

SEPTEMBER 21, 2007

JOIN DAVID GIVOT FOR  
A DISCUSSION OF  
LEGAL ISSUES &  
THE EMS PROVIDER  
AT THE KENTUCKY EMS  
CONFERENCE

Protecting You Who Protect Others

# THE LEGAL GUARDIAN

For Emergency Medical Services Professionals

THELEGALGUARDIAN.COM

SEPTEMBER 2007

A NOTE ABOUT  
PROFESSIONAL RESPONSIBILITY

OVER THE YEARS, EMS has evolved from funeral homes transporting patients by untrained workers in idle hearses to an advanced network of highly trained professionals responding to any situation at a moments notice in ambulances, rescue squads, and aircraft.

"The Hospital" has been replaced by an array of specialty centers with the latest and most advanced treatment modalities for traumas and children, strokes and burns, heart attacks, SCUBA accidents, and so on.

As EMS has grown, so too have the myriad personalities of those who provide it. That fact, alone, makes the subject of professional responsibility particularly treacherous.

Unlike the days of the disinterested funeral home worker, EMS is fraught differing treatment styles and levels of dedication.

In coming issues I will be discussing various aspects and conflicts of Professional Responsibility in EMS.

The topic may spark some controversy; I will do my best to tread lightly.

**\$40 COULD GET YOUR  
AD OR MESSAGE HERE.**

**CALL TLG AT  
310-699-0070  
FOR DETAILS**

## PROFESSIONAL RESPONSIBILITY I: WHICH PROVIDER ARE YOU?

Having been in and around EMS since the late 1980s, it is my observation that there are only three types of providers.

First, there are the naturals; those who seem to have been born to it. In my time Medics like Kevin Murphy, Vic Oseguera, and Nicky Clay made patient care—in even the most complicated situations—seem effortless.

Next, there are the providers who work very hard to be good; they read the journals, review processes, and are involved in EMS because they believe in patient care. They would do it for free...if they had to.

Finally, there are those who obviously slipped through the cracks. Some just do not have what it takes, despite the best of intentions, but a generous preceptor or a less-than-reputable training program certified them anyway. Others are the folks for whom EMT or Paramedic certification is a means to a pay raise or wider overtime options; people who do not belong anywhere near patients, because it is not patient care that drives them—and it shows on every call.

I imagine that one variation of my theory or another matches your own observations, which brings us to the first question of Professional Responsibility: **Which one are you?**

I like to lead with that question because it is the easiest to ask, but most difficult to answer.

What about you? Are you a natural or do you have to work to be good? One is no better than the other.

**"...this above all:  
to thine own self  
be true..."**

*William Shakespeare*

Or do you know that you slipped through the cracks; that you would not want you working on your child? Worse yet, are you the most dangerous hybrid; the one who slipped through the cracks believing you are a natural?

That question is the most important because the [truthful] answer sets your place on the

spectrum and guides the perspective from which you will judge yourself *and* others.

Now consider the responsibility of every EMS provider from your point of view. What should you expect from yourself and others?

The list might look something like this:

- Knowledge of protocols and procedures
- Up-to-date training and skill competence
- Awareness of emerging technology
- Proper licensure and accreditation
- Knowledge of the response area and receiving facilities
- Care and maintenance of EMS vehicles and equipment; awareness of inventory
- Knowledge of radio and communications equipment
- Willingness and ability to treat every patient with the same (high) degree of respect and compassion
- Awareness of your impact on bystanders and family members

This listing represents the bare minimums of what [should be] expected of all EMS Providers. The list could go on and on, but the idea should be clear.

Now that a responsibility exists, to whom is it owed? How far does it extend? Are you responsible only for your actions or does your own Professional Responsibility extend to your coworkers? What if your own Professional Responsibility conflicts with your loyalty to the agency or to a friend?

These are the questions that will be answered in coming issues. For now, just ask and answer these questions: **Which provider are you? Which provider do you want to be? And, are you in EMS for the patients or yourself?**

## The Legal Guardian

c/o David Givot

4067 Hardwick Street, #321  
Lakewood, CA 90712

**(310) 699-0070**

Subscribe to The Legal Guardian E-Newsletter  
send your request to:  
[david@thelegalguardian.com](mailto:david@thelegalguardian.com)

Submissions Welcome



DAVID GIVOT

I graduated from Daniel Freeman (now UCLA) Paramedic School in June, 1989.

For most of the next decade I worked in the City of Glendale, CA, responding to 911 calls with the, then BLS only, fire department.

By the end of 1998, I was traveling around the United States working with distressed EMS agencies to improve field provider performance through better communications & leadership practices. I provided tools that bridged common gaps and offered real ownership in the agency's reputation for quality of service.

