

DEPARTMENT OF PUBLIC HEALTH
STATE OF ILLINOIS

THE DEPARTMENT OF PUBLIC HEALTH,)
STATE OF ILLINOIS,)
 Complainant,)
)
 vs.) Docket No. EMS 12-003
)
KYLE SHOUSE,)
I.D. #995837)
 Respondent.)

NOTICE OF VIOLATIONS OF THE ILLINOIS EMS ACT, NOTICE OF INTENT TO REVOKE RESPONDENT'S EMT-PARAMEDIC LICENSE AND NOTICE OF OPPORTUNITY FOR ADMINISTRATIVE HEARING

Pursuant to the authority granted the Department of Public Health by the Illinois Administrative Procedures Act (5 ILCS 100) the Illinois EMS Act (210 ILCS 50) and the Illinois Administrative Code (77 Ill Adm. Code 515) NOTICE IS HEREBY GIVEN of:

NOTICE OF VIOLATIONS OF THE ILLINOIS EMS ACT AND NOTICE OF INTENT TO REVOKE RESPONDENT'S EMT-PARAMEDIC LICENSE

The Illinois Department of Public Health Intends to Revoke Respondent's Illinois EMT-Paramedic license under the authority of 210 ILCS 50/3.50(d)(8)(c), 210 ILCS 50/3.50(d)(8)(d), 210 ILCS 50/3.50 (d)(8)(g), and 210 ILCS 50/3.55(b). This action is based upon the forgoing authority, in light of the following improper and unlawful conduct:

- 1) While on duty as an EMT-Paramedic at the headquarters of the Antioch Rescue Squad, located in Antioch, Illinois, Respondent improperly accessed, pilfered and converted, for his own prurient interests and personal amusement, the prescription-only medication Lasix, a diuretic, from the medication stock of the Antioch Rescue Squad. Respondent then opened and surreptitiously placed and administered the Lasix medication into the beverage/food of a fellow EMT. Respondent did so, with the intent that the victim unknowingly consume the Lasix and then suffer the natural physiologic and diuretic effects of the Lassix. This conduct violated the Illinois EMS Act in that Respondent:
 - a) Knowingly, intentionally, deliberately and surreptitiously administered Lasix, a diuretic medication, to a person, who was not a patient, for which Respondent had no proper medical authorization and had no proper medical purpose and thus, was practicing outside the scope of

his EMT-Paramedic license, in violation of 210 ILCS 50/3.55(b) and 77 Ill Adm. Code 515.550(b);

- b) Commenced his unlawful "treatment" on a patient without first obtaining the "patient's" consent, as required by the standard of care and standards of performance of the North Lake County EMS System/Program Plan, C01, E10, L5, thereby violating 210 ILCS 50/3.50(d)(8)(d) and 77 Ill Adm. Code 515.550(b);
 - c) Because the forgoing medical actions were not conducted pursuant to any proper medical authority, such actions also violated the standards of performance of North Lake County EMS System/Program Plan, C01, E10, thereby violating 210 ILCS 50/3.50(d)(8)(d) and 77 Ill Adm. Code 515.550(b);
 - d) Because Respondent failed to fill out and submit Patient Care Reports for the forgoing medical "diagnosis" and "treatment", he also violated the North Lake County EMS System/Program Plan, C02, thereby violating 210 ILCS 50/3.50(d)(8)(d); and
 - e) Because such care was not carried out under the written or verbal direction of an EMS Medical Director, such conduct violated 210 ILCS 50/3.10 because it exceeded the scope of EMT-P service.
- 2) Respondent reported to the headquarters of the Antioch Rescue Squad for duty as an EMT-Paramedic, obviously intoxicated and under the influence of alcohol, unable to properly function, thereby violating 210 ILCS 50/3.50(d)(8)(c) and 210 ILCS 50 3.50(d)(8)(d);
- 3) Respondent improperly accessed, pilfered, then converted, from the headquarters medical stock of the Antioch Rescue Squad, prescription-only bags of intravenous (I.V.) solution, prescription-only I.V. solution administration (tubing) sets, prescription-only I.V. catheter needles and antiseptic wipes. He then ordered and allowed intra-venous solutions to be unlawfully initiated and infused into himself, by another EMT, without proper medical authorization, for the purpose of treating Respondent's own personal symptoms of excessive alcohol consumption. On a separate occasion, while on duty within the Antioch Rescue Squad Headquarters and without lawful authority, Respondent started an I.V. infusion on a fellow EMT in order to treat another EMT's hangover symptoms.
- a. Because such care was not undertaken pursuant to the written or verbal authority or direction of an EMS Medical Director, it thereby violated 210 ILCS 50/3.55(b) and 77 Ill Adm. Code 515.550(b);

