

**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: August 5, 2011**

1. Welcome and call to order Friday, August 5, 2011
2. Invocation and Pledge of Allegiance
3. Roll

Call

COMMISSION SEAT	APPOINTED MEMBER	STATUS	SUPPORT	STATUS
Private EMS Administrator	Mark Majors	A	David McCay, DHH Attorney Bureau of Legal Services	P
Public EMS Administrator	Ken Rousseau	P	Alan Lambert, BEMS Program Manager	P
EMT Paramedic & Instructor	J. Doyle Dennis	P	Rebecca Harris, BEMS Program Monitor	P
EMT Paramedic & Instructor	Lauri Scivicque	A	Steven Phillipe, BEMS Program Manager	P
EMT Basic & Instructor	James R. Wood	A		
American College of Emergency Physicians	VACANT	V		
American College of Surgeons	VACANT	V		
Louisiana State Medical Society	Dr. Leslie Greco	P		
American Academy of Pediatrics	Dr. Susan Bankston	P		
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	P		

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4. Official Business

- Dr. Juliette Saussy resignation
- The Commission shall annually elect a chairman, vice chairman, and secretary from among its voting membership.
 - Chairman: Doyle Dennis, Motion by Doyle Dennis, Seconded by Ken Rousseau – Approved 6-0
 - Vice chairman: Robert Brankline, Motion by Ken Rousseau, Seconded by Doyle Dennis – Approved 6-0
 - Secretary: Michael Doiron, Motion by Doyle Dennis, Seconded by Robert Brankline – Approved 6-0

5. Formal Disciplinary Proceedings

<i>Time</i>	<i>Individual Information and Allegation</i>	<i>Violation</i>	<i>Disciplinary Sanction</i>	<i>Motion</i>
9am (fixed)	<p>Roddy Lavergne was charged on 3/10/2008 with unauthorized entry to an inhabited dwelling, domestic abuse battery and violation of child endangerment, simple battery, criminal mischief, and DWI. He entered into a consent order with the commission on 1/20/11 to be denied certification. He requested a meeting with the commission on 6/2/11 to show cause why the denial no longer exists. He attended an investigation conference on 7/1/11 and it was determined that the public would best be served by a decision rendered by the entire commission.</p> <p><i>Evidence:</i></p> <ul style="list-style-type: none"> • <i>Service provided 7/11/11</i> • <i>Disposition of criminal charge</i> • <i>Consent order 1/20/2011</i> 	<p>LAC Title 46, Part XXXVIII § 503(A)2: Substantiated</p> <p>Has pled guilty, nolo contendere, been convicted of or committed a “crime of violence as defined by R.S. 14:2(13)</p>	<p>Approve certification after the individual meets the National Registry of EMT’s re-entry policy.</p>	<p>Brankline Seconded by Rousseau</p> <p>Approved 4-2 Opposed by: Greco Bankston</p>
10am (fixed)	<p>Brennen Sonnier is requesting approval to practice as an EMS student. He provided the commission with evidence that he was charged in December 2010 with two counts of negligent homicide resulting from a fatal car accident in which he was the driver on 2/23/2010. He attended an Investigation</p>	<p>LAC Title 46 Part XXXVIII §503 (D)(2) Substantiated</p> <p>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</p>	<p>Approved practice as an EMS student with a stipulation that the individual must report any violations during the EMT-Basic class.</p>	<p>Greco Seconded by Doiron</p> <p>Approved 6-0</p>

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	<p>Conference on 7/1/11 and provided the Commission with a statement from his attorney that he pled no contest to the charges and has been sentenced to two years probation. It was determined at the conference that the public would be best served by a decision rendered by the entire Commission.</p> <p><i>Evidence:</i></p> <ul style="list-style-type: none"> • Service provided 7/7/11 • Court documentation of charges • Answer to allegation • Court disposition • Letters of recommendation 	<p>criminal charge regardless of final disposition of the criminal proceeding, including, but not limited to, expungement, non adjudication or pardon.</p>		
9am (unfixed)	<p>Ashley Robert submitted an application to practice as an EMS student. She provided the commission with evidence that she was charged 10/13/09 with simple battery, simple robbery, and carjacking. The charge is still pending and her legal counsel expects that she will enter a pre-trial diversion program. Ms Robert attended an investigation conference 7/25/11 and it was determined that the public would be best served by a decision rendered by the entire Commission.</p> <p><i>Evidence:</i></p> <ul style="list-style-type: none"> • Service provided 7/15/11 • Answer to allegation • Court Documentation 	<p>LAC Title 46 Part XXXVIII §305 (A)(2) Substantiated</p> <p>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>Delay certification until final disposition of the case. Approve supervised clinicals and testing.</p>	<p>Brankline Seconded by Dennis</p> <p>Approved 6-0</p>

