

David McKinstry 133949 (the “Respondent”)

Date of hearing: July 5, 2022

Location: 400-725 Granville Street, Vancouver BC, V7Y 1G5

On July 5, 2022, the Emergency Medical Assistants Licensing Board (the “Board”) held a hearing to determine the issues raised by the charges, namely whether the Respondent acted incompetently or breached a term or condition of his licence by the actions taken or communication used in attending to a patient.

Specifically, the Notice of Citation alleged that on or about March 26, 2020 near Kelowna, BC the Respondent breached a term or condition of his licence by:

- a. Failing to recognize the seriousness of the patient’s condition and the pain she was in.
- b. Pulling the patient’s arm aggressively to have her sit up.
- c. Failing to give the patient analgesics.
- d. Being rude and dismissive to the patient concerning her level of pain by saying to the patient “shut up”, “stop pretending”, “what are you on”, and “we are going to leave if you don’t stand up and walk to the ambulance” (or words to that effect).

(the “Charge”)

Pursuant to Rule 17.4 of the Rules for Complaints, Investigations and Disciplinary Hearings (the “Rules”), the Director must post a summary of the order referred to in Rule 17.2 on the Board website.

The EMA attended the hearing. Upon hearing evidence and the submissions of Discipline Counsel, the Board pursuant to s.7 of the *Emergency Health Services Act*, was satisfied on a balance of probabilities that the Respondent acted incompetently or breached a term or condition of his licence with respect to a. and d. of the Charge.

As such, on Penalty on November 3, 2022, the Board imposed the following conditions on the Respondent’s licence:

- a. The Respondent must complete a course on professionalism in healthcare/paramedicine or communication of at least 4 hours in duration by March 3, 2023. The course curriculum must be submitted to and approved by the Board prior to taking the course.
- b. Upon completion of the course, the Respondent must submit an oral presentation (either PowerPoint presentation with narration or a recorded audio) of no less than 15 minutes in duration, to the satisfaction of the Board, within 30 days of the issuance of the penalty decision. The oral presentation must address:
 - i. what the Respondent learned in the professionalism/communication course,

- ii. the Respondent's personal reflection about the importance of professional behaviour and effective communication, especially as it applies to the case at hand, and
- iii. how the Respondent plans to incorporate what he has learned into future practice.