

**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.*

**Official Meeting: December 2, 2011**

1. Welcome and call to order
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 Arrived at 9:15
Public EMS Administrator	Ken Rousseau	P	Steven Phillipe, BEMS Program Manager	P
EMT Paramedic & Instructor	J. Doyle Dennis	P	Alan Lambert, BEMS Program Manager	P
EMT Paramedic & Instructor	VACANT			
EMT Basic & Instructor	VACANT			
American College of Emergency Physicians	VACANT			
American College of Surgeons	VACANT			
Louisiana State Medical Society	Dr. Leslie Greco	P left at 2:45PM		
American Academy of Pediatrics	VACANT			
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 to amend the agenda to go into executive session by Brankline, seconded by Rousseau – approved 6-0**

**Motion to go into executive session by Brankline, seconded by Rousseau – approved 6-0**

**Commission convened into executive session**

**Commission returned from executive session**

**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>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>• Notice to appear dated 11/1/2011</li> <li>• Summary suspension dated 9/20/11</li> <li>• Complaint form and documents dated 7/11/11 submitted by Mark Fryou</li> <li>• Response signed by Justin Pohlmann</li> </ul>	<p><b>LAC Title 46 Part XXXVIII §503 (D)(3)(i)</b> Misappropriating items of an individual, agency, or entity. <b>Withdrawn/unsubstantiated</b></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><b>LAC Title 46 Part XXXVIII §305 (A)(2)</b> Has a pending criminal charge that involves any violence or danger to another person, or involves a crime which constitutes a threat to patient care.</p>	<p>Certification to be suspended until June 2, 2012. After June 2, 2012 respondent may apply for reinstatement, certification will be suspended and suspension will be probated until June 2, 2016. During the probated suspension respondent must be supervised at all times by another EMS professional. Certification will be limited to the practice of an EMT-Basic until June 2, 2016. Specific evaluation: during probation, respondent will be subject to specific evaluations including random drug/alcohol screens. Specific therapy, respondent must complete his current treatment program. Respondent must submit a copy of the final disposition of the court case.</p>	<p>Motion to approve by Majors seconded by Brankline</p> <p>Motion approved</p> <p>5-1</p> <p>Opposed by Greco</p>
9am (unfixed)	<p><b>Ginger C Lirette</b> a complaint was received from Ms. Lirette’s employer alleging that she resigned from employment after refusing to</p>	<p><b>LAC Title 46 Part XXXVIII §503 (D)(3)(q)</b> Use of or being under the influence of</p>		

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	<p>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 11/1/2011</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>alcoholic beverages, illegal drugs or drugs which impair judgment while on duty.</p>		
<p>9am (unfixed)</p>	<p><b>Chelsea Harris</b> affirmed on a student application dated 4/21/2011 that she was currently on probation or parole. Ms. Harris provided a statement and documentation indicating that she pled guilty to possession of controlled dangerous substance schedule IV and she was sentenced to two years of hard labor, which was suspended, and placed on two years of probation.</p> <p><i>Evidence:</i></p> <ul style="list-style-type: none"> <li>• Notice to appear dated 12/1/2011</li> <li>• Statement by Chelsea Harris</li> <li>• Seven pages of documents submitted by the respondent</li> </ul>	<p><b>LAC Title 46 Part XXXVIII §303 (A)(2)</b> Has pled guilty, nolo contendere, been convicted of, or committed a: "crime of violence" as defined in R.S.14:2(13), or any of the following crimes: first degree feticide; second degree feticide; aggravated assault with a firearm; stalking; false imprisonment; incest; aggravated incest; molestation of a juvenile; sexual battery of the infirm; or crime which involves felony drug charges.</p>	<p>Allow applicant to test and certify. Certification to be suspended, suspension probated for one cycle.</p>	<p>Motion to approve by Brankline seconded by Majors</p> <p>Motion approved 6-0</p>

