

NOTICE OF DISCIPLINARY ACTION

in case of

ANTHONY MYRICK

1. PREVIOUS DISCIPLINARY ACTIONS:

- *Written Reprimand regarding charges of Neglect of duty and insubordination. (Feb 2010)*

2. SPECIFIC CHARGE OF MISCONDUCT:

Article 9.10 C 2(a) Incompetence – not possessing the necessary ability, skills, etc. to carry assigned tasks.

Article 9.10 C 2(a) Insubordination – repeated violation of law, County or departmental rules or regulations or directives.

Article 9.10 C 3(n) Neglect of Duty – sleeping or other acts of inattention or neglect of duty.

Article 9.10 C 2(a) Moral Turpitude – falsification or misrepresentation of any document or record completed in the course of employment.

3. DEPARTMENT'S EXPECTATIONS:

- *Permanent demotion to the rank of Engineer.*
- *Recompletion of full paramedical clearance process.*
- *Ineligible for any promotional opportunities for a period of two years from the date of this disciplinary action.*

4. DATE OF DISCIPLINARY HEARING:

Wednesday, March 16th 2011 (10:00 am)

5. COUNTY MANAGER'S DISPOSITION:

- *PERMANENT DEMOTION TO THE RANK OF ENGINEER*
- *INELEGIBLE FOR PROMOTION FOR 2 YEARS FOLL. DISCIPLINARY ACTION*
- *COMPLETE & REGAIN FULL PARAMEDICAL CLEARANCE*

6. DEPARTMENT HEAD/ DESIGNEE:

Lorin Mock
Lorin Mock, Fire Chief

7. DIRECTOR OF HUMAN & NATURAL RESOURCES:

J. Beir 3/10/2011
Jennifer Rupert-Bethelmy (Acting)

8. COUNTY MANAGER:

Richard J. O'Connell
Richard J. O'Connell (Interim)

9. EMPLOYEE:

Anthony Myrick
Signature

3 10 11
Date

*Received at 1930 hours
on sick day at st. 14*

Be advised that you have the right to prepare an oral or written statement, or both, to be presented at the hearing to refute or explain the charges made against you.



**CLAY COUNTY
FLORIDA**

**Office of the County
Manager**

P.O. Box 1366
477 Houston Street
Green Cove Springs, FL
32043

Area Code: 904
Phone: 284-6347
269-6347
Fax: 278-4731

County Manager
Stephanie C. Kopelousos

Commissioners:
Wendell D. Davis
District 1
Douglas P. Conkey
District 2
W. Travis Cummings
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T. Chereese Stewart
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District 5

Switchboard:
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KH (352) 473-3711
KL (904) 533-2111
OP/MBG (904) 269-6300

www.claycountygov.com

To: Anthony Myrick
Lieutenant

From: S. C. Kopelousos
County Manager

Date: April 19, 2011

Re: Disciplinary Action

As you have been made aware of your rights under Article 9 of the Board of County Commissioners Personnel Policies Manual, as evidenced by your signature on a Notice of Disciplinary Action dated March 10, 2011 scheduling a Disciplinary Hearing, and as you chose to forfeit your right to a disciplinary hearing by failing to appear on March 16, 2011, please be guided accordingly.

The purpose of this letter is to render my decision on the recommendation for disciplinary action to be taken against you arising out of infractions relating to incompetence, insubordination, neglect of duty and falsification of documentation relating to patient care.

All factors were taken into consideration to arrive at a fair and correct disciplinary action, i.e. the severity of the infraction noted on the "Notice of Disciplinary Action".

I will remind you that your Paramedic training and experience are essential factors in life and death situations. Failure to provide adequate and appropriate emergency transport and patient care can incur unnecessary liability to the County, not to mention the potential for great emotional distress for the patient's family

As such, I support the recommendation of the Department Head and you will be permanently demoted to the rank of Engineer. You are required to successfully complete and regain the full paramedical clearance in accordance with our Medical Director's recommendation. In addition, you will not be eligible for any promotional opportunities that may occur for a period of two years from the date of implementation of this

Jennifer Bethelmy

From: David Motes
Sent: Thursday, March 10, 2011 10:42 AM
To: Jennifer Bethelmy
Subject: FW: FW: Form Attached

Clay County Fire Rescue
D.E. Motes, Deputy Chief Operations



1 Doctors Drive
Green Cove Springs, FL 32043

Area Code: 904
Phone: 284-7703

The most important single ingredient in the formula of success is knowing how to get along with people.
Theodore Roosevelt

From: Pete Gianas [mailto:gianasp@gmail.com]
Sent: Thursday, February 17, 2011 5:37 PM
To: David Motes
Subject: Re: FW: Form Attached

Chief Motes:

After reviewing the investigations of trauma call (# 00187) and cardiac call (# 00789) provided by Battalion Chief Mike Schwartz re: paramedic Anthony Myrick, I feel it necessary to remove Mr. Myrick from cleared medic status at this time. Further review of several other runs also show a lack of understanding not only of our treatment protocols, but of Clay County Fire Rescue policy and procedures.

