

**STATE OF LOUISIANA  
EMS CERTIFICATION COMMISSION**

*The commission is delegated the responsibility to establish and publish standards of out of hospital practice; to regulate the scope of practice of Emergency Medical Services professionals, and to discipline and regulate the practice of Emergency Medical Services professionals and to establish standards for educational programs preparing individuals for out of hospital practice.*

**Meeting Minutes  
Official Meeting: October 7, 2011**

1. Welcome and call to order Friday, October 7, 2011
2. Invocation and Pledge of Allegiance
3. Roll

Call

COMMISSION SEAT	APPOINTED MEMBER	STATUS	SUPPORT	STATUS
Private EMS Administrator	Mark Majors	P	David McCay, DHH Attorney Bureau of Legal Services	P
Public EMS Administrator	Ken Rousseau	A	Stephen Phillipe, BEMS Program Manager	A
EMT Paramedic & Instructor	J. Doyle Dennis	P	Alan Lambert, BEMS Program Manager	P
EMT Paramedic & Instructor	Lauri Scivicque	P	David McCay, Attorney Bureau of Legal Services	P
EMT Basic & Instructor	James R. Wood	A	Neil Elliot, Attorney Bureau of Legal Services	P
American College of Emergency Physicians	VACANT	V		
American College of Surgeons	VACANT	V		
Louisiana State Medical Society	Dr. Leslie Greco	A		
American Academy of Pediatrics	Dr. Susan Bankston	A		
Louisiana Municipal Association & EMT Basic	Michael R. Doiron	P		
Professional Firefighters Association of Louisiana	Robert "Bob" Brankline	P		
Louisiana Emergency Nurses Association *	Jonathan P. Johnson	A		

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Motion by Brankline, seconded by Doiron to amend the agenda to add the following item: Executive session to discuss David Radacker vs Louisiana Emergency Medical Services Certification Commission:

Motion approved 5-0

Motion by Brankline, seconded by Doiron to enter into executive session to discuss David Radacker vs Louisiana Emergency Medical Services Certification Commission:

Motion approved 5-0

Commission entered into executive session.

Commission returned from executive session.

Motion by Brankline, seconded by Majors to accept the settlement offer regarding David Radacker vs Louisiana Emergency Medical Services Certification Commission:

Motion approved 5-0

Motion by Brankline, seconded by Majors to authorize the Chair to enter into a settlement agreement regarding David Radacker vs Louisiana Emergency Medical Services Certification Commission:

Motion approved 5-0

4. Formal Disciplinary Proceedings

<i>Time</i>	<i>Individual Information and Allegation</i>	<i>Violation</i>	<i>Disciplinary Sanction</i>	<i>Motion</i>
9am (unfixed)	<p><b>Jeffery G Gilmer</b> is requesting reconsideration of the disciplinary action that was taken on December 9, 2009. Mr. Gilmer was allowed to remain certified and placed on probation until 3/31/2012.</p> <p><i>Evidence:</i></p> <ul style="list-style-type: none"> <li>• <i>Service provided 9/6/2011</i></li> <li>• <i>Letter dated July 7, 2011 from Jeffery G. Gilmer</i></li> </ul>			<p>Motion to deny reconsideration request by Majors, seconded by Scivique</p> <p>Approved 5-0</p>