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<p>9am (unfixed)</p>	<p>Lauren Botts submitted an application to practice as an EMS student. She provided the commission with evidence that she was charged 8/24/04 with felony possession of methamphetamine. She was convicted on 11/2/04 and sentenced to one year probation. She was charged with alcohol in a motor vehicle on 8/24/04; the charge was refused. Ms Botts attended an investigation conference 7/25/11 and it was determined that the public would be best served by a decision rendered by the entire Commission.</p> <p><i>Evidence:</i></p> <ul style="list-style-type: none"> • <i>Service provided 7/7/11</i> • <i>Answer to Allegation</i> • <i>Court Documentation</i> 	<p>LAC Title 46 Part XXXVIII §503 (D)(2) Substantiated</p> <p>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>Approved practice as an EMS student. Stipulations:</p> <p>Certification will be suspended for two years, suspension will be probated and the individual will be placed under the supervision of the Bureau for two years. Additional specific requirements: Specific evaluation: Individual will be subject to random drug screens. Individual must submit to a hair follicle drug test by August 10, 2011.</p>	<p>Rousseau Seconded by Dennis</p> <p>Approved 5-1 Opposed by: Brankline</p>
<p>9am (unfixed)</p>	<p>Lonnie Brown submitted an application to practice as an EMS student. He provided the commission with evidence that he was charged 4/18/06 with possession of schedule II CDS hydrocodone by fraud. He was convicted on the charge 7/10/06 and sentenced to two years probation. He was issued a first offender pardon on 7/10/08. Mr Brown attended an investigation conference via telephone on 7/25/11 and it was determined that the public would be best served by a decision rendered by the entire Commission.</p> <p><i>Evidence:</i></p> <ul style="list-style-type: none"> • <i>Service provided 7/7/11</i> • <i>Notice of conference decision</i> • <i>Answer to allegation</i> • <i>Court documentation</i> 	<p>LAC Title 46, Part XXXVIII § 503(D)2: 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>Did not appear, requested reschedule – no specific date.</p>	

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<p>9am (unfixed)</p>	<p>Bryan Villavaso was the subject of a complaint filed 4/29/10. He was arrested 4/22/10 on the charges of second offense DWI, possession of Schedule IV drugs and possession of Schedule II drugs. He was also arrested 6/4/10 on the charges of fourth offense DWI, reckless operation of a vehicle, improper backing and possession of Schedule II drugs. An investigation notice was served to him and signed for on 5/8/10. He failed to provide the requested response to the investigation. A notice of Settlement Conference was served to him 6/18/10 via unregistered postal mail. A notice of hearing scheduled 9/8/10 and notice of suspension were served to him 6/18/10; his certification was summarily suspended effective this date. The notice was returned to the Commission 7/7/10 unclaimed. The Commission voted at the meeting to suspend his certification indefinitely; notice was served to him and signed for on 10/7/10. He contacted the Commission on 3/16/11 and requested a hearing. He was scheduled to appear before the Commission 6/3/11. In the subpoena he was ordered to provide outlined documents to the Commission, yet failed to do so. Thus, the Commission was unable to hear the case on 6/3/11.</p> <p><i>Evidence:</i></p> <ul style="list-style-type: none"> • <i>Service provided 7/5/11</i> • <i>Court Documentation</i> • <i>Notice of Suspension</i> • <i>Request for Reconsideration</i> • <i>Answer to allegations</i> <p>**8/2/2011 Requested re-schedule</p>	<p>LAC Title 46, Part XXXVIII § 503(D)2: 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>Did not appear, requested reschedule – no specific date.</p>	
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6. Approval of minutes: June 3, 2011 Formal Hearing, motion by Dennis, seconded by Rousseau to approve. Approved 6-0

