

CAUSE NO: 10-06M
NAME: KATIE CROSS
ADMINISTRATIVE LAW JUDGE: GARY W. BIPPUS
DATE: APRIL 26, 2010
COMMISSION ACTION: AFFIRMED (Nov. 19, 2010)

FINDINGS OF FACT

1. Ms. Katie Cross has completed the requirements for certification as an EMT-B and applied for such certification with the Indiana Department of Homeland Security.
2. On Ms. Cross' application for certification she 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, Ms. Cross confirmed that she had been charged on or about November 7, 2003 with Dealing in Marijuana. That crime was charged as a Class C felony and filed in Laporte Superior Court.
4. The underlying facts involved in that charge caused the charge to rise from a D Felony to a C Felony because the alleged crime occurred within 1000 feet of a school.
5. Ms. Cross entered a plea of guilty to that charge in July of 2004.
6. The actual purchase of marijuana which supported that charge occurred at Ms. Cross' residence but involved a resident of the household other than Ms. Cross. She was present for the sale but the actual marijuana seller was her boyfriend at the time. That relationship ended in either 2004 or 2005.
7. Ms. Cross was 20 years old at the time of being charged with this crime. Her sentence for the crime was confinement for a determinate period of four (4) years which was suspended in favor of four (4) years of probation.
8. Ms. Cross successfully completed her period of probation and her former probation officer tendered a letter of recommendation which was stipulated into evidence in this proceeding.
9. Her former probation officer perceived her to, "be of high morals and sound character." Further, her former probation officer found Ms. Cross to be," ambitious, courteous, self-initiating and in general a wonderful person to know."
10. Since the incident with the criminal charge, Ms. Cross has successfully completed a dental assisting course, been awarded a license by the State of Indiana to

practice Dental Radiography, successfully completed a course as a medical transcriptionist, and successfully completed her EMT Course. Her overall average score in the in the EMT course was 96.7% and her letter grade was an A+. She finished first in her class in her EMT class. Her EMT instructor tendered a letter of reference which was stipulated into evidence in this matter. In that letter her instructor offered the opinion that, “Katie would make an excellent EMT if given a chance.”

11. 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(d) the Indiana Department of Homeland Security has discretion to deny certification if the certificate applicant 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 Department of Homeland Security has discretion to place a certificate 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. Ms. Cross has had no further criminal charges since the 2003 criminal charge.
7. Ms. Cross has demonstrated a commitment to working as a helping professional in the medical field.
8. The evidence presented in this case leads unerringly to the conclusion that Ms. Cross should be given an opportunity to demonstrate her commitment to leading a law abiding life. Any doubts about her sincerity or her ability to practice Emergency Medical Services can be eased by allowing her to be certified as an EMT but holding her certification on probation for a period of time.

9. Any item which is denominated a Conclusion of Law which should be considered a Finding of Fact is hereby incorporated by reference into the Findings of Fact.

DECISION AND ORDER

The decision and order of the Indiana Department of Homeland Security issued under date of January 10, 2010 as Cause Number 2009-79 are reversed. Instead, the Indiana Department of Homeland Security shall issue Ms. Cross an EMT certification and place her certification on probation. Such probation shall run for a period of two years and shall contain the following conditions:

1. Ms. Cross shall submit her current home address, home telephone number, cell number (if any), and all work numbers to IDHS. Any change in any of this information must be reported to IDHS within seven (7) days of the change; and
2. Ms. Cross shall provide a list of EMS providers with which she is, or becomes, affiliated, either as a paid provider or volunteer. Any change in any of this information must be reported to IDHS within seven days of the change; and
3. Ms. Cross must submit an Affirmation signed by each provider and medical director with whom she is, or becomes, affiliated indicating that the provider and medical director are aware that she is on probation within 15 days of her affiliation; and
4. Ms. Cross must notify IDHS of any arrest or summons for a criminal charge received during her probation within 72 hours of such occurrence.
5. Ms. Cross' EMT certification(s) will be revoked for a period of two years for failing to comply with the terms of her probation.

The Emergency Medical Services Commission is the final authority in this matter and that Commission will consider this nonfinal decision at 10:00 AM on May 14, 2010 at the Buck Creek Township VFD, 509 W. Airport Road, Greenfield, IN 46140

Date: April 26, 2010

GARY W. BIPPUS
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