

David McKinstry 133949 (“the Respondent”)

Date of Hearing: July 5, 2022

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

David McKinstry (the “Respondent”), a registrant who holds an Emergency Medical Assistance (“EMA”) licence, was charged with acting incompetently or breaching a term or condition of his licence when attending to a patient on or about March 26, 2020, near Kelowna, BC, 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”)

On July 5, 2022, pursuant to section 7 of the *Emergency Health Services Act*, RSBC 1996, c 182 (the “Act”), the Emergency Medical Assistants Licensing Board (the “Board”) held a hearing with respect to the allegations set out in the Charge.

The Board must determine whether the Respondent acted contrary to section 7 of the *Act*, which provides as follows:

7 (1) On receipt of a complaint or on its own motion and after a hearing, the licensing board may determine that an emergency medical assistant or former emergency medical assistant

- (a) has incompetently carried out the duties of an emergency medical assistant,
- (b) has breached a term or condition of his or her licence, or
- (c) suffers from a physical ailment, emotional disturbance or an addiction to alcohol or drugs that materially impairs his or her ability to act as an emergency medical assistant.

Section 11 of the *Emergency Medical Assistants Regulation*, B.C. Reg. 210/2010 (the “Regulation”) provides that it is a condition of every licence that the EMA complies with the *Act* and its regulations, including the Code of Ethics set out in Schedule 3 of the *Regulation* (the “Code”).

The Board finds that the conduct alleged in the Charge engages sections (a) and (g) of the Code.

63. Section (a) of the Code reads:

“Consider, above all, the well-being of the patient in the exercise of their duties and responsibilities;”

64. Section (g) of the Code reads:

“Carry out professional responsibilities with integrity and in accordance with the highest standards of professional competence.”