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	<ul style="list-style-type: none"> <li>• Probation agreement dated 12/29/09</li> <li>• Commission decision letter dated 12/22/2011</li> </ul>			
9am (unfixed)	<p><b>Samantha A Buras</b> is requesting reconsideration of the disciplinary action that was taken on August 27, 2009. Ms. Buras was allowed to certify and placed on probation until 3/31/2012.</p> <p><i>Evidence:</i></p> <ul style="list-style-type: none"> <li>• Service provided 9/6/11</li> <li>• Undated letter from Samantha A. Buras</li> <li>• Commission decision letter dated 8/27/2009</li> </ul> <p><b>Respondent did not appear</b></p>			
9am (unfixed)	<p><b>Jason E Ogle</b> affirmed on his reinstatement application dated 4/29/11 that he has continued to practice as an EMT after his certification expired on 3/31/2011. This is the second violation; on October 29, 2010 he admitted to practicing with an expired certification for the period of 4/1/07 – 11/1/10 and was ordered to pay a fine and serve probation until 3/31/2011.</p> <p>Mr. Ogle was served a subpoena to appear at his convenience on 5/10/11 but he did not respond or appear.</p> <p>Mr. Ogle was served a subpoena to appear on 8/8/2011 but he did not appear.</p> <p><i>Evidence:</i></p> <ul style="list-style-type: none"> <li>• Reinstatement application dated 3/28/11</li> <li>• Service dated 9/6/2011</li> <li>• Service dated 6/30/11</li> <li>• Service dated 5/4/11</li> <li>• Consent order dated 11/15/10</li> </ul>	<p><b>LAC Title 46 Part XXXVIII §503 (D)(3)(o)</b> Has violated a rule or an order adopted by the commission or the bureau, or a state or federal law relating to the practice of professional EMS <b>R.S. 40:1232.9 (3)</b> Practice as a certified emergency medical technician or certified first responder unless certified to do so under the provisions of this subpart.</p> <p><b>LAC Title 46 Part XXXVIII §503 (D)(3)(r)</b> Failure to cooperate with the commission or bureau by (i) not furnishing in writing a full and complete explanation covering a matter requested in writing by the commission or bureau; or (ii) not responding to subpoenas issued by the commission in connection with any investigation or hearing.</p>		No action taken

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<p>9am (unfixed)</p>	<p><b>Farroll K Barber</b> a complaint was received from Mr. Barber's employer that his employment was terminated on 8/8/11 for testing positive for cocaine after taking a random drug screen.</p> <p>The Chair of the Commission ordered a summary suspension pending proceedings for revocation or other action after finding that public health, safety and welfare requires emergency action.</p> <p><i>Evidence:</i></p> <ul style="list-style-type: none"> <li>• <i>Service provided 9/20/2011</i></li> <li>• <i>Summary suspension dated 9/20/11</i></li> <li>• <i>Complaint form and documents dated 9/15/11 submitted by Jenny Eberle</i></li> <li>• <i>Email from Keith Barber dated 9/22/11</i></li> <li>• <i>Probation agreement dated 10/20/10</i></li> </ul> <p><b>Respondent did not appear, received correspondence requesting that this hearing be rescheduled to a later date.</b></p>	<p><b>LAC Title 46 Part XXXVIII §503 (D)(4)</b> Is habitually intemperate in the use of or abuses alcohol or habit-forming drugs.</p> <p><b>LAC Title 46 Part XXXVIII §503 (D)(5)</b> Has demonstrated actual or potential inability to practice EMS with reasonable skill and safety to individuals because of use of alcohol or drugs; or has demonstrated inability to practice EMS with reasonable skill and safety to individuals because of illness or as a result of any mental or physical condition.</p>		
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<p>9am (unfixed)</p>	<p><b>Jerome D Kelly</b> a complaint was received from Mr. Kelly's employer that his employment was terminated on 9/6/11 for testing positive for cocaine after taking a random drug screen.</p> <p>The Chair of the Commission ordered a summary suspension pending proceedings for revocation or other action after finding that public health, safety and welfare requires emergency action.</p> <p><i>Evidence:</i></p> <ul style="list-style-type: none"> <li>• <i>Service provided 9/19/2011</i></li> <li>• <i>Summary suspension dated 9/20/11</i></li> <li>• <i>Complaint form and documents dated 9/15/11 submitted by Jenny Eberle</i></li> </ul>	<p><b>LAC Title 46 Part XXXVIII §503 (D)(4)</b> Is habitually intemperate in the use of or abuses alcohol or habit-forming drugs.</p> <p><b>LAC Title 46 Part XXXVIII §503 (D)(5)</b> Has demonstrated actual or potential inability to practice EMS with reasonable skill and safety to individuals because of use of alcohol or drugs; or has demonstrated inability to practice EMS with reasonable skill and safety to individuals because of illness or as a result of any mental or physical condition.</p>		<p>Motion by Brankline, seconded by Scivique to refer this matter to a settlement committee.</p> <p>Approved 5-0</p>
<p>9am (unfixed)</p>	<p><b>Ginger C Lirette</b> a complaint was received from Ms. Lirette's employer alleging that she resigned from employment after refusing to submit to drug screening. It is further alleged that she was practicing EMS under the influence of mood altering substances.</p> <p>The Chair of the Commission ordered a summary suspension pending proceedings for revocation or other action after finding that public health, safety and welfare requires emergency action.</p> <p><i>Evidence:</i></p> <ul style="list-style-type: none"> <li>• <i>Service provided 9/20/2011</i></li> <li>• <i>Summary suspension dated 9/26/11</i></li> <li>• <i>Complaint form and documents dated 8/18/11 submitted by Mark Fryou</i></li> </ul> <p><b>Respondent did not appear</b></p>	<p><b>LAC Title 46 Part XXXVIII §503 (D)(3)</b> Is unfit or incompetent by reason of negligence, habit, or other cause.</p> <p><b>LAC Title 46 Part XXXVIII §503 (D)(3)(q)</b> Use of or being under the influence of alcoholic beverages, illegal drugs or drugs which impair judgment while on duty.</p> <p><b>LAC Title 46 Part XXXVIII §503 (D)(4)</b> Is habitually intemperate in the use of or abuses alcohol or habit-forming drugs.</p>		

