

CAUSE NO: 13-2M

NAME: TRACY CUTLER-WILSON

ADMINISTRATIVE LAW JUDGE: GARY W. BIPPUS

DATE: APRIL 30, 2013

COMMISSION ACTION: AFFIRMED

FINDINGS OF FACT

1. Petitioner was dispatched to assist a patient with shortness of breath on or about July 3, 2012.
2. Petitioner allowed an EMT Basic Advanced to administer medications which were not within that EMT's scope of practice to that same patient on or about July 3, 2012.
3. During the course of transporting that patient to a hospital Petitioner drove the ambulance and allowed the same EMT B-A to provide patient care to a patient who had received advance life support procedures.
4. The Ambulance Record document admitted into evidence reflects that Petitioner administered both Benadryl and Solumedrol by IV.
5. The EMT B-A on the ambulance with Petitioner administered those medications.
6. The Ambulance Record admitted into evidence contains Petitioner's signature indicating she prepared the document.
7. Any item which is denominated a Finding of Fact which should be considered a Conclusion of Law is hereby incorporated by reference into the Conclusions of Law.

CONCLUSIONS OF LAW

1. The Department of Homeland Security is an agency within the meaning of

Indiana Code 4-21.5.

2. The Agency is the state entity charged with the responsibility of certifying Emergency Medical Technicians within the State of Indiana.

3. Indiana Code 4-21.5, Indiana Code 16-31-3 and 836 Indiana Administrative Code apply to this proceeding.

4. Indiana Code 16-31-3-14(a)(2) provides, in pertinent part:

(a) A person holding a certificate issued under this article must comply with the applicable standards and rules established under this article. A certificate holder is subject to disciplinary sanctions under subsection (b) if the department of homeland security determines that the certificate holder:

* * * *

(2) engaged in fraud or material deception in the course of professional services or activities;

5. Indiana Code 16-31-3-14(a)(10) provides, in pertinent part:

(a) A person holding a certificate issued under this article must comply with the applicable standards and rules established under this article. A certificate holder is subject to disciplinary sanctions under subsection (b) if the department of homeland security determines that the certificate holder:

* * * *

(10) allows the certificate holder's or license holder's name or a certificate or license issued under this article to be used in connection with a person who renders services beyond the scope of that person's training, experience, or competence;

6. Indiana Code 16-31-3-14(a)(12) provides, in pertinent part:

(a) A person holding a certificate issued under this article must comply with the applicable standards and rules established under this article. A certificate holder is subject to disciplinary sanctions under subsection (b) if the department of homeland security determines that the certificate holder:

* * * *

(12) assists another person in committing an act that would constitute a ground for disciplinary sanction under this chapter;

7. Ms. Cutler Wilson allowed an EMT B-A to administer medications by IV which were beyond the EMT's scope of practice in her presence. She untruthfully documented those medication administrations by recording that she had performed the medication administrations to the patient.

8. Any item which is denominated a Conclusion of Law which should be considered a Finding of Fact is hereby incorporated by reference into the Findings of Fact.

DECISION AND ORDER

Ms. Cutler – Wilson allowed an EMT B-A to administer medications by IV beyond the EMT's scope of practice and then prepared the Ambulance Record to show that she had done the administrations herself. Obviously she knew that what had happened was not in compliance with the Commission's rules. Her defense seemed to be that others had done the same thing and either not got caught or had been caught and received less discipline. That all may or may not be true but it does not change the fact that she violated the Commission's rules.

The discipline of placing Petitioner's EMT certification and paramedic license on probation issued by the Agency is appropriate and the order under date of November 20, 2012 is **AFFIRMED.**