

Cause #: 97-21E  
Name: Waldron Volunteer Fire Department  
Administrative Law Judge: William K. Teeguarden  
Date: November 27, 1997  
Commission Action: Affirmed

### **FINDINGS OF FACT**

1. The Emergency Medical Services Commission (“EMSC”) is an agency within the meaning of IC 4-21.5.
2. IC 4-21.5, IC 16-31, and 836 IAC 1 apply to this proceeding.
3. The EMSC is the state agency responsible for the regulation of emergency medical service providers in Indiana.
4. At all times relevant to this proceeding, Waldron Volunteer Fire Department (“WVFD”) held Indiana Emergency Medical Provider Certificate #73-1058 issued by the EMSC.
5. This proceeding is a sanction and can result in a loss of license or fine.
6. The Indiana Court of Appeals has placed the burden of persuasion in sanction or enforcement matters on the Agency and not on the alleged violator. See Peabody Coal v. Ralston (Ind. Ct. of Appeals 1991), 578 N.E.2d 751.
7. In its Complaint, EMSC alleges that WVFD violated the provisions of IC 16-31-2-II and 836 IAC 1-2-3.
8. IC 16-31-2-11 imposes requirements only on emergency ambulance services.
9. “Emergency ambulance service” is defined by EMSC in 836 IAC 1-2-1 as “the transportation of emergency patients by ambulance, and the administration of emergency care procedures to emergency patients before or during such transportation”.
10. 836 IAC 1-2-3 likewise deals with the records to be kept by ambulance service providers.
11. The evidence at the hearing showed that WVFD does not transport patients and therefore is not an ambulance service.

12. WVFD has subsequently provided the desired information; its purpose in going to hearing was to prevent its certificate from being the subject of a violation.
13. WVFD has a valid point.
14. EMSC rules specifically exclude WVFD from the definition of “emergency ambulance service”. It is included within the defined category of “Emergency Medical Service” Provider in that it provides immediate emergency service but does not transport.
15. The alleged violations in the complaint do not apply to WVFD.
16. The complaint should be dismissed.

**NONFINAL ORDER**

The complaint filed on September 29, 1997, by the Emergency Medical Services Commission against the Waldron Volunteer Fire Department is hereby dismissed.