STATE OF RHODE ISLAND :
AND PROVIDENCE PLANTATIONS :
:
DEPARTMENT OF HEALTH : EMS Cases #08-007A
DIVISION OF EMERGENCY MEDICAL :
SERVICES :

RECEIVED
SEP 20 2010
HEALTH PROFESSIONS REGULATIONS

vs.

Michael LeBlanc EMT-C #1381

CONSENT ORDER

Pursuant to Chapter 23-4.1 of the General Laws of the State of Rhode Island, 1956, as amended, and the rules and regulations promulgated thereunder, the Rhode Island Department of Health, Division of Emergency Medical Services (hereinafter "Department"), has investigated a complaint charging Michael LeBlanc (hereinafter "Respondent"), with violations of the *Rhode Island Prehospital Care Protocols and Standing Orders*, the *Rules & Regulations Related to Emergency Medical Services [R23-4.1-EMS]*, and the minimum acceptable and prevailing standard of EMS care. This conduct is alleged to have occurred on the evening of February 11, 2008 while Respondent was rendering emergency medical services to a patient.

After careful consideration by the Department, the following constitutes the Findings of Fact with respect to the professional performance of the Respondent:

1. That Respondent is an Emergency Medical Technician-Cardiac licensed to practice in the State of Rhode Island.
2. That Respondent was at all pertinent times employed by the Smithfield Fire Department of Smithfield, RI.

3. That the Respondent had a Duty to Act inasmuch as:

    a. The Respondent was on duty with the Smithfield Fire Department at the time of this incident;

    b. The Smithfield Fire Department was dispatched to an emergency call for medical aid at Haven Health Center in Greenville, RI;

    c. The Respondent's ambulance unit responded to the call and the Respondent initiated contact with the patient upon his arrival.

4. That the Respondent performed an incomplete patient assessment, as a result of which he failed to recognize that the patient was in septic shock. Specifically:

    a. Neither an adequate patient medical history nor an complete history of present illness were obtained.

    b. Repeat vital signs were not obtained.

    c. The patient was not placed on a cardiac monitor despite one having been available and being indicated under the *Impaired Consciousness* protocol.

    d. Medical Control was not consulted as would be required under the *Impaired Consciousness* protocol.

5. That the Respondent then abandoned the patient inasmuch as:

    a. A valid refusal of care was not obtained from the patient, nor was the patient competent to provide one based on the Respondent's assessment that the patient had a Glasgow Coma Scale of 11.

    b. Care was not properly transferred to the nursing facility staff as the Respondent did not assess their ability to continue caring for the patient, nor did the nursing facility staff agree to accept responsibility for the patient.

c. The Respondent did not await arrival of alternate ambulance transport, nor did he verify that such was en route and/or capable of caring for the patient.

6. The Respondent was both the officer-in-charge for this incident and the senior EMT on scene, and thereby holds the greater responsibility for actions by himself and his partner.
7. That the conduct described herein, specifically the incomplete assessment and subsequent abandonment of a patient, are inconsistent with the *Rhode Island Prehospital Care Protocols and Standing Orders*, the *Rules & Regulations Related to Emergency Medical Services [R23-4.1-EMS]*, and minimum accepted and prevailing standards of EMS care.
8. That the Respondent's actions in this matter constitute unprofessional conduct as defined in the *Rules & Regulations Related to Emergency Medical Services [R23-4.1-EMS]*.

With respect to these matters, the parties agree as follows:

1. Respondent's mailing address is 607 Putnam Pike, Smithfield, RI 02828.
2. Respondent admits to the jurisdiction of the Department and hereby agrees to remain under the jurisdiction of the Department.
3. Respondent has read this Consent Order and understands that it is a proposal of the Department and is subject to final ratification by the Department. This Consent Order and the contents thereof are not binding on Respondent until final ratification by the Department.

4. Respondent hereby acknowledges and waives:

    a. The right to appear personally or by counsel or both before the Department;

    b. The right to produce witnesses and evidence in his behalf at a hearing;

    c. The right to cross-examine witnesses;

    d. The right to have subpoenas issued by the Department;

    e. The right to further procedural steps except for those specifically contained herein;

    f. Any and all rights of appeal of this Consent Order;

    g. Any objection to the fact that this Consent Order will be presented to the Department for consideration and review;

    h. Any objection to the fact that it will be necessary for the Department to become acquainted with all evidence pertaining to this matter in order to adequately review this Consent Order;

    i. Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order to the Department.

5. This Consent Order shall become a part of the public record of this proceeding once accepted by all parties.

6. Acceptance by the Respondent and approval by the Department of this Consent Order constitutes an admission of the facts contained herein.

7. Failure to comply with the Consent Order, once signed and accepted, shall subject the Respondent to further disciplinary action.

8. That the Respondent shall serve at least a twelve (12) month period of Probation subject to the terms and conditions set forth in this Consent Order.
    a. Said Probationary period shall commence upon execution of the Consent Order and will abate for the duration of any period in which Respondent ceases to be employed as and/or perform volunteer services as an Emergency Medical Technician in Rhode Island.
    b. 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 Consent Order, the Department shall initiate appropriate action with respect to Respondent's licensure status.
    c. 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 the Respondent's conduct and performance. That it shall be the responsibility of Respondent to have his employers submit said reports.
    d. 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 employer(s) and/or licensed ambulance service and the reason for the change in employment.
9. That the Respondent shall, within three (3) months of the date of execution of the Consent Order, present evidence of satisfactory completion of a course of re-

education related to 1.) Patient assessment, and 2.) Medicolegal issues in Emergency Medical Services.

a. The content of said course shall be subject to approval by the Department.

b. Respondent shall submit, or cause to be submitted to the Department, appropriate documentation to verify completion of this requirement.

c. Any expense related to the completion of this requirement shall be borne by the Respondent.

10. That prior to applying for relief from Probation, the Respondent shall submit to the Department, or cause to be submitted to the Department, documentation that his practical skills have been evaluated by, and found acceptable to, his Employer's Medical Director. Any expense related to the completion of this requirement shall be borne by the Respondent.

11. That a copy of this Consent Order 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

12. That this Consent Order shall eliminate the necessity for a hearing on the matters forming the basis for this Consent Order.

13. That should Respondent comply with the laws and regulations governing the practice of Emergency Medical Services during the twelve (12) month period of Probation and comply with the requirements of this Consent Order, he may apply to the Department for relief from the probation.

Signed this 17 day of September 2010.

Michael LeBlanc EMT-C #1381

Ratified as an order of the Department on this 21st day of September 2010.

Charles Alexandre, Chief
Health Professionals Regulation
Health Services Regulation