

Cause No. 07-02(M)

Name: Lifeteam of Indiana Corp.

Administrative Law Judge: William K. Teeguarden

Date: January 18, 2008

Commission Action: Affirmed

FINDINGS OF FACT

1. The Agency is an agency within the meaning of IC 4-21.5.
2. IC 4-21.5, 836 IAC1, and IC 16-31 apply to this proceeding.
3. The Agency is the state body responsible for the regulation of Ambulance service in the State.
4. At all times relevant to this proceeding, the Provider held the Certificate issued by the Agency and operated in the Wayne County, Indiana, area.
5. As a result of an investigation into the Provider's actions during a run near Milton, Indiana on June 11, 2007, the Agency issued an Order to the Provider.
6. Subsequent to a stay hearing held July 20, 2007, the administrative law judge wrote a decision, attached and incorporated by reference, which found:
 - (a) The Provider cancelled a call for advanced life support ("ALS") personnel,
 - (b) The Provider cancelled a call for a helicopter ambulance, and
 - (c) The Provider did not follow instructions given by the Fayette County Hospital ER doctor.
7. The accident involved extraction and the Provider's business office cancelled the call for ALS long before extraction was completed.
8. The patient was ultimately air lifted to a Dayton hospital to a trauma center.
9. Official notice pursuant to IC 4-21.5-3-26 was taken of all testimony and exhibits entered in the stay hearing.
10. Nothing presented at the October hearing changes any of the findings above.
11. The conclusion drawn in the stay hearing that the Provider violated 836 IAC 1-1-8(e) in that the Provider's actions endangered the health and safety of an emergency patient is thus carried forward and entered in this proceeding.
12. As to the matter of penalty, reasonable men can differ.
13. As found in the stay hearing, the actions of the Provider justify a significant penalty.
14. IC 16-31-3-14(b) provides for a maximum penalty of a 7 year suspension.
15. Given all the factors herein, the decision of the Agency to impose a two year suspension is in the reasonable range and should be affirmed.

NONFINAL ORDER

Order 05-2007 issued by the Department of Homeland Security to Lifeteam of Indiana, Inc., is hereby affirmed. Ambulance Certificate 0922 is hereby suspended for a period of two years commencing August 17, 2007, the date of the expiration of the temporary stay, and ending August 16, 2009.