



**FINDINGS AND ORDER  
OF THE**

**INDIANA DEPARTMENT OF HOMELAND SECURITY**

TO:



**ORDER NUMBER: S0026-2023**

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 Technician (EMT) certificate held by [REDACTED].

**I.  
FINDINGS**

1. Respondent holds an Indiana EMT certification that expires on March 31, 2025.
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 the following:
  - 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 February 22, 2023.

5. Respondent's EMS affiliation is with Muncie Fire Department, where Respondent is part of the 2023 recruit class.

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

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



7. During the class, Captain Troy Dulaney 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.

8. 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."

9. All the EMT0130 students, including Respondent, 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.

10. Mitigating vs. Aggravating factors: All students were put in a challenging situation when Dulaney, a high ranking offer in their fire department, involved the students in a cheating scheme. The cheating was initiated by Dulaney, and the students did not ask to be involved in it. However, the students still cooperated by not reporting the misconduct and by offering return information to Captain Dulaney. It is noted that there have not been state-investigated complaints about patient care deficiencies related to the Muncie Fire department nor from their medical direction.

## II. RELEVANT AUTHORITY

11. Indiana 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.

12. Pursuant to Ind. Code 16-31-3-14 (b)(1), the Department may issue one (1) or more sanctions when an individual is found to be subject to disciplinary sanctions under subsection (a). Sanctions that may be issued include:

- a. Revocation of a certificate holder's certificate or license holder's license for a period not to exceed seven (7) years.
- b. Censure of a certificate holder or license holder.
- c. Assessment of a civil penalty against the certificate holder or license holder in accordance with the following:
  - i. The civil penalty may not exceed five hundred dollars (\$500) per day per violation.
  - ii. Placement of a certificate holder or license holder on probation status.

13. Ind. Code 16-31-3-14(c) provides the following:

If an applicant or a certificate holder or license holder has engaged in or knowingly cooperated in fraud or material deception to obtain a certificate or license, including cheating on the certification or licensure examination, the department of homeland security may rescind the certificate or license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the certificate or license for a length of time established by the department of homeland security.

## III. CONCLUSIONS OF LAW

14. Respondent knowingly cooperated in a cheating attempt within Muncie Fire Department in order to pass the NREMT cognitive examination in order to obtain the initial EMT certification.

#### IV. ORDER

15. Based upon the Findings of Fact and Conclusions of Law, the Department hereby orders that the Emergency Medical Technician (EMT) certificate of Respondent shall reflect a CENSURE as a sanction for this disciplinary violation as well as the additional sanctions below.

16. Respondent's EMT Certification is placed on probationary status for two (2) years commencing from the Effective Date of this Order (See Section III below). The following conditions shall apply during the two (2) year probationary period:

a. Respondent shall keep the Department informed of Respondent's current home address, home telephone number, cellular telephone numbers, pager numbers, and work telephone numbers. Respondent shall inform the Department of any changes in this information within seven (7) calendar days of the change. The initial list of such information shall be delivered to the Department not later than fifteen (15) calendar days from the Effective Date of this Findings and Order.

b. Before Respondent may work for any EMS provider certified by the Emergency Medical Services Commission, Respondent shall provide to the Department a completed copy of **both** the attached Affirmations: Exhibit A with an original signature from that provider's EMS Director and Exhibit B with an original signature from that provider's EMS Medical Director. **(Please keep a blank copy of the Affirmation to provide to future EMS employers).**

c. Within 90 days of this Order issue date, Respondent must demonstrate EMT cognitive competency by successfully passing a national level competency examination with the approval of the Department. This is, in effect, voiding the existing NREMT cognitive examination results pursuant to IC 16-31-3-14(c).

i. Respondent's initial attempt shall be with the NREMT and in conjunction with their own sanctions, will be free of charge.

ii. Two additional attempts within the 90 days will be permitted, if necessary, and may be with the NREMT with costs of the examination paid by the Respondent or Muncie Fire Department if the department elects to do so.

iii. Should the NREMT decline to allow additional testing via their platform, the Department will approve an alternate testing platform such as Fisdap.

iv. Should the Respondent not successfully complete the evidence of cognitive competency within three (3) attempts, then the Department shall consider it a violation of the terms of probation and shall revoke the Indiana EMT certification for a period of two years.

d. Respondent is assessed a \$100.00 civil penalty that must be paid within 60 days of this Order.

Civil penalties may be paid via credit card or via check payable/money order payable to the

"IDHS-Emergency Medical Services Education Fund." Payment may be mailed to the address in #17 below or <https://www.in.gov/dhs/files/Credit-Card-Form-EMS.pdf> for credit card payment instructions. Note that by statute, "if the certificate holder or license holder fails to pay the civil penalty within the time specified...the department may suspend the certificate holder's certificate or license holder's license without additional proceedings."

e. During the period of probation, if Respondent is arrested or charged with violating the criminal law of any jurisdiction, other than a minor traffic violation, Respondent shall notify the Department in writing within seventy-two (72) hours of being arrested or charged. Such notification may be made orally but must be followed by written confirmation within twenty-four (24) hours of the oral notification.

f. Respondent's certification may be suspended or revoked for any of the following:

- i. Violation of the criminal statutes in any jurisdiction;
- ii. Conviction under the criminal statutes in any jurisdiction; or
- iii. Failure to comply with a condition of this Findings and Order.
- iv. Failure to successfully demonstrate EMT cognitive function via a national EMT examination as directed by the Department.

The term of revocation begins on the date that Respondent receives notification of the Department's findings that one of the preceding violations occurred.

g. If the Department determines that Respondent has violated any term or condition of this Findings and Order, the Indiana Administrative code or the Indiana Code, then the Department may seek any other remedies or sanctions available by virtue of Respondent's violation.

17. All submittals required by this Findings and Order, unless notified in writing otherwise, shall be sent to:

Indiana Department of Homeland Security  
Emergency Medical Services Commission  
c/o Secretary  
302 Washington Street, Rm. E208  
Indianapolis, Indiana 46204  
[emscertifications@dhs.in.gov](mailto:emscertifications@dhs.in.gov)

**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

## EXHIBIT A

### AFFIRMATION OF EMS DIRECTOR

I swear or affirm that I have received a copy of the Findings and Order issued by the Indiana Department of Homeland Security placing [REDACTED] EMT Certification on probation.

<b>EMS DIRECTOR:</b>	
Signature	Date Signed
Printed Name	Telephone Number
Address	
Address (cont.)	

**Please return completed form to:**

Office of Emergency Medical Service  
Indiana Department of Homeland Security  
Attn: EMS Certifications  
302 W. Washington Street Rm. E239  
Indianapolis, IN 46204  
[emscertifications@dhs.in.gov](mailto:emscertifications@dhs.in.gov)



## EXHIBIT B

### AFFIRMATION OF EMS MEDICAL DIRECTOR

I swear or affirm that I have received a copy of the Findings and Order issued by the Indiana Department of Homeland Security placing [REDACTED] EMT Certification on probation.

<b>EMS MEDICAL DIRECTOR:</b>	
Signature	Date Signed
Printed Name	Telephone Number
Address	
Address (cont.)	

**Please return completed form to:**

Office of Emergency Medical Service  
Indiana Department of Homeland Security  
Attn: EMS Certifications  
302 W. Washington Street Rm. E239  
Indianapolis, IN 46204  
[emscertifications@dhs.in.gov](mailto:emscertifications@dhs.in.gov)