- b. Because the forgoing actions were not conducted pursuant to any proper medical authority, such actions also violated the standards of performance of North Lake County EMS System/Program Plan, CO1, CO2, E10, thereby violating 210 ILCS 50/3.50(d)(8)(d); and
 - c. Because Respondent failed to fill out and submit Patient Care Reports for the forgoing medical “diagnosis” and “treatment”, he also violated CO1, CO2, E10, of the North Lake County EMS System/Program Plan, thereby violating 210 ILCS 50/3.50(d)(8)(d) ;
- 4) By pilfering and converting Lasix, I.V. solutions, and administration related equipment, Respondent defrauded the Antioch Rescue Squad, the EMS Resource Hospital, as well as the public, by depriving all three of the opportunity to bill and collect for the cost of the medications and related equipment he unlawfully pilfered, converted and used, thus violating 210 ILCS 50/3.50(d)(8)(c);
 - 5) While on duty with the Antioch Rescue Squad, Respondent mistreated patients under his care by: a) striking a psychiatric patient in the head with a clipboard; b) yelling “shut up” to another psychiatric patient; c) unnecessarily restraining a third psychiatric patient; and d) breaking wind in close proximity to the face of an unconscious patient. Such conduct violated CO1, CO2, E10, of the North Lake County EMS System/Program Plan, thereby violating 210 ILCS 50/3.50(d)(8)(d);
 - 6) That each of the forgoing acts was and is dishonorable, unethical, and unprofessional and is of a character likely to deceive, defraud and/or harm the public, thus violating 210 ILCS 50/3.50(d)(8)(c).

NOTICE OF OPPORTUNITY FOR ADMINISTRATIVE HEARING

In accordance with 210 ILCS 50/3.50(d)(8) Respondent is hereby offered the opportunity for an administrative hearing before a duly appointed neutral Administrative Law Judge to show cause why Respondent’s EMT-Paramedic license should not be revoked, provided Respondent requests such a hearing, in writing, within Twenty-one (21) days after receiving this Notice.

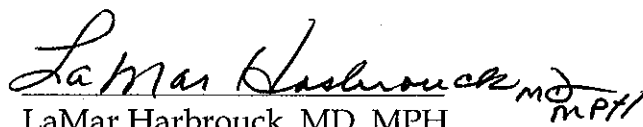
**FAILURE TO REQUEST THE HEARING AS SPECIFIED HEREIN
SHALL CONSTITUTE A WAIVER OF THE RIGHT TO SUCH HEARING.**

ANSWER BY RESPONDENT

In accordance with Section 100.7(d) of the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100), a copy of which is attached, the Respondent shall file a written answer with the Department within twenty (20) days after receiving this Notice.

**FAILURE TO FILE AN ANSWER WITHIN TWENTY (20) DAYS
OF THE RECEIPT OF THIS NOTICE SHALL CONSTITUTE
RESPONDENT'S UNQUALIFIED ADMISSION OF ALL ALLEGATIONS OF
WRONGDOING CONTAINED HEREIN AND
SUBJECT RESPONDENT TO LICENSE REVOCATION**

Any hearing request and answer shall be made in writing and directed to Jonathan S. Gunn, J.D., M.I.C.T, Assistant General Counsel, Department of Public Health, Division of Legal Services, 535 West Jefferson Street, Springfield, Illinois 62761. (217) 782-2043.


LaMar Harbrouck, MD, MPH,
Director, Department of Public
Health.

Dated this 4 day of June, 2012.

DEPARTMENT OF PUBLIC HEALTH
STATE OF ILLINOIS

THE DEPARTMENT OF PUBLIC HEALTH,)
STATE OF ILLINOIS,)
Complainant,)
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vs.) Docket No. EMS 12-003
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KYLE SHOUSE,)
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Respondent.)

PROOF OF SERVICE

The undersigned certifies that a true and correct copy of the attached Notice of Violations of the Illinois EMS Act, Notice of Intent To Revoke Respondent's EMT-Paramedic, license and Notice Of Opportunity For Hearing, and a copy of the Department's Rules of Practice and Procedure, were sent both by (i) Certified U.S. mail, return receipt requested, and (ii) by Regular U.S. mail, in sealed envelopes, postage prepaid to:

**KYLE SHOUSE, EMT-P
42 COVENTRY COVE
LAKE VILLA, ILLINOIS
60046**

That said document was deposited in the United States Post Office at Springfield, Illinois, on the _____ day of _____, 2012.

Jonathan S. Gunn, #6220330
Assistant General Counsel,
Department of Public Health
535 W. Jefferson St.
Springfield, Illinois 62761
(217) 782-2043