE AND ENTERED this 8th day of September, 2005, in
Tallahassee, Leon County, Florida.



CHARLES C. ADAMS
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675 SUNCOM 278-9675
Fax Filing (850) 921-6847
www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 8th day of September, 2005.

COPIES FURNISHED:

Brian J. Stabley, Esquire
Assistant Attorney General
Administrative Law
The Capitol, Plaza Level 01
Tallahassee, Florida 32399-1050

Brandt Hargrove, Esquire
Law Offices of Brandt Hargrove
2984 Willington Circle West
Tallahassee, Florida 32309

Timothy M. Cerio, General Counsel
Department of Health
4052 Bald Cypress Way, Bin A02
Tallahassee, Florida 32399-1701

R. S. Power, Agency Clerk
Department of Health
4052 Bald Cypress Way, Bin A02
Tallahassee, Florida 32399-1701

NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the final order in this case.