7. Discipline and Regulation of EMS Professionals/Applicants

- o Review and/or approval of Bureau of EMS activities for the period June 1, 2011-August 1, 2011
 - Review: The designee of the commission reviewed 83 cases, of which 61 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, 6 cases could not be successfully resolved and were deferred to a formal hearing set for today.
 - Review: The Disciplinary Settlement Committee did not meet during this period.
 - Review: The designees of the commission accepted 1 Voluntary Surrender of Certification.
 - Voluntary Surrender

<i>Individual Information and Allegation</i>	<i>Violation</i>	<i>Disciplinary Sanction</i>
Duxie Scott is the subject of a formal complaint filed on 4/26/2011. The complaint alleges that he is under an internal investigation for issuing unauthorized pay raises, and improper hiring practices; he is on paid administrative leave. This allegation was verified by local news sources.	LAC Title 46 Part XXXVIII §503 (D)(3)(i) Misappropriating items of an individual, agency, or entity. LAC Title 46 Part XXXVIII §503 (D)(8) Is guilty of moral turpitude	Voluntary Surrender of Certification 6/30/2011.

- Review: The designees of the commission issued 1 Summary Suspension of Certification.

- Summary Suspension

<i>Individual Information and Allegation</i>	<i>Violation</i>	<i>Disciplinary Sanction</i>
Allen Bobbett is the subject of a formal complaint. It is alleged that on 1/5/11 he was arrested and charged with possession of child pornography, indecent behavior with a juvenile, and computer aided solicitation of a minor. He submitted a letter to the commission dated 5/6/2011 affirming that he is currently incarcerated.	LAC Title 46, Part XXXVIII §305 (A)(2) 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.	Summary Suspension of Certification ordered by the chair 6/17/2011. <i>Mr. Bobbett is still incarcerated and his certification card has not been received.</i>

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- Review and Approval: The designees of the commission settled 14 cases by Consent Order offered to the individual.
 - Consent Orders

<i>Individual Information and Allegation</i>	<i>Violation</i>	<i>Disciplinary Sanction</i>	<i>Motion</i>
Curtis Akins submitted an application to practice as an EMS student. He provided the commission with evidence that he was charged with theft of government property on 3/6/09. He was sentence on 5/6/11 to one year probation.	LAC Title 46 Part XXXVIII §305 (A)(3) 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.	Reprimand	Doiron Seconded by Greco Approved 6-0
Deborah Armenio affirmed on her reinstatement application dated 05/14/2011 that she has continued to practice as an EMS professional after certification expired on 3/31/2011.	LAC Title 46 Part XXXVIII §503 (D)(3)(o) 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 R.S. 40:1232.9 (3) Practice as a certified emergency medical technician or certified first responder unless certified to do so under the provisions of this subpart. R.S. 40:1232.9 (6) 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 \$100 fine	Doiron Seconded by Greco Approved 6-0
Irma Ashcraft affirmed on her reinstatement application dated 05/12/2011 that she has continued to practice as an EMS professional after certification expired on 3/31/2011.	LAC Title 46 Part XXXVIII §503 (D)(3)(o) 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 R.S. 40:1232.9 (3) Practice as a certified emergency medical technician or certified first responder unless certified to do so under the provisions of this subpart. R.S. 40:1232.9 (6) 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 \$100 fine	Doiron Seconded by Greco Approved 6-0
Frank Barreca affirmed on his reinstatement application dated 07/29/2011 that he has continued to practice as an EMS professional after certification expired on 3/31/2011.	LAC Title 46 Part XXXVIII §503 (D)(3)(o) 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 R.S. 40:1232.9 (3) Practice as a certified emergency medical technician or certified first responder unless	Reprimand and \$500 fine	Doiron Seconded by Greco Approved 6-0

