

Cause No.: 10-02M

Name: Kyle Epler

Administrative Law Judge: Gary W. Bippus

Date: April 6, 2010

Commission Action: Affirmed (November 19, 2010)

FINDINGS OF FACT

1. Mr. Kyle Epler is the holder of EMT-B and EMT-P certificates.
2. On Mr. Epler's application for recertification he affirmed being charged or convicted of a crime other than a minor traffic violation.
3. At the request of the Indiana Department of Homeland Security Mr. Epler confirmed that he had been charged on or about April 5, 2008 with theft as a Class D felony in Hamilton Superior Court.
4. That charge involved the theft of cash from a co-worker during a time the two employees were working together and the coworker's wallet was left out and available only to coworkers but not members of the public.
5. Mr. Epler plead guilty to that charge.
6. The order of the Indiana Department of Homeland Security states that Mr. Epler's certification is to be suspended for one year beginning October 1, 2009 but then indicates that the one year period would end on December 1, 2010. At the hearing ISDH employees corrected this error and indicated that one year was the intended suspension length and that it should end October 1, 2010.
7. The order of the Indiana Department of Homeland Security states that, upon reinstatement, Mr. Epler's certification is to be placed on probation for the remainder of his 2-year certification cycle and ending on July 1, 2011. At the hearing ISDH employees corrected this error and indicated that the probationary period was intended to end on October 1, 2011.
8. Any item which is denominated a Finding of Fact which should be considered a Conclusion of Law is hereby incorporated by reference into the Conclusions of Law.

CONCLUSIONS OF LAW

1. The Department of Homeland Security is an agency within the meaning of I.C. 4-21.5.
2. The Agency is the state entity charged with the responsibility of certifying Emergency Medical Technicians within the State of Indiana.
3. I.C. 4-21.5, I.C. 16-31-3 and 836 IAC apply to this proceeding.
4. Pursuant to I.C. 16-31-3-14(b)(2) the Indiana State Department of Health has discretion to suspend a certificate holder's certification if the certificate holder has been convicted of a crime where the acts that led to the conviction have a direct bearing on whether the applicant should be entrusted to provide emergency medical services (EMS).
5. Pursuant to I.C. 16-31-3-14(b)(6) the Indiana State Department of Health has discretion to place a certificate holder's certification on probation if the certificate holder has been convicted of a crime where the acts that led to the conviction have a direct bearing on whether the applicant should be entrusted to provide emergency medical services (EMS).
6. Theft is a crime which has direct bearing on whether a certificate holder should be entrusted to provide emergency medical services because a person who is requesting and receiving such services is often in a very vulnerable state and unable to fully protect themselves and their property and because in many instances the provider of the emergency medical services will have come into the person's home or other private place where they keep valuable and important property.

DECISION AND ORDER

The decision and order of the Indiana Department of Homeland Security issued under date of November 17, 2009 should be and is affirmed in all regards with the exception that the period of suspension shall end on October 1, 2010 and the period of probation after reinstatement shall end on October 1, 2011.