



**FINDINGS AND ORDER
OF THE**

INDIANA DEPARTMENT OF HOMELAND SECURITY

TO: Troy D. Dulaney



ORDER NUMBER: S0027-2023

Pursuant to the authority of Indiana Code § 4-21.5-3-6 and Indiana Code § 16-31-3-14, the Indiana Department of Homeland Security (Department) enters this Findings and Order regarding the Emergency Medical Responder (EMR), Emergency Medical Technician (EMT), Advanced Emergency Medical Technician (AEMT), Emergency Vehicle Operator (EVO) and Emergency Vehicle Operation (EVO) Instructor certificates held by Troy D. Dulaney (Respondent), PSID #: 2332-8962.

**I.
FINDINGS**

1. Respondent holds the following EMS certifications:

- a. Indiana EMR certification that expires on September 30, 2023.
- b. Indiana EMT certification that expires on September 30, 2024.
- c. Indiana AEMT certification that expires on September 30, 2024.
- d. Indiana EVO certification that expires on June 30, 2023.
- e. Indiana EVO Instructor certification that expires on September 30, 2023.

2. As of April 29, 2016, the Indiana EMS Commission has adopted the National Registry of EMTs (NREMT) as the initial certification written examination for EMT and advanced EMT levels.

3. The NREMT utilizes secure computer adaptive testing (CAT) and individuals that take the testing are required to accept to a non-disclosure agreement (NDA) that includes:

- a. Candidates are not permitted to disclose or discuss with anyone, including instructors, information about the exam questions or answers seen in your examination.

- b. Reconstructing exam items using your memory of your exam, or the memory of others is prohibited.
- c. Candidates are not permitted to seek help from anyone in answering exam questions.

4. Respondent took the EMT initial certification examination through the NREMT which included a non-disclosure agreement (NDA) on or about April 2, 2020.

5. Respondent took the Advanced EMT (AEMT) initial certification examination through the NREMT which included a non-disclosure agreement (NDA) on or about August 26, 2022.

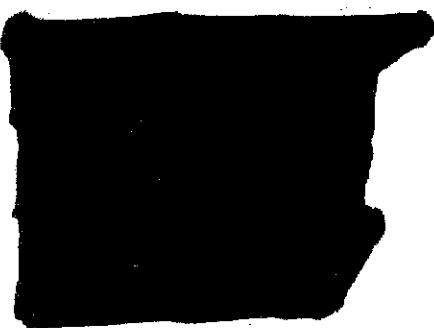
6. Respondent's EMS affiliation is with Muncie Fire Department where he serves as a Captain.

- a. As a Captain, Respondent is a ranking supervisor within the Muncie Fire Department.
- b. Respondent held no official role in the EMS training institution for Muncie Fire Department but did assist periodically in the EMT classes.
- c. Respondent does supervise the firefighters and EMTs on his shift and has oversight over EMS operations for his shifts while on duty.

7. From August 17, 2022, through October 27, 2022, Muncie Fire Department, in affiliation with the Eaton EMT's a training institution, conducted an EMT course (EMT0047).

8. From January 10, 2023, through February 9, 2023, Muncie Fire Department as its own training institution conducted EMT course (EMT0130) which had the following Muncie Fire Department EMT recruit students:

- a.
- b.
- c.
- d.
- e.
- f.
- g.
- h.



9. Respondent initiated a group text to all eight (8) students/candidates from the 2023 EMT0130 class in which he offered unsolicited assistance in preparing for their EMT examination. Respondent texted what he labeled as NREMT test questions with answers but also directed them to give him information in return. Without the students' permission or agreement, the students gained information on questions from prior NREMT examinations.

- a. Respondent attributed the NREMT examination questions to students from the 2022 EMT0047 class: Adam Burk and Jacob Sutton.

10. Following their NREMT examination, Respondent texted the EMT0130 students indicating that they should give him test questions and answers from their own NREMT examination. The subsequent text messages indicated that since he had "invested" in the students and that they should "invest back in him."

11. All the EMT0130 students acknowledge receiving the unsolicited text messages from Respondent and indicated that they replied with either specific test questions from their NREMT examination or general information related to their test questions in order to appease his request.

II. RELEVANT AUTHORITY

12. Ind. Code 16-31-3-14(a)(1) provides that a certificate holder is subject to disciplinary sanctions when the certificate holder engaged in or knowingly cooperated in fraud or material deception in order to obtain a certificate or license, including cheating on a certification or licensure examination.

13. Ind. Code 16-31-3-14(a)(2) provides that a certificate holder is subject to disciplinary sanctions when the certificate holder engaged in fraud or material deception in the course of professional services or activities.

14. Ind. Code 16-31-3-14(a)(9) provides that a certificate holder or license holder is subject to disciplinary sanctions if the Department of Homeland Security determines that the certificate holder or license holder engages in a course of lewd or immoral conduct in connection with the delivery of services to the public.

15. Ind. Code 16-31-3-14 (a)(12) provides that a certificate holder is subject to disciplinary sanctions when the certificate holder assists another person in committing an act that would constitute a ground for disciplinary sanction under this chapter.

16. Pursuant to Ind. Code 16-31-3-14 (b)(1), the Department of Homeland Security may revoke a certificate or license holder's certificate/license(s) for a period not to exceed seven (7) years as a sanction for individuals under subsection (a).