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<p>9am (unfixed)</p>	<p><b>Justin J Pohlmann</b> a complaint was received that Mr. Pohlmann was terminated by his employer for unauthorized use of a company credit card. It is further alleged that he was suspected of stealing controlled substances for the company and that he has pending criminal charges against him for criminal trespassing and disturbing the peace. Mr. Pohlmann submitted a statement to the Commission disputing the allegations in part. In the statement Mr. Pohlmann indicated that he voluntarily left employment to enter a treatment program for a substance abuse problem.</p> <p>The Chair of the Commission ordered a summary suspension pending proceedings for revocation or other action after finding that public health, safety and welfare requires emergency action.</p> <p><i>Evidence:</i></p> <ul style="list-style-type: none"> <li>• <i>Service provided 9/19/2011</i></li> <li>• <i>Summary suspension dated 9/20/11</i></li> <li>• <i>Complaint form and documents dated 7/11/11 submitted by Mark Fryou</i></li> <li>• <i>Response signed by Justin Pohlmann</i></li> </ul> <p><b>Respondent did not appear</b></p>	<p><b>LAC Title 46, Part XXXVIII § 503(D)2:</b> is guilty of a felony or is convicted of a crime or offense which reflects the inability to practice EMS with due regard for the health and safety of clients or patients or enters a plea of guilty or nolo contendere to a criminal charge regardless of final disposition of the criminal proceeding, including, but not limited to, expungement, nonadjudication or pardon.</p>		
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5. Approval of minutes: June 3, 2011 Formal Hearing, motion by Brankline, seconded by Majors – approved 5-0

6. Discipline and Regulation of EMS Professionals/Applicants

- Review and/or approval of Bureau of EMS activities for the period August 1, 2011-October 1, 2011
  - Review: The designee of the commission reviewed 54 cases, of which 38 cases were closed by correspondence without disciplinary action based upon investigation findings of fact and conclusions of law. The respondent

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satisfactorily explained that no violation of the EMS Practice act, or rules, or order of the Commission or Bureau occurred, or that the matter did not rise to the level requiring formal disposition at this time.

