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**BEFORE THE BOARD OF MEDICAL EXAMINERS
STATE OF MONTANA**

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| <p>In the Matter of</p> <p>Dave Lane,</p> <p>Paramedic, License No. 66995.</p> | <p>Case No. 2022-MED-03608</p> <p>Notice of Proposed Board Action and Opportunity for Hearing</p> |
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On October 21, 2022, the Screening Panel of the Montana Board of Medical Examiners (Screening Panel), considered information presented by the Montana Department of Labor and Industry (Department), and directed issuance of this *Notice of Proposed Board Action and Opportunity for Hearing* (Notice), to Dave Lane.

A. FACT ASSERTIONS

1. On or about May 8, 2018, the Department issued Dave Lane paramedic license, number 66995. Mr. Lane’s license is active through March 31, 2024.
2. Mr. Lane is the fire chief of the Seeley Lake Rural Fire District.
3. On March 4, 2022, the Seeley Lake Rural Fire District was dispatched on a call to a 63-year-old female with rectal bleeding.
4. Mr. Lane was the first to arrive on the scene, where he observed the patient on the floor of her bathroom. There were two blood-soaked bath towels in the bathroom and blood in

the toilet as well.

5. The patient advised that she had a routine colonoscopy the day before.

6. Mr. Lane estimated that the patient had lost approximately 500ml of blood from the time bleeding began.

7. The patient was showing signs of hypovolemia when Mr. Lane arrived at the scene.

8. Mr. Lane assessed the patient's pulse, skin signs, and mental status, but he did not assess her blood pressure or start intravenous fluids.

9. Mr. Lane assessed the patient's demeanor towards him as "bitter" and "vulgar," which he described as being consistent with his previous experience with the patient, and he felt it was appropriate to wait for an emergency medical technician (EMT).

10. A paramedic is a higher level of emergency care provider than an EMT. *See* Admin. R. Mont. 24.156.2751 & .2271.

11. EMT Rita Rossi arrived on the scene after Mr. Lane, and Mr. Lane transferred patient care to Ms. Rossi.

12. Ms. Rossi's EMT license does not have an endorsement for intravenous infusion and intraosseous infusion initiation or maintenance, and thus it is not within her scope of practice to start IVs on patients.

13. The patient was loaded into an ambulance and left the scene with Ms. Rossi for transport. Mr. Lane followed behind the ambulance in a separate vehicle.

14. Shortly after leaving the scene, Ms. Rossi contacted Mr. Lane and advised that the patient's blood pressure was low. Ms. Rossi requested Mr. Lane's assistance, and the ambulance pulled over so that Mr. Lane could board for assistance.

15. Mr. Lane started an IV on the patient and increased the nasal cannula oxygen delivery from two (2) liters per minute to four (4) liters per minute. The patient's vital signs improved, but her demeanor did not, and Mr. Lane called for air transfer. The ambulance traveled to the helicopter landing zone, and the patient's care was transferred to the flight crew upon arrival.

16. The failure to assess blood pressure on a patient showing signs of hypovolemia does not conform with generally accepted standards of practice for paramedics.

17. The failure to start an IV on a patient showing signs of hypovolemia prior to transport does not conform with generally accepted standards of practice for paramedics.

18. A paramedic who defers to an EMT regarding decisions on patient treatment does not conform with generally accepted standards of practice for paramedics.

B. ASSERTIONS OF LAW

1. The Board has subject matter jurisdiction and legal authority to bring this action under Mont. Code Ann. Title 37, ch. 1 and Title 50, ch. 6, and Admin. R. Mont. Title 24, ch. 101 and 156. For disciplinary purposes, the Board retains jurisdiction over the license for two years after lapse. Mont. Code Ann. § 37-1-141.

2. Based on the fact assertions above, the Board found reasonable cause to believe Mr. Lane violated the following statutes, rules, or standards, justifying disciplinary proceedings:

Montana Code Annotated

§ 37-1-316. Unprofessional conduct.

The following is unprofessional conduct for a licensee or license applicant governed by part:

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(18) conduct that does not meet the generally accepted standards of practice.

C. STATEMENT OF RIGHTS AND PROCEDURES

1. Mr. Lane may request a hearing to contest these charges. To exercise the right to a hearing, Mr. Lane must send a written request within 20 days of receipt of this Notice, addressed as follows:

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2. Failure to request a hearing within 20 days of the receipt of this Notice constitutes a default and allows the Board to enter a Final Order of discipline against Mr. Lane based on the facts available to it.

3. If Mr. Lane requests a hearing within 20 days, the Commissioner of Labor and Industry will appoint an impartial hearing examiner to conduct the hearing. The hearing examiner will notify Mr. Lane and the Department of the time and place of the hearing. Mr. Lane has the right to appear in person or by or with counsel.

4. Procedural and substantive requirements governing this matter may be found at Mont. Code Ann. Title 2, ch. 4, pt. 6 (Montana Administrative Procedure Act) and Title 37, ch. 1, pt. 1 and 3, and Title 50, ch. 6, including the right to: a hearing before an impartial hearing examiner; present evidence, testify, confront, and cross-examine witnesses at the hearing; be represented by legal counsel; subpoena witnesses; and request judicial review and appeal.

5. After a proposed decision of a hearing examiner, a default, or a stipulated agreement, the Board will issue a Final Order and may impose one or any combination of sanctions under Mont. Code Ann. § 37-1-312 or rules adopted by the Board, including:

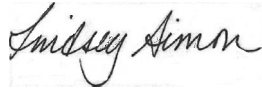
- a. revocation of the license;
- b. suspension of the license for a fixed or indefinite term;
- c. restriction or limitation of the practice;

- d. satisfactory completion of a specific program of remedial education or treatment;
- e. monitoring of the practice by a supervisor approved by the disciplining authority;
- f. censure or reprimand, either public or private;
- g. compliance with conditions of probation for a designated period of time;
- h. payment of a fine not to exceed \$1,000.00 for each violation (deposited in the state general fund); and
- i. refund of costs and fees billed to and collected from a customer.

6. Mr. Lane may request judicial review of a Final Order of the Board entered after consideration of a proposed decision of a hearing examiner by filing a petition in district court within 30 days of the issuance of a Final Order.

7. In lieu of a hearing, Mr. Lane may enter into a stipulated agreement resolving potential or pending charges that include one or more sanctions authorized by law.

DATED this 2nd day of August 2023.



Lindsey R. Simon
Agency Counsel

CERTIFICATE OF SERVICE

I certify I served a true and accurate copy of the foregoing ***Notice of Proposed Board Action and Opportunity for Hearing*** by placing it in the United States Postal Service mail, certified with return receipt requested and postage prepaid, addressed to the following:

Dave Lane
P.O. Box 71
Seeley Lake, MT 59868

DATED this 2nd day of August 2023.



Department of Labor and Industry