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	certified to do so under the provisions of this subpart. R.S. 40:1232.9 (6) 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.		
Leah Berry affirmed on her reinstatement application dated 06/16/2011 that she has continued to practice as an EMS professional after certification expired on 3/31/2011.	LAC Title 46 Part XXXVIII §503 (D)(3)(o) 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 R.S. 40:1232.9 (3) Practice as a certified emergency medical technician or certified first responder unless certified to do so under the provisions of this subpart. R.S. 40:1232.9 (6) 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 \$500 fine	Doiron Seconded by Greco Approved 6-0
Casey Cocherell affirmed on her reinstatement application dated 06/13/2011 that she has continued to practice as an EMS professional after certification expired on 3/31/2011.	LAC Title 46 Part XXXVIII §503 (D)(3)(o) 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 R.S. 40:1232.9 (3) Practice as a certified emergency medical technician or certified first responder unless certified to do so under the provisions of this subpart. R.S. 40:1232.9 (6) 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 \$500 fine	Doiron Seconded by Greco Approved 6-0
Chad Davison submitted an application to practice as an EMS student. He provided the commission with evidence that he was charged 4/22/09 with DWI 3 rd offense. He was sentenced to 45 days confinement, five years probation, fines, and costs.	LAC Title 46 Part XXXVIII §305 (A)(3) 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.	Delay Certification until 7/25/2013	Doiron Seconded by Greco Approved 6-0
Brady Dulaney submitted an application to practice as an EMS student. He provided the commission with evidence that he was charged 7/11/10 with DWI. The charge was dismissed 9/23/10 under article 894	LAC Title 46 Part XXXVIII §503 (D)(2) 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,	Reprimand	Doiron Seconded by Greco Approved 6-0

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Rebecca Kikier affirmed on her reinstatement application dated 05/25/2011 that she has continued to practice as an EMS professional after certification expired on 3/31/2011.	LAC Title 46 Part XXXVIII §503 (D)(3)(o) 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 R.S. 40:1232.9 (3) Practice as a certified emergency medical technician or certified first responder unless certified to do so under the provisions of this subpart. R.S. 40:1232.9 (6) 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 \$100 fine	Doiron Seconded by Greco Approved 6-0
Jason Maradiaga submitted an application to practice as an EMS student. He provided the commission with evidence that he was charged 3/17/09 with attempted theft; he was sentenced to six months probation, fines, and costs.	LAC Title 46 Part XXXVIII §503 (D)(2) 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.	Reprimand	Doiron Seconded by Greco Approved 6-0
Lindsay Maraist submitted an application to practice as an EMS student. She provided evidence to the Commission that she was convicted on the charge of possession with the intent to distribute cocaine on 12/13/07. She attended drug court thru 2/12/10 and was issued a first offender pardon on 2/17/11.	LAC Title 46, Part XXXVIII §503 (D)(2) 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.	Delay Certification until 12/13/2012	Doiron Seconded by Greco Approved 6-0
Byron Mayea submitted an application to practice as an EMS student. He provided the commission with evidence that he was charged 9/24/10 with 1 st offense DWI. He was sentenced to community service, fines and costs.	LAC Title 46 Part XXXVIII §503 (D)(2) 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.	Reprimand	Doiron Seconded by Greco Approved 6-0
Kenneth Perry affirmed on his reinstatement application dated 06/8/2011 that she has continued to practice as an EMS professional after certification expired on	LAC Title 46 Part XXXVIII §503 (D)(3)(o) 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	Reprimand and \$100 fine	Doiron Seconded by Greco

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3/31/2011.	professional EMS R.S. 40:1232.9 (3) Practice as a certified emergency medical technician or certified first responder unless certified to do so under the provisions of this subpart. R.S. 40:1232.9 (6) 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.		Approved 6-0
George Pool submitted an application to practice as an EMS student. He provided the commission with evidence that he was charged with possession of marijuana on 6/16/02; the charge was refused. He was charged with public drunkenness, public intimidation, and resisting an officer on 12/7/09; all charges were nolle prose. He was charged with DWI on 6/2/10; the charge is pending and court is set for 6/14/11.	LAC Title 46 Part XXXVIII §305 (A)(2) 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.	Specific Therapy	Doiron Seconded by Greco Approved 6-0

8. Standards of out-of-hospital practice

- No items

9. Scope of practice of EMS professionals

- No items

10. Standards for educational programs

- No items

11. Other Business

- Discuss disciplinary action for EMTs who are sanctioned a monetary penalty by consent order and do not pay.
 - Discussion by members with a request for the Bureau to submit recommendations to the Commission at the next meeting.

12. Next Official Meeting Date

- Friday, October 7, 2011

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13. Adjournment: Motion by Brankline, Seconded by Rousseau. Approved 6-0