

IN THE MATTER OF: *The Paramedics Act*, S.S. 2007, c. P-0.1, and David Van Wert

NOTICE OF FORMAL COMPLAINT

TO: David Van Wert
[REDACTED]
Canora, SK
SOA 0L0

WHEREAS:

At all times material to the charges hereinafter set out you were on the Register and were a member of the Saskatchewan College of Paramedics (SCoP);

The Professional Conduct Committee of SCoP hereby recommends that the Discipline Committee hear and determine the following charges, that:

Charge Number 1

You, David Van Wert, are alleged to be guilty of professional incompetence contrary to subsections 24(a) and (b) and professional misconduct contrary to subsections 25(a), (b) and (c) of *The Paramedics Act* in that:

On four occasions, you did monitor the administration of certain medications and substances by intravenous infusion (I.V.) during patient transfers, although you are not authorized to monitor the administration of such medications and substances and doing so exceeded the limitation of your scope of practice contrary to the Code of Professional Conduct of SCoP;

Particulars of the professional incompetence and professional misconduct are as follows:

1. The Saskatchewan Emergency Treatment Protocol Manual specifies which medications and substances emergency medical technicians can monitor and administer;
2. On or about April 5, 2009, you monitored a patient while that patient was receiving Pentaspan (500 ml/hr) by IV Infusion, during the patient's transfer from [REDACTED] Hospital to [REDACTED] Hospital;
3. On or about December 10, 2009, you monitored a patient who was receiving Pentaspan (100 ml/hr) by IV Infusion during the patient's transfer from [REDACTED] Hospital to [REDACTED] Hospital;
4. On or about February 7, 2010, you monitored a patient who was receiving alcohol (100 ml/hr) by IV infusion while transporting that patient from [REDACTED] Hospital to [REDACTED] Hospital;

5. On or about April 3, 2010, you monitored a patient while that patient was receiving Fentanyl by IV infusion during transportation from the [REDACTED] Hospital Intensive Care Unit to the [REDACTED] Hospital, and you adjusted the rate of infusion of the medication during the patient transfer;
6. In each case you were the senior attendant on the call and had primary responsibility for the patient;
7. The Saskatchewan Emergency Treatment Protocol Manual does not authorize you to monitor and administer any of the medications and substances listed above.

Charge Number 2

You, David Van Wert, are alleged to be guilty of professional incompetence contrary to subsections 24(a) and (b) and professional misconduct contrary to subsections 25(a), (b) and (c) of *The Paramedics Act* in that:

On two occasions, you failed to comply with the Protocol for Intraosseous Infusion (GP21) of the Saskatchewan Emergency Treatment Protocol Manual and exceeded the limitations of your scope of practice contrary to the Code of Professional Conduct of SCoP;

Particulars of the professional incompetence and professional misconduct are as follows:

1. The Saskatchewan Emergency Treatment Protocol Manual provides that Intraosseous Therapy (I/O) may only be initiated where the following circumstances exist:
 - (a) Children under the age of six years in a cardiac arrest where a peripheral vein is not visible (including the external jugular vein), or an IV has been unsuccessful on two attempts or 90 seconds has elapsed and a vein has not been successfully cannulized
 - (b) Children under the age of six years who are hypotensive where a peripheral vein is not visible (including the external jugular vein), or an IV has been unsuccessful on two attempts or 90 seconds has elapsed and a vein has not been successfully cannulized;
 - (c) In adults where peripheral vein cannulation has been unsuccessful on two attempts or 90 seconds has elapsed and a vein has not been successfully cannulized;
2. On or about January 1, 2010, you initiated Intraosseus Therapy (I/O) on a two-year old patient without first making two attempts to cannulize a vein;

3. On or about March 21, 2010, you initiated Intraosseus Therapy (I/O) for an adult patient without first making two attempts to cannulize a vein, and, immediately thereafter, an IV transfusion was successfully started.

Charge Number 3

You, David Van Wert, are alleged to be guilty of professional incompetence contrary to subsections 24(a) and (b) and professional misconduct contrary to subsections 25(a), (b) and (c) of *The Paramedics Act* in that:

On or about April 14, 2010, you did fail to provide appropriate treatment given a patient's condition, by failing to follow a physician's prescription for the administration of morphine;

Particulars of the professional incompetence and professional misconduct are as follows:

1. On or about April 13, 2010, the attending physician for patient [REDACTED] diagnosed lumbar pain and prescribed 5 mg morphine by intramuscular injection (IM) as required hourly for pain;
2. On or about April 14, 2010, you attended at [REDACTED] Hospital to transport a patient to [REDACTED];
3. You were the senior attendant during the patient transfer;
4. While receiving the patient, you were advised by a registered nurse that the patient could have 5 mg of morphine IM, but you insisted that you would provide the morphine by IV infusion;
5. During the transfer from [REDACTED] to [REDACTED], you started an IV line at [REDACTED], Saskatchewan, after the patient complained of pain, but only provided 2 mg of morphine as you disagreed with the physician's order;
6. Despite further complaints of pain by the patient and requests for more pain relief during the transfer to [REDACTED], you refused to provide additional morphine and said that you would only do so on the return transfer;
7. You directed an EMT-A to provide 2 mg of morphine by IV infusion prior to departing from [REDACTED] for the return transfer to [REDACTED], but otherwise did not administer further morphine to the patient despite the patient's further complaints of pain.