At the turn of the century I took over as the Director of Operations for the largest ambulance provider in the State of Maryland.

Now, back in Los Angeles, I have completed three years of Law School. I am looking at the Law as a medium to help improve the state of EMS nationwide.

Through intensive study of the Law, I have discovered a significant disparity that exists between the technical law EMS Providers learn in school and the issues & exposures they face in real life.

I created **THE LEGAL GUARDIAN** newsletter and website in conjunction with a **SERIES OF INFORMATIVE AND INTERACTIVE CE LECTURES** to help bridge that vital gap.

## Legal Issues in EMS On Site Training, Education, and Information

Like everything else about EMS, the legal issues facing providers are ubiquitous, ever changing, and can vary from situation to situation.

Moreover, like in EMS, failure to recognize [legal] warning signs can lead to devastating consequences.

Historically, agencies have attempted to stave off the specter of litigation and liability through policies, posters, memos, and the like. With mixed—and less than favorable—results.

With thousands of 911 calls as a Paramedic, hundreds of teaching hours, and three years of Law School behind me, I have concluded that the best defense to the perils of legal action for

EMS providers is **never having to be a defendant.**

My series of interesting, informative, relevant, and—if I do say so myself—entertaining educational programs offer EMS Professionals the tools to understand, recognize, and prevent the kinds of legal entanglements that can end careers and ruin lives.

EMS providers have always been hands-on type people. Memos and tacit reminders are not enough. Providers learn what I teach them, because I have been there; I speak their language. And [hopefully] they practice what they learn.

I will come to you. Let me teach them before it's too late.

## Keeping it Real!

...from Pop Princess to Paramedic

As a pop star in the girl band **Solid Harmonie**, Melissa was used to jetting around the world in style. Now she has traded limousines and limelight for ambulances and red lights; she has become a Paramedic.

Her showbiz career began at age 11, and being a celebrity was the only thing the 31-year-old star ever knew, partying into the night with Justin Timberlake and the rest of the NSync guys.

When she was just 19, she auditioned for a band called Solid Harmonie who were to be the sister group of the Back Street Boys.

"I met them on the Monday in London and on the Tuesday I flew to Germany to record the first single. A week later I was flown to America."

Melissa's life was turned around. She was recording in New York and London and loving the high life on tour.

Solid Harmonie had three top 20s in the UK, and performed on most every major television show there. The group was big in Japan, America and Germany and were constantly touring, so much so that sometimes she wasn't sure what country she was in!"

But when her father was diagnosed with cancer, the pop star changed her tune and her outlook.

She received the devastating news while returning from Germany after recording a solo album.

She recalls her father as being "...the sweetest, most beautifully-dressed, [and] mild-mannered man I've ever met."

Watching the Nurses work reminded her that the world of showbiz can be a superficial, but seeing nurses working so hard to help other people, really impressed her and instilled the "itch."

In an interview she once told a reporter "I made a promise to God, saying: 'If dad gets through this, I'll stop doing this silly job and give a bit back'."

Melissa's father recovered temporarily, but lost his battle with cancer 18 months later. It was then that Melissa decided to quit pop. She enrolled in Paramedic training course. She spent a year working as a technician before undergoing the intensive 12 week training program.

Even after intense preparation she met with some resistance when it came to finding a job.

This publication and any derivatives thereof, including educational lectures or seminars were not prepared by an attorney and do not claim or intend to offer specific legal advice to any particular person or entity in any form and should not be construed otherwise.

This publication and all related products and/or services are intended to offer general information and education only.

It is unlawful to practice Law without a license. For personal or professional legal advice, assistance, or counsel, please consult a licensed attorney.



Visit TLG Online  
[TheLegalGuardian.com](http://TheLegalGuardian.com)

She recalls that one manager told her, "...when you turned up here in your convertible sports car and your big hair, power suit and Gucci nails, I took one look at you and said 'no way'."

However Melissa managed to impress and landed herself a job as a paramedic working at Coventry University Hospital.

Now instead of people responding to her every wish, she responds to the people's every need.

Melissa hasn't completely put her celebrity life behind her. Now she's appearing in 'A&E' a TV show that follows the real life happenings.

She admits that she does miss singing every now and then but insists that she is definitely more fulfilled. "I sleep well at night now," she says, "if you can genuinely help people in emergencies, they're so grateful."

The sense of accomplishment that comes with every call, with every patient contact (even the really bad ones), is the same on this side of the Atlantic.

If this month's theme is being in EMS for the right reasons, I think the Pop-Paramedic is an all-star role model.