

Cause #: 98-4M
Name: Randall J. Gomez
Administrative Law Judge: William K. Teeguarden
Date: November 18, 1998
Commission Action: Affirmed

FINDINGS OF FACT

1. The EMSC is an agency within the meaning of IC 4-21.5.
2. IC 4-21.5, IC 16-31 and 836 IAC 1 and 2 apply to this proceeding.
3. At all times relevant to this preceding, Gomez held EMT, Advanced EMT, and Primary Instructor Certificate Number 6032674 issued by EMSC.
4. The EMSC is the state agency responsible for the regulation of Emergency Medical Technicians (“EMT”) and paramedics in Indiana.
5. In addition to employment as an EMT, Gomez worked as an EMT instructor under the auspices of St. Vincent Hospital and frequently taught entry level EMT courses at a variety of locations in Central Indiana.
6. In December of 1997, Gomez commenced teaching a Basic EMT course in Putnam County, Indiana.
7. The students made arrangements with Gomez to pay for the course with the understanding that the payments included instructional materials.
8. The course was begun without EMSC approval, without a course number, and without the knowledge of St. Vincent’s.
9. 836 IAC 1-6-1 and 2 require submission by the training instruction to the EMSC of an application for approval of a training course which specifies the instructor, medical director, training institution, and curriculum.
10. As a practical matter, the key step taken by the EMSC in this process is the assignment of a course number which then identifies the course as an approved course and allows class participants to eventually become certified. Without a course number, a student cannot receive an EMT certification.
11. The failure of a course instructor to ascertain that EMSC approval has been given and a course number assigned is a violation of the rules of the EMSC.

12. The EMSC became aware of this non approved course in May of 1998 when a student in the class filed a complaint with the EMSC relating to the failure of Gomez to show up for class and the failure of Gomez to supply the textbooks for which the students had paid.
13. Further investigation by the EMSC confirmed that there was an unauthorized class and that none of the students had been provided materials.
14. At approximately the same time, St. Vincent's became aware of the unauthorized course when a student in the class was visiting and asked about the books. Also, other students began to contact St. Vincent about the clinical portion of the training.
15. St. Vincent's began its own investigation and could find no record of the course.
16. To its credit, St. Vincent's immediately took over the course, obtained a course number and textbooks, and completed at its own expense what was described at the hearing as "the longest EMT Basic Course in history."
17. At one point during the course, Gomez started an IV on one of the students.
18. Starting an IV is not only not part of the EMT Basic Course, an EMT is not qualified to take such action and by doing this act, Gomez exceeded the bounds of his certification.
19. A paramedic is allowed to start IV's under certain circumstances.
20. Gomez is not certified as a paramedic.
21. While there is conflicting evidence that Gomez represented to the class that he was a paramedic, there is no question that he possessed business cards identifying himself as a paramedic (exhibit C8) and that he signed an EMT's continuing education manual on several occasions that he (Gomez) was a paramedic (exhibit CA-1).
22. Starting IV's is a violation of 836 IAC 1-5-2 (g) (3).
23. In representing himself as a paramedic, Gomez is in violation of IC 16-31-3-16.
24. The evidence at the hearing shows that Gomez is an excellent classroom teacher who understands the subject matter and communicates it well.

25. The evidence also shows, however, that Gomez has committed a number of serious violations with respect to this class.
26. Gomez's testimony indicated that he had undergone a traumatic separation from his wife during the winter of 1997-1998.
27. If there were only one violation, the trier of fact could be easily convinced that a reprimand and a small fine would be adequate to insure future compliance.
28. The trier of fact, however, cannot fathom how an instructor could not know 6 months after the course started that there was no course number and that St. Vincent had no knowledge of the course.
29. Likewise, the failure to get the instructional materials to the class within 6 months is unexcusable.
30. Finally, the repeated representations through business cards and business records that Gomez was a paramedic show a deliberate continuing disregard of the EMSC rules as does the use of an IV.
31. The appropriate penalty is a 7 year suspension of certification.
32. Gomez was the subject of an emergency suspension effective May 19, 1998, and his certification has been suspended since that time.
33. In light of the lengthy suspension, no useful purpose would be served by imposing a fine.

NONFINAL ORDER

Indiana Emergency Medical Technician, Advanced Emergency Medical Technician and Primary Instructor Certificate Number 6032672 issued to Randall J. Gomez is hereby suspended from May 19, 1998, to May 19, 2005, a period of seven years.