**III.
CONCLUSIONS OF LAW**

17. Paragraphs one (1) through eleven (11) are incorporated herein by reference.

18. Respondent's conduct, as described in paragraph one (1) through eleven (11) constitutes fraud and material deception in the course of his professional services, in violation of Ind. Code 16-31-3-14(a)(2). Specifically, Respondent coordinated a cheating attempt within Muncie Fire Department using his role as an EMS provider and a senior officer Captain to enable new recruits to access prior test questions and answers for NREMT EMT examination and asked them to violate their own NDAs with the NREMT by providing examination material back to him after the exam.

19. Through the conduct described in paragraphs one (1) through eleven (11) above, Respondent assisted others in cheating to obtain licensure in violating Ind. Code 16-31-3-14(a)(1). Specifically, Respondent assisted others in obtaining EMT certifications through a cheating scheme coordinated by Respondent. Respondent is therefore subject to sanction pursuant Ind. Code 16-31-3-14(a)(12).

20. Respondent's conduct, as described in paragraphs one (1) through eleven (11) above, amounts to lewd and immoral conduct in violation of Ind. Code 16-31-3-14(a)(9). Specifically, the conduct described above was a quid pro quo situation in which Respondent, in his capacity as an EMS professional, organized and involved others in a cheating scheme.

**IV.
ORDER**

Based upon the Findings of Fact and Conclusions of Law, the Department hereby orders that the Emergency Medical Responder (EMR), Emergency Medical Technician (EMT), Advanced Emergency Medical Technician (AEMT), Emergency Vehicle Operator (EVOC) and Emergency Vehicle Operation (EVOC) Instructor certificates of Respondent are all **REVOKED** for a period of **SEVEN (7) YEARS** from the effective date of this Order.

A revocation completely removes the certification, and it is not eligible for renewal or obtainment of a new EMS certification during the revocation period. Should the revocation period pass and the Respondent is eligible, the Respondent may take EMS training as an initial offering again.

V.

EFFECTIVE DATE OF FINDINGS AND ORDER

Pursuant to Indiana Code § 4-21.5-3-6 of the Administrative Orders and Procedures Act, this Findings and Order is effective fifteen (15) calendar days from the date this Findings and Order is served, unless both a written petition for review and a petition for stay of effectiveness are filed within this fifteen (15) calendar day period. If you are served by United States mail, three (3) additional days will be added to this fifteen (15) day period – extending the period to eighteen (18) days. If both a petition for review and a petition for stay of effectiveness are filed within this time period, the portions of this Findings and Order, that are within the scope of the petition for review and the petition for stay of effectiveness, are stayed for fifteen (15) calendar days from the date of service. This stay may be extended upon consent of the Department or by order of an administrative law judge, who shall conduct a preliminary hearing as soon as practicable to determine whether this Findings and Order should be stayed in whole or in part.

IV.

APPEAL RIGHTS

This Findings and Order may be appealed in accordance with Indiana Code 4-21.5-3-7. To qualify for administrative review, you must submit, by U.S. Mail or personal service, a Petition for Review in writing that complies with all of the following requirements:

1. The Petition for Review must state facts demonstrating that you are:

- a. a person to whom the order is specifically directed;
- b. aggrieved or adversely affected by the order; or
- c. entitled to review under any law.

2. The Petition for Review must be filed with:

U.S. MAIL OR PERSONAL SERVICE
Indiana Department of Homeland Security
Emergency Medical Services Commission
c/o Secretary
302 W. Washington Street, Rm. E208
Indianapolis, Indiana 46204

ONLINE
By completing the form at
<https://www.in.gov/dhs/4148.htm>

3. The Petition for Review must be filed within fifteen (15) days after you are given notice of this Findings and Order. Timeliness is computed by the methods described in Indiana Code § 4-21.5-3-2. Generally, the following rules apply, but review I.C. § 4-21.5-3-2 to ensure timeliness for your specific situation.

a. If you are served by United States mail, you will have three (3) additional days to petition for review – extending the period to eighteen (18) days – this time period will be calculated from the date this Findings and Order was deposited in the United States mail.

b. In calculating timeliness, the first day is **not** included, but the last day is.

c. If the deadline falls on a: (1) Saturday; (2) Sunday; (3) legal holiday; or (4) other day that our office is closed, the deadline will be extended until the first day that does not fall on a: (1) Saturday; (2) Sunday; (3) legal holiday; or (4) other day that our office is closed.

d. The Petition for Review is deemed filed on the date of the postmark on the envelope containing the Petition for Review or the date the Petition for Review is personally delivered to the above address, whichever occurs first.

If you comply with these three requirements, your Petition for Review will be granted and will be assigned to an administrative law judge for review. For additional information about the administrative review process and applicable templates that may be used for filings, visit the following link <https://www.in.gov/dhs/appeals.htm>.

You may also request an opportunity to informally discuss this matter. However, a request to informally discuss, or actual informal discussion, does not extend the deadline for filing your Petition for Review and, consequently, any request should be made promptly, preferably by telephone, upon receipt of the Order. If you have any questions regarding this Order, please contact Legal Counsel, at (463) 207-6135.

SO ORDERED.



By: Kraig Kinney, State EMS Director
Emergency Medical Services
Indiana Department of Homeland Security

May 18, 2023

Date