

STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS

DEPARTMENT OF HEALTH
HEALTH SERVICES REGULATION

VS

AH FILE NO: (HSR) 2002-36

SHANNON KELLEY

ADMINISTRATIVE DECISION

This matter came on for hearing before a designated Adjudication Officer within the Department of Health (hereinafter "DOH") pursuant to an Administrative Hearing Notice issued by the DOH on August 13, 2002. The Respondent is currently licensed as an Emergency Medical Technician-Cardiac by the DOH. The DOH hearing notice alleges that the respondent has been guilty of unprofessional conduct as set forth in Section 23-4.1-9 of the General Laws of the State of Rhode Island and Section 16.1(a)(b)(e) of the Rules and Regulations promulgated thereunder.

Specifically, the hearing notice alleges that the Respondent, formerly a Physician's Assistant who was certified as such by the State of New York, did surrender her registration as a Physician's Assistant in the State of New York for reasons pertaining to unprofessional practice and moral fitness. The allegations further set forth that the conduct complained of, conduct which was admitted to by the Respondent in the New York forum, constitutes unprofessional conduct for an EMT-C within the State of Rhode Island. Additionally, the allegations set forth the fact that in applying for her EMT-C license in Rhode Island, the Respondent failed to disclose the disciplinary action taken in New York and the fact that she had forfeited her Medicare and Medicaid privileges.

The DOH was represented by legal counsel. The Respondent appeared pro se. She indicated that she had spoken with an attorney regarding representation, but that she did not retain him. Counsel for the State did enter into evidence a letter from attorney Paul Brule indicating that he had met with the Respondent but would not be representing her in this matter.

FINDINGS AND CONCLUSIONS

The Respondent applied for licensure as an EMT-C on or about July 6, 2001. She was issued a license on August 29, 2001. As part of her application package, the Respondent submitted a copy of her EMT certificate from the State of New York. (The application materials were entered into the record as State's 4). The Respondent therein did not indicate that she had been the subject of a disciplinary proceeding in New York related to her certification as a Physician's Assistant there. In fact, one of the questions on the Rhode Island application particularly addresses previous disciplinary action. Question 10 (B) makes the following inquiry:

" Have you ever had any disciplinary action (s) taken, or is any pending, against your:
LICENSE TO PRACTICE, DEA PERMIT, STATE CONTROLLED SUBSTANCES
REGISTRATION, MEDICARE PRIVILEGE, MEDICAID PRIVILEGE, OR ARE ANY
COMPLAINTS PENDING in the State of Rhode Island or any other state?"

The Respondent answered the above question in the negative. There may be some argument that the Respondent believed the question to be limited to another EMT license and not generic to other health professions licenses. However, given the magnitude and the seriousness of the findings made by the New

York State Board for Professional Medical Conduct, it is not necessary to reach a conclusion as to whether Question 10 B on the Rhode Island application includes all disciplinary actions taken by health authorities and whether the Respondent had intentionally submitted false information on the application.

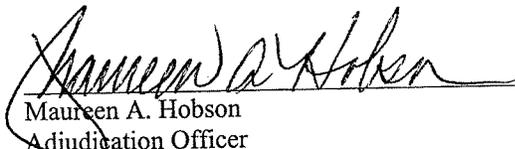
The factual allegations set forth in the New York State Board for Medical Conduct proceeding are numerous and go directly to issues of patient care and the moral fitness of the Respondent. The factual allegations of the New York Board and Respondent's signed acknowledgment of them and admission to them were included in the Administrative Hearing Notice sent to the Respondent in this matter. (Exhibit A to State's 1). Since the findings of unprofessional conduct admitted by the Respondent are set forth in the record, it is not necessary for this Adjudication Officer to recite them individually herein. Reference may be made to the record to demonstrate that the Respondent pleaded guilty to at least nineteen (19) specifications of charges resulting in the surrender of her Physician's Assistant registration. The Specification of Charges and the findings of the New York State Board included gross negligence in the treatment of patients, gross incompetence in the care of patients, negligence and gross incompetence on more than one occasion in the care of patients, practicing the profession fraudulently, moral unfitness, and the failure to maintain adequate patient records. All of the preceding factual findings constitute a basis for concluding that the Respondent has been guilty of unprofessional conduct pursuant to Section 23-41.1-9 and the Rules and Regulations. It could be argued that Respondent's presence in the EMT field poses a more significant threat to the public health than were her practice confined to a hospital setting, as it was when she was a Physician's Assistant. Certainly, had the Respondent been candid about her past health professions practice, she would not have been granted an EMT-C license initially.

ORDER

Based upon the foregoing and all of the evidence contained in the record, it is hereby ORDERED:

1. That Respondent's license as an Emergency Medical Technician-Cardiac is hereby revoked forthwith.

ENTERED THIS 17TH DAY OF OCTOBER, 2002.


Maureen A. Hobson
Adjudication Officer
RI Department of Health
Three Capitol Hill
Providence, RI 02908

YOU HAVE THIRTY DAYS FROM THE DATE HEREOF TO APPEAL THIS DECISION TO THE SUPERIOR COURT OF THE STATE OF RHODE ISLAND. THE FILING OF AN APPEAL DOES NOT AUTOMATICALLY STAY THE WITHIN ORDER. YOUR LICENSE IS REVOKED AS OF THE ABOVE DATE.

CERTIFICATION

I certify that a copy of the within was mailed to Shannon Kelley at the address she provided, 109 North Street, Warwick, RI 02886 on the 17th day of October, 2002.