- Review: Upon investigation, 7 cases could not be successfully resolved and were deferred to a formal hearing set for today.
- Review and Approval: The designee of the commission settled 9 cases by Consent Order offered to the individual.

<i>Time</i>	<i>Individual Information and Allegation</i>	<i>Violation</i>	<i>Disciplinary Sanction</i>	<i>Motion</i>
	<b>Logan D Arledge</b> On May 25, 2009 was arrested for misdemeanor possession of schedule I (marijuana), he successfully completed a diversion program and the charge was dismissed.	<b>LAC Title 46 Part XXXVIII §503 (D)(2)</b> Is guilty of a felony or is convicted of a crime or offense which reflects the inability to practice EMS with due regard for health and safety of clients or patients or enters a plea of guilty or nolo contendere to a criminal charge regardless of final disposition of the criminal proceeding, including, but not limited to, expungement, non adjudication or pardon.	Formal Reprimand	Scivique, seconded by Brankline:  Approved 5-0
	<b>Benjamin N Baham</b> affirmed on his reinstatement application dated 5/16/11 that he continued to practice as an EMS professional after his certification expired on 3/31/2011.	<b>LAC Title 46 Part XXXVIII §503 (D)(3)(o)</b> Has violated a rule or an order adopted by the commission or the bureau, or a state or federal law relating to the practice of professional EMS <b>R.S. 40:1232.9 (3)</b> Practice as a certified emergency medical technician or certified first responder unless certified to do so under the provisions of this subpart. <b>R.S. 40:1232.9 (6)</b> Practice as a certified emergency medical technician or certified first responder during the time his certification has lapsed by reason of his intentional failure to renew the certification.	Reprimand and fine of \$500.00	Scivique, seconded by Brankline:  Approved 5-0
	<b>Mark A Dean</b> provided documentation that he was arrested/summoned for Domestic Abuse Battery. On March 3, 2011 he was	<b>LAC Title 46, Part XXXVIII § 503(D)2:</b> is guilty of a felony or is convicted of a crime or offense which reflects the inability to practice	Formal Reprimand	Scivique, seconded by Brankline:

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	<p>presented an offer to enter into a pre trial intervention program. On September 29<sup>th</sup> he provided the commission evidence that he successfully completed the program and the charges were dismissed.</p>	<p>EMS with due regard for the health and safety of clients or patients or enters a plea of guilty or nolo contendere to a criminal charge regardless of final disposition of the criminal proceeding, including, but not limited to, expungement, nonadjudication or pardon.</p>		<p>Approved 5-0</p>
	<p><b>Oren C Griswold</b> provided documentation stating that he pled guilty and was convicted of Driving Under the Influence (Underage).</p>	<p><b>LAC Title 46, Part XXXVIII § 503(D)2:</b> is guilty of a felony or is convicted of a crime or offense which reflects the inability to practice EMS with due regard for the health and safety of clients or patients or enters a plea of guilty or nolo contendere to a criminal charge regardless of final disposition of the criminal proceeding, including, but not limited to, expungement, nonadjudication or pardon.</p>	<p>Formal Reprimand.</p>	<p>Scivique, seconded by Brankline:  Approved 5-0</p>
	<p><b>Bryan Gross</b> affirmed on a reinstatement application received in our office on 8/23/2011 that he continued to practice as an EMS professional after his certification expired on 3/31/2011.</p>	<p><b>LAC Title 46 Part XXXVIII §503 (D)(3)(o)</b> Has violated a rule or an order adopted by the commission or the bureau, or a state or federal law relating to the practice of professional EMS <b>R.S. 40:1232.9 (3)</b> Practice as a certified emergency medical technician or certified first responder unless certified to do so under the provisions of this subpart. <b>R.S. 40:1232.9 (6)</b> Practice as a certified emergency medical technician or certified first responder during the time his certification has lapsed by reason of his intentional failure to renew the certification.</p>	<p>Formal Reprimand and fine of \$500.00</p>	<p>Scivique, seconded by Brankline:  Approved 5-0</p>



