

STATE OF RHODE ISLAND :
AND PROVIDENCE PLANTATIONS :
 :
DEPARTMENT OF HEALTH :
DIVISION OF EMERGENCY MEDICAL :
SERVICES :
 :
vs. :
 :
BRIAN J. MCKAY II :

AMENDED CONSENT AGREEMENT

This matter is before the Department of Health, Division of Emergency Medical Services (hereinafter "Department"), upon the matters contained in the application for licensure as an Emergency Medical Technician-Ambulance filed by Brian J. McKay II (hereinafter "Respondent"). Specifically, information obtained in conjunction with the application filed by Respondent indicated that Respondent has plead nolo contendere or guilty to the crimes of operating a motor vehicle under the influence of intoxicating liquor and/or drugs, disorderly conduct and sixth degree arson. Respondent received a suspended sentence, was placed on probation, fined and ordered to receive drug counseling. This occurred in 1992 and 1994. A conference was held between the parties on 20 February 1998 and the parties entered into a Consent Agreement dated 20 February 1998. Subsequent thereto the parties met on 13 November 1998 to review reports received by the Department in compliance with paragraph eight (8) of the aforementioned Consent Agreement. Thereafter, it was agreed by and between the parties as follows:

1. That the Department shall grant the application for licensure filed by Respondent provided, however, Respondent shall serve at least a twenty-four (24) month period of probation subject to the terms and conditions set forth in this Amended Consent Agreement.
2. That said probationary period shall commence upon Respondent's employment and/or performing services as an Emergency Medical Technician with a licensed emergency medical service and will abate for the duration of any period in which Respondent ceases to be employed and/or performs volunteer services as an Emergency Medical Technician.
3. That Respondent shall submit to an evaluation by Greenville Family Counseling and adhere to any treatment plan recommended by that agency. Respondent shall present evidence to the Department that he has been evaluated by Greenville Family Counseling prior to the issuance of his license as an Emergency Medical Technician.
4. That Respondent shall commence and continue such counseling and/or treatment as his counselor deems appropriate.
5. That Respondent waives confidentiality of his treatment and counseling and will direct Greenville Family Counseling and/or other health care professional rendering him treatment and/or counseling to submit to

the Department of Health reports of each treatment session occurring during February, March and April 1998 with respect to his progress in said program, treatment and/or counseling including, but not limited to, counseling reports, urine and drug screening reports. Thereafter, such reports will be required every three (3) months. That it shall be the responsibility of Respondent to have his treatment agency submit said reports.

6. That during the period of probation Respondent shall notify the Department forthwith in the event that he is charged with any crime by any law enforcement agency in any jurisdiction. The Department reserves the right to take appropriate licensure action should Respondent be charged with a crime in any jurisdiction.
7. That during the period of probation should Respondent fail to comply with the provisions of Chapter 23-4.1 and/or the "Rules and Regulations Relating to Emergency Medical Services", or any of the terms of this Amended Consent Agreement, the Department shall initiate appropriate action with respect to Respondent's licensure status.
8. That during the period of probation, Respondent's employers, including the Chief of the licensed ambulance service for which he is employed and/or serves as a volunteer, shall submit to the Department reports every three (3) months relating to Respondent's conduct and

performance. That copies of said reports shall be forwarded by the Department to the Greenville Family Counseling and/or other health care professional rendering him treatment and/or counseling. That it shall be the responsibility of Respondent to have his employers submit said reports.

9. That during the period of probation should respondent change employment and/or volunteer service, he shall notify the Department forthwith of said change including the name and address of the new employers and/or licensed ambulance service and the reason for the change in employment.
10. That a copy of this Amended Consent Agreement shall be forwarded by the Department to Respondent's current employer(s) and/or volunteer service and all future employer(s) and/or volunteer service during the period of probation.
11. That this Amended Consent Agreement shall obviate the necessity for a hearing on the matters forming the basis for this Amended Consent Agreement.
12. That at the expiration of the twenty-four (24) month period of probation, Respondent may apply to the Department for an unrestricted license as an Emergency Medical Technician.

B. J. McKay II

Brian J. McKay II

Peter Leary

Peter Leary, Chief
Division of Emergency
Medical Services

Dated: *11-20-98*

Mary Ellen McCabe

Mary Ellen McCabe, Esq.
Assistant Director of Health
(Legal Services)