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<p>9am (unfixed)</p>	<p><b>Ashley Underwood</b> provided a statement and documentation indicating that he was arrested for automobile insurance fraud on 5/16/2008. The respondent also provided documentation indicating that he completed a pre trial diversion program and the charges were refused by the District Attorney.</p> <p>Evidence:</p> <ul style="list-style-type: none"> <li>• Notice to appear dated November 1, 2011</li> <li>• Statement signed by Ashley Underwood</li> </ul>	<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 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.</p>	<p>Respondent may continue course, test and certify.</p>	<p>Motion to approve by Brankline, seconded by Majors.</p> <p>Approved 6-0</p>
<p>9am (unfixed)</p>	<p><b>Ashley Wolbers</b> affirmed on a student application dated 3/2/2011 that she had been charged with or was convicted of a felony. The respondent provided a statement and documentation indicating that she pled guilty to an amended charge of “14:25:67 F III accessory after the fact to theft of over \$500”. The respondent was sentenced to imprisonment at hard labor for a term of 2 years and ordered to pay a fine of \$300.; the sentence was suspended and she was placed on active probation for a term of 2 years. The respondent provided a verification of first offender pardon dated 6/11/2010.</p> <p>Evidence:</p> <ul style="list-style-type: none"> <li>• Notice to appear dated November 1, 2011</li> <li>• Statement signed by Ashley Wolbers</li> <li>• Letters signed by Kenny Nichols, Christopher Boros and Daniel Touchstone</li> <li>• Two pages of court documents</li> <li>• Copy of first offender pardon</li> </ul>	<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 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.</p>	<p>Respondent may continue course, test and certify.</p>	<p>Motion to approve by Doiron, seconded by Greco</p> <p>Approved 6-0</p>

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<p>12:30pm (unfixed)</p>	<p><b>Seth Randall</b> a complaint was received from Mr. Randall's former employer that he tested positive for cocaine after a random drug test on April 24, 2011. You were not certified as an EMS professional on April 24, 2011, your certification expired on March 31, 2011. You signed a consent order dated October 14, 2011 and you agreed to have your reinstatement application delayed until the commission makes a decision on your eligibility for recertification at its next meeting. You also agreed to stipulations outlined in the consent agreement that involve a reprimand, a fine, specific theory and specific evaluation.</p> <p>Evidence:</p> <ul style="list-style-type: none"> <li>• Notice to appear dated November 1, 2011</li> <li>• Complaint and supporting documents submitted by Jenny Eberle</li> <li>• Consent order dated 10/14/2011</li> </ul>	<p><b>LAC Title 46 Part XXXVIII §503 (D)(3)</b> Is unfit or incompetent by reason of negligence, habit, or other cause. <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. <b>LAC Title 46 Part XXXVIII §503 (D)(4)</b> Is habitually intemperate in the use of or abuses alcohol or habit-forming drugs. <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>Certification delayed for 6 months, on reinstatement certification will be suspended and the suspension will be probated for 4 years. The respondent's certification will be restricted to the practice of an EMT for 2 years. The consent order dated 10/14/2011 is approved.</p>	<p>Motion to approve by Rousseau seconded by Brankline.</p> <p>Approved 5-0</p> <p>Greco not present</p>
<p>12:00pm (unfixed)</p>	<p><b>Rebecca Young</b> provided a statement and documentation indicating that she pled guilty to bank fraud on 4/20/2007, served 6 months in jail and was placed on supervised release.</p> <p>Evidence:</p> <ul style="list-style-type: none"> <li>• Notice to appear dated November 1, 2011</li> <li>• Statement dated 9/1/2011</li> <li>• Six pages of documents provided by the respondent</li> </ul>	<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>Allow respondent to test and certify.</p>	<p>Motion to approve by Brankline, seconded by Doiron.</p> <p>Approved 5-0</p> <p>Greco not present</p>

