

CAUSE NO: 10-08M

NAME: SAMARITAN AMBULANCE

ADMINISTRATIVE LAW JUDGE: GARY W. BIPPUSS

DATE: APRIL 8, 2010

COMMISSION ACTION: AFFIRMED (Nov. 19, 2010)

FINDINGS OF FACT

1. Kenneth C. Lock, II is a principal, founder and employee of Samaritan Ambulance.
2. Articles of Organization were filed by Samaritan Ambulance with the Indiana Secretary of State on or about June 9, 2009.
3. The facts and allegations regarding a traffic stop by a law enforcement officer on November 23, 2009 were considered in a different review concerning Mr. Lock's individual EMT certification.
4. Mr. Lock's individual EMT certificate was the subject of discipline in the form of an emergency suspension regarding his driving of a motor vehicle. Those allegations resulted in an order of the Administrative Law Judge after a hearing. That matter is not before the Administrative Law Judge at this time.
5. There was no evidence presented at the hearing to indicate that Mr. Lock had obtained a dismissal or other favorable conclusion of the traffic charges against him prior to the hearing on March 26, 2010.
6. There was evidence presented at the hearing that Mr. Lock had received mail at three or four different addresses over the last two years. There was no evidence presented at the hearing that he made sure that the Indiana Department of Homeland Security or all law enforcement personnel involved with his traffic charges were promptly notified of each of his correct mailing addresses whenever his mailing address changed.
7. Mr. Lock displayed a metal badge to the law enforcement officer making the traffic stop on the west side of Indianapolis in the fall of 2009. This badge was a gold color and had the word, "Chief" at the top and the name of an entity which Mr. Lock had formed prior to forming Samaritan Ambulance.
8. Criminal information documents were filed in Marion Superior Court on December 23, 2009 charging Mr. Lock with impersonation of a public servant as an A misdemeanor and Reckless Driving as a B Misdemeanor based on the driving behavior and traffic stop which occurred on November 23, 2009.
9. Based on the probable cause affidavit that was offered into evidence, Mr. Lock was aware that a detective had been assigned to investigate his case prior to the time that criminal charges were actually filed. There was no evidence presented at the hearing that he made sure that this detective had his or Samaritan Ambulance's correct and

current mailing address.

10. Mr. Lock received a postcard entry from the Marion Superior Court on or about February 19, 2010 advising that a warrant had been issued for his arrest based on his failure to appear at a hearing on the criminal charges which had been scheduled to occur on February 5, 2010.
11. Mr. Lock received an envelope in the mail containing the IDHS emergency order issued on March 5, 2010 suspending the Emergency Medical Services Provider Certificate held by Samaritan Ambulance in the mail. That order was also mailed to him at three additional addresses because IDHS knew from the earlier matter that Mr. Lock had not promptly provided IDHS with his most current mailing address. He testified that he chose not to open that envelope. By not opening the envelope Mr. Lock caused and allowed Samaritan Ambulance to ignore the immediate effect of the Emergency Order for days since Samaritan Ambulance did not acknowledge receipt of the Emergency Order until March 19, 2010.
12. Samaritan Ambulance acknowledged actual receipt of the Emergency Order, by requesting administrative review on March 19, 2010. The Emergency Medical Services Commission met on March 19, 2010 and the Emergency Order had become public at that time.
13. 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. 4-21.5-4-4 the Administrative Law Judge is the ultimate authority with regard to matters concerning Emergency Orders such as this matter.
5. A valid, unrestricted, driver's license is a fundamental requirement of operating an ambulance. Mr. Lock's continued possession of a valid, unrestricted, driver's license could be placed in doubt by the reckless driving charge against him and any sentence a conviction on that charge might carry. He was sufficiently unconcerned about that possibility that he made no effort to check and confirm the status of the charges.

6. Just as a medical doctor or an accountant or a lawyer or any other licensed or certificated professional, or business group of such professionals, has to promptly, and proactively, keep the appropriate licensing agencies advised of his, her, or its mailing address so that he, she, or it may receive mail from those agencies, an EMT and an Ambulance Service must do likewise. Just as a medical doctor or an accountant or a lawyer or any other licensed or certificated professional, or business group of such professionals, has to promptly open mail he, she or it receives from licensing agencies, an EMT and an Ambulance Service must do likewise. Doing otherwise can have the effect of allowing that professional to mislead the public into thinking the professional is licensed when that is no longer the case.
7. Mr. Lock chose both an occupation which requires a license or certificate and to form a business entity which requires a license or certificate but then chose to ignore mail from the agency which issues those certificates. This has the net effect that he, and through him Samaritan Ambulance, ignored an Emergency Order suspending the Certificate of Samaritan Ambulance. That business continued in operation for a period of time illegally. His testimony that he forwarded that item of U.S. Mail to his attorney without opening it is, at best, irresponsible.
8. Persons who need and receive emergency medical services are usually at a time of great vulnerability in their lives and often at a time of inability to fully protect themselves. Entities which provide such services need to be led by individuals who consistently demonstrate good judgment and high levels of responsibility.
9. Mr. Lock has shown a pattern of bad judgment in making choices and elections. As the founder/director/chief executive of an entity providing emergency medical services he is currently failing to properly lead and provide the correct example for that entity. That lack of effective leadership has a direct bearing on the ability of Samaritan Ambulance to serve as an emergency medical services provider.
10. 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

Certainly Mr. Lock is to be commended for obtaining his EMT certification at an early age and for having enough entrepreneurial spirit and drive to start an ambulance service. Nevertheless, the administrative law judge is concerned that immaturity or an inappropriate perception of the status of one holding an EMT certificate is causing him to make bad decisions in his leadership of Samaritan Ambulance. An EMT certification carries a high level of

responsibility due to the holder's authority to offer a publicly licensed service to the public. The order suspending Emergency Medical Services Provider Certificate #1163 held by Samaritan Ambulance is continued in force and effect but for a period of forty-five (45) days from the date of issue, March 5, 2010.