Charge Number 4

You, David Van Wert, are alleged to be guilty of professional incompetence contrary to subsections 24(a) and (b) and professional misconduct contrary to subsections 25(a), (b) and (c) of *The Paramedics Act* in that:

On or about April 14, 2010, you directed an Emergency Medical Technician Advanced (EMT-A) to administer to a patient 2 mg of morphine by IV push although doing so exceeded the limitations of your and his scope of practice and was contrary to the Code of Professional Conduct of SCoP;

Particulars of the professional incompetence and professional misconduct are as follows:

1. On or about April 14, 2010, you were the senior attendant during a round-trip transfer of patient [REDACTED] from [REDACTED] Hospital to [REDACTED] and back;
2. Prior to beginning the return trip, you directed the second attendant, an EMT-A, to administer 2 mg of morphine by IV push to the patient while you supervised;
3. Administering morphine by IV push exceeded the limitations of the scope of practice of the EMT-A;
4. Supervising the administration of morphine by IV push exceeded the limitations of your scope of practice.

Charge Number 5

You, David Van Wert, are alleged to be guilty of professional incompetence contrary to subsections 24(a) and (b) and professional misconduct contrary to subsections 25(a), (b) and (c) of *The Paramedics Act* in that:

On or about April 14, 2010, you made a false declaration in a Patient Care Report (PCR), contrary to the Code of Professional Conduct.

Particulars of the professional incompetence and professional misconduct are as follows:

1. On or about April 14, 2010, you directed an EMT-A to administer 2 mg of morphine by IV push to a patient while you supervised;
2. The Patient Care Report for the patient transfer lists you as Attendant 1 and the Supplementary Patient Care Report indicates that you administered "2 mg morphine slow IV push" to the patient;
3. You signed both reports;

NOW THEREFORE TAKE NOTICE that the Discipline Committee will hear the charges and such evidence as may be tendered with respect to them starting at _____ in the forenoon on _____ day, _____, 2011, at the _____, Regina, Saskatchewan.

AND FURTHER TAKE NOTICE THAT at the said time and place you have the right to be present with counsel and a support person.

AND FURTHER TAKE NOTICE THAT, in default of you attending at the said time and place, the Discipline Committee may, on proof of service of this Notice on you and/or your legal counsel, proceed with the hearing of said charges, and the evidence with respect to them.

AND FURTHER TAKE NOTICE THAT, if the Discipline Committee finds you guilty of professional incompetence and/or misconduct, the Committee may order one or more of the following pursuant to section 31 of *The Paramedics Act*:

Disciplinary powers

31(1) Where the discipline committee finds a member guilty of professional misconduct or professional incompetence, it may make one or more of the following orders:

(a) an order that the member be expelled from the college and that the member's name be struck from the register;

(b) an order that the member's licence be suspended for a specified period;

(c) an order that the member's licence be suspended pending the satisfaction and completion of any conditions specified in the order;

(d) an order that the member may continue to practise, but only under conditions specified in the order, which may include, but are not restricted to, an order that the member:

(i) not do specified types of work;

(ii) successfully complete specified classes or courses of instruction;

(iii) obtain medical or other treatment or counselling or both;

(e) an order reprimanding the member;

(f) any other order that the discipline committee considers just.

(2) *In addition to any order made pursuant to subsection (1), the discipline committee may order:*

(a) that the member pay to the college, within a fixed period:

(i) a fine in a specified amount not exceeding \$5,000; and

(ii) the costs of the investigation and hearing into the member's conduct and related costs, including the expenses of the professional conduct committee and the discipline committee and costs of legal services and witnesses; and

(b) where a member fails to make payment in accordance with an order pursuant to clause (a), that the member's licence be suspended.

(3) The executive director shall send a copy of an order made pursuant to this section to the member whose conduct is the subject of the order and to the person, if any, who made the complaint.

(4) Where a member is expelled from the college or a member's licence is suspended, the executive director shall strike the name of the member from the register or indicate the suspension on the register, as the case may be.

(5) The discipline committee may inform a member's employer of the order made against that member where that member has been found guilty of professional misconduct or professional incompetence.

DATED at Regina, Saskatchewan, this _____ day of February, 2011.

Sheri Hupp, Executive Director
Saskatchewan College of Paramedics

(2) *In addition to any order made pursuant to subsection (1), the discipline committee may order:*

(a) that the member pay to the college, within a fixed period:

(i) a fine in a specified amount not exceeding \$5,000; and

(ii) the costs of the investigation and hearing into the member's conduct and related costs, including the expenses of the professional conduct committee and the discipline committee and costs of legal services and witnesses; and

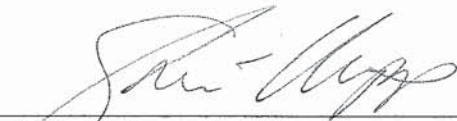
(b) where a member fails to make payment in accordance with an order pursuant to clause (a), that the member's licence be suspended.

(3) The executive director shall send a copy of an order made pursuant to this section to the member whose conduct is the subject of the order and to the person, if any, who made the complaint.

(4) Where a member is expelled from the college or a member's licence is suspended, the executive director shall strike the name of the member from the register or indicate the suspension on the register, as the case may be.

(5) The discipline committee may inform a member's employer of the order made against that member where that member has been found guilty of professional misconduct or professional incompetence.

DATED at Regina, Saskatchewan, this 23rd day of February, 2011.



Sheri Hupp, Executive Director
Saskatchewan College of Paramedics