A big concern of mine is the documentation on the trauma call (00187) that the patient was placed in a c-collar, backboarded, and then moved to the truck. Then after further review and discussion with other personnel on scene (and then paramedic Myrick himself) that the patient walked to the truck and then was boarded. This is not only falsely documented, but clearly falling well below acceptable levels of care.

On medical call (#00789) there is gross mismanagement of the patient. This ranges from cardiac monitor interpretations being incorrect, to giving medications in an inappropriate manner. This could easily have caused significant harm to the patient. It is clear from the investigation that Mr. Myrick did not have an understanding of critical, potentially life-threatening cardiac rhythms and their appropriate treatments (ie not recognizing V-tach, V-fib, and potentially A fib or sinus tach).

In review of the other randomly chosen reports, it is also clear that there is not only a documentation issue, but variance from our medical protocols.

At this time I would recommend, at a minimum, placing Mr. Myrick back through the clearance process. The issue of improperly documenting the trauma call still needs to be addressed.

Please feel free to contact me regarding any further issues.

Peter J. Gianas, MD
Medical Director
Clay County Fire Rescue

On Thu, Feb 17, 2011 at 4:46 PM, David Motes <David.Motes@co.clay.fl.us> wrote:

Clay County Fire Rescue
D.E. Motes, Deputy Chief Operations



1 Doctors Drive
Green Cove Springs, FL 32043

Area Code: 904
Phone: 284-7703

The most important single ingredient in the formula of success is knowing how to get along with people.
Theodore Roosevelt

From: David Motes
Sent: Thursday, February 17, 2011 4:39 PM
To: 'Peter Gianas'
Subject: Form Attached

Attached is memorandum

Clay County Fire Rescue
D.E. Motes, Deputy Chief Operations



1 Doctors Drive
Green Cove Springs, FL 32043

Area Code: 904
Phone: 284-7703

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Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. The information contained in this email and/or attachment(s) may be confidential and intended solely for the use of the individual or entity to whom it is addressed. This email and/or attachment(s) may contain material that is privileged or protected from disclosure under applicable law. If you are not the intended recipient or the individual responsible for delivering to the intended recipient, please notify sender immediately by telephone to obtain instructions as to whether information in this email and/or attachment(s) is confidential and privileged or protected from disclosure under applicable law.



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**CLAY COUNTY
FLORIDA**

Public Safety Department
Clay County Fire Rescue
Doctors Drive
Green Cove Springs, FL
2043

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Phone: 284-7703
Fax: 284-7144

County Manager
Ritz A. Behring

Commissioners:
Wendell D. Davis
District 1
Douglas P. Conkey
District 2
Travis Cummings
Chairman, District 3
Chereese Stewart
District 4
Donnie E. Robinson
District 5

Watchboard:
District 1 (904) 284-6300
District 2 (352) 473-3711
District 3 (904) 533-2111
District 4/5 (904) 269-6300

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MEMORANDUM

TO: Anthony Myrick
Lieutenant
FROM: Lorin L. Mock *JLM*
Fire Chief
DATE: February 19, 2010
SUBJECT: Disciplinary Action – Written Reprimand

*Chief Mock.
Stated you did
not have copy of
this.*

A pre-disciplinary hearing was held on February 18, 2010 regarding the findings of a formal investigation, conducted by Battalion Chief Lori Fehr, Battalion 1 A Shift, into allegations from a Department of Health employee that you engaged in inappropriate and unprofessional behavior while giving H1N1 vaccinations with the Health Units at various schools. The investigation concluded that the allegation of inappropriate and unprofessional behavior was founded. Attending this meeting was yourself, Lieutenant Will Padgett, Engineer Michael Woodie, Deputy Chief David Motes, and Fire Chief Lorin Mock.

During this meeting you accepted responsibility for your actions and acknowledged that as a Department supervisor these actions violated the *Clay County Board of Commissioners Personnel Policies Manual*, section 9.10 Conduct Subject to Discipline, Item 2b. Insubordination, Disregard for repeated failure to follow the instruction of a supervisor, and Item 3n. Neglect of Duty, Sleeping and other acts of inattention or neglect of duty. These charges relate a clear disregard for the Department's philosophy regarding the proper conduct becoming an Officer, and such improper conduct cannot be tolerated. As such, you are hereby formally reprimanded for this behavior.

This letter shall serve as your Written Reprimand as identified in the *Clay County Board of Commissioners Personnel Policies Manual*. Further you are advised that any future occurrences of this behavior will subject you to additional disciplinary actions up to and including termination.

Should you have any questions regarding this document or our meeting, please contact my office.

My signature serves as acknowledgement of receipt of this Written Warning.

Anthony Myrick

Anthony Myrick, Lieutenant

02 26 10
Date signed

C: David Seymour, President Clay County Firefighters Local 3362

disciplinary action.

The Fire Chief will notify the Human Resources Department when the disciplinary action and appropriate paperwork has been completed.

c.c.: Lorin Mock, Fire Chief
Jennifer Bethelmy, Human Resources Coordinator
Monty Coleman, IAFF Local 3362 President



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To: Anthony Myrick
Lieutenant

From: S. C. Kopelousos
County Manager

Date: April 19, 2011

Re: Disciplinary Action

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