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<p>12:00pm (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>• Notice to appear dated 11/1/2011</li> <li>• Summary suspension dated 9/20/11</li> <li>• Complaint form and documents dated 9/15/11 submitted by Jenny Eberle</li> <li>• Email from Keith Barber dated 9/22/11</li> <li>• Probation agreement dated 10/20/10</li> </ul> <p><b>Respondent did not appear</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>12:30 (unfixed)</p>	<p><b>Stephen Kershaw</b> is the defendant of a lawsuit filed by his former employer Cameron Parish Ambulance Service District 2. The lawsuit accuses him of embezzling nearly \$400,000. from the company. You responded to the Commission’s notice of investigation and contend that you did illegally take and share funds under your control in the amount of approximately \$151,000. You deny intentionally receiving unauthorized salary increases. Documents critical to the case were subpoenaed from you on April 7<sup>th</sup>. You complied with the request in a timely manner. You attended a settlement conference on May 13, 2011 and the matter was forwarded to the Commission for a formal hearing.</p> <p>Evidence:</p> <ul style="list-style-type: none"> <li>• Notice to appear dated 11/1/2011</li> <li>• Answer provided by Russell Tritico, Sr. on behalf of Stephen Kershaw</li> <li>• Document titled “Stipulated Factual Basis for Guilty Plea”</li> <li>• Seven pages of documents provided by the respondent</li> <li>• Letter signed by Karla Long Houston</li> </ul>	<p><b>LAC Title 46 Part XXXVIII §503 (D)(3)(i)</b> Misappropriating items of an individual, agency, or entity.</p> <p><b>LAC Title 46 Part XXXVIII §305 (A)(3)</b> Has pled guilty, nolo contendere, been convicted of or committed a crime that reflects on the ability of the person to practice EMS safely, and the conditions of the court have not been met, or is currently serving a court ordered probation or parole.</p>	<p>Suspended certification for 6 years, suspension will be probated for 6 years. Develop an ethics presentation and present the presentation at least twice a year while on probation. Send a letter of confirmation that presentations were done. Send a copy of the presentation to the Commission before its February meeting.</p>	<p>Motion to approve by Rousseau, seconded by Doiron</p> <p>Approved 6-0</p>
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<p>12:30pm (unfixed)</p>	<p><b>Bruce Cutrer</b> affirmed on his reinstatement application dated 11/22/11 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>Reprimand and fine of \$500, approve consent order dated 11/22/11.</p>	
<p>12:30pm (unfixed)</p>	<p><b>Michael Braase</b> affirmed on his reinstatement application dated 11/22/11 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>Reprimand and fine of \$500, approve consent order dated 11/22/11.</p>	<p>Motion to continue by Majors seconded by Doiron  Not approved 2-3 opposed by Dennis, Brankline Rousseau  Motion to approve by Majors seconded by Rousseau approved 5-0</p>



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5. Approval of minutes: October 7, 2011 Formal Hearing – Motion by Brankline, seconded by Rousseau – approved 5-0

6. Discipline and Regulation of EMS Professionals/Applicants

- Review and/or approval of Bureau of EMS activities for the period October 1, 2011-November 30, 2011
  - Review: The designee of the commission reviewed 54 cases, of which 36 cases were closed by correspondence without disciplinary action based upon investigation findings of fact and conclusions of law. The respondent 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, 11 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 5 cases by Consent Order offered to the individual.
  - Review: The Disciplinary Settlement Committee settled 2 cases by Settlement Order offered to the individual.

CONSENT ORDERS

	<i>Individual Information and Allegation</i>	<i>Violation</i>	<i>Disciplinary Sanction</i>	<i>Motion</i>
	<b>Melanie Naquin</b> affirmed on her reinstatement application dated 11/9/2011 that she continued to practice as an EMS professional after her 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.	Motion by Brankline seconded by Majors  Approved 5-0
	<b>Brandon St. Amant</b> affirmed on his reinstatement application dated 10/11/11 that	<b>LAC Title 46 Part XXXVIII §503 (D)(3)(o)</b>	Reprimand and fine of \$500.00	Motion by Brankline

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	<p>he continued to practice as an EMS professional after his certification expired on 3/31/2011.</p>	<p>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>seconded by Majors  Approved 5-0</p>
	<p><b>April Strickland</b> affirmed on her reinstatement application dated 11/9/11 that she continued to practice as an EMS professional after her 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>Reprimand and fine of \$500.</p>	<p>Motion by Brankline seconded by Majors  Approved 5-0</p>

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	<p><b>April Tomlin</b> affirmed on a reinstatement application received in our office on 9/29/11 that she continued to practice as an EMS professional after her 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>Reprimand and fine of \$500.</p>	<p>Motion by Brankline seconded by Majors  Approved 5-0</p>
	<p><b>Aaron Vernon</b> affirmed on a reinstatement application dated 10/31/2011 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>Reprimand and fine of \$500.</p>	<p>Motion by Brankline seconded by Majors  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

**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.

**11. Next Official Meeting Date**

- Friday, February 3, 2012

**12. Adjournment** – Motion to adjourn by Brankline, seconded by Doiron – motion approved 5-0