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	<p><b>Ryan Heffner</b> affirmed on a reinstatement application dated 5/18/2011 that he continued to practice as an EMS professional after his certification expired on 3/31/2011.</p>	<p><b>LAC Title 46 Part XXXVIII §503 (D)(3)(o)</b> Has violated a rule or an order adopted by the commission or the bureau, or a state or federal law relating to the practice of professional EMS <b>R.S. 40:1232.9 (3)</b> Practice as a certified emergency medical technician or certified first responder unless certified to do so under the provisions of this subpart. <b>R.S. 40:1232.9 (6)</b> Practice as a certified emergency medical technician or certified first responder during the time his certification has lapsed by reason of his intentional failure to renew the certification.</p>	<p>Formal Reprimand and fine of \$500.00</p>	<p>Scivique, seconded by Brankline:  Approved 5-0</p>
	<p><b>Christopher M Vice</b> affirmed on a reinstatement application dated 8/3/2011 that he continued to practice as an EMS professional after his certification expired on 3/31/2011.</p>	<p><b>LAC Title 46 Part XXXVIII §503 (D)(3)(o)</b> Has violated a rule or an order adopted by the commission or the bureau, or a state or federal law relating to the practice of professional EMS <b>R.S. 40:1232.9 (3)</b> Practice as a certified emergency medical technician or certified first responder unless certified to do so under the provisions of this subpart. <b>R.S. 40:1232.9 (6)</b> Practice as a certified emergency medical technician or certified first responder during the time his certification has lapsed by reason of his intentional failure to renew the certification.</p>	<p>Formal Reprimand and fine of \$500.00</p>	<p>Scivique, seconded by Brankline:  Approved 5-0</p>

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	<p>Ryan P Walden was arrested for possession of marijuana. On June 22, 2010 he successfully completed a diversion program and the charge was dismissed.</p>	<p><b>LAC Title 46, Part XXXVIII § 503(D)2:</b> is guilty of a felony or is convicted of a crime or offense which reflects the inability to practice EMS with due regard for the health and safety of clients or patients or enters a plea of guilty or nolo contendere to a criminal charge regardless of final disposition of the criminal proceeding, including, but not limited to, expungement, nonadjudication or pardon.</p>	<p>Formal Reprimand</p>	<p>Scivique, seconded by Brankline:  Approved 5-0</p>
	<p>Brian W Williams affirmed on a reinstatement application dated 5/19/2011 that he continued to practice as an EMS professional after his certification expired on 3/31/2011.</p>	<p><b>LAC Title 46 Part XXXVIII §503 (D)(3)(o)</b> Has violated a rule or an order adopted by the commission or the bureau, or a state or federal law relating to the practice of professional EMS <b>R.S. 40:1232.9 (3)</b> Practice as a certified emergency medical technician or certified first responder unless certified to do so under the provisions of this subpart. <b>R.S. 40:1232.9 (6)</b> Practice as a certified emergency medical technician or certified first responder during the time his certification has lapsed by reason of his intentional failure to renew the certification.</p>	<p>Formal Reprimand and fine of \$500.00</p>	<p>Scivique, seconded by Brankline:  Approved 5-0</p>

7. Standards of out-of-hospital practice

- No items

8. Scope of practice of EMS professionals

- No items

9. Standards for educational programs

- No items

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**10. Other Business**

- Discuss disciplinary action for EMTs who are sanctioned a monetary penalty by consent order and do not pay.
- Guidelines for disciplinary sanctions and commission orders.

Items are for review only, no action or vote was taken.

**11. Next Official Meeting Date**

- Friday, December 2, 2011

**12. Adjournment, Motion by Brankline, Seconded by Majors – approved 5-0**