

Cause #: 99-3M

Name: Robert D. Hyman

Administrative Law Judge: William K. Teeguarden

Date: September 28, 1999

Commission Action: Affirmed

FINDINGS OF FACT

1. The EMSC is an agency within the meaning of IC 4-21.5.
2. The EMSC is the state agency responsible for regulating all emergency medical service providers and personnel in the state excluding doctors and nurses.
3. IC 4-21.5, IC 16-31, and 836 IAC 1 and 2 apply to this proceeding.
4. At all times relevant to this proceeding, Hyman held Certificates issued by the EMSC and worked as a Volunteer for several emergency medical service providers in Southwestern Indiana.
5. On May 13, 1999, Hyman was charged with Possession of Stolen Property, a Class D Felony, in Posey Superior Court.
6. On or about May 18, 1999, Hyman was also charged with Theft, a Class D Felony, in Vanderburg Superior Court.
7. On August 10, 1999, Hyman pled guilty to two Class D felonies in Posey County for theft and possession of stolen goods.
8. Hyman received a sentence of 1 ½ years in prison suspended upon the completion of 90 days of work release in the Posey County jail and placed on probation for 1 ½ years with a condition of probation being restitution to the Marris Township Fire Department in the amount of \$132.
9. In the Vanderburgh County matter, Hyman tendered a plea of guilty to a class D felony and the court ordered that judgment would be withheld for one year.
10. Hyman did not appear at the hearing on his Certificate suspension or revocation. He was served with the notice of hearing and given the opportunity to come and present evidence in his behalf.

11. By tendering pleas of guilty in both cases, Hyman has admitted theft offenses involving property of both the Marrs Township Volunteer Fire Department and a member of the Knight Township Volunteer Fire Department.
12. Committing an act of theft from a volunteer fire department and a member of a volunteer fire department violates 836 IAC 2-6-1 (e) (5) which provides for the revocation or suspension of a paramedic certificate upon “Conviction of an offense if the acts resulting in conviction have a direct bearing on whether or not the person should be entrusted to serve the public”
13. 836 IAC 1-5-1 (e) (5) provides a similar remedy for EMT certification.
14. The Agency cites several other code sections which might also apply but in light of the felony theft conviction from EMS services and employees, no further discussion is needed.
15. IC 16-31-3-14 (g) provides that a certificate may be suspended or revoked for not more than seven years.
16. The act of an EMT/Paramedic taking and trying to sell items belonging to an EMS service or fellow EMS volunteer is a big aggravating circumstance.
17. Likewise, the fact that Hyman held a position of trust and responsibility (training officer) in Posey County is another large aggravating circumstance.
18. Under these circumstances, a revocation for a period of seven years is appropriate.

NONFINAL ORDER

Indiana Emergency Medical Services Bases Emergency Medical Technician and Paramedic Certificate Number 824186 and Driver Certificate Number 7014 issued to Robert D. Hyman are hereby revoked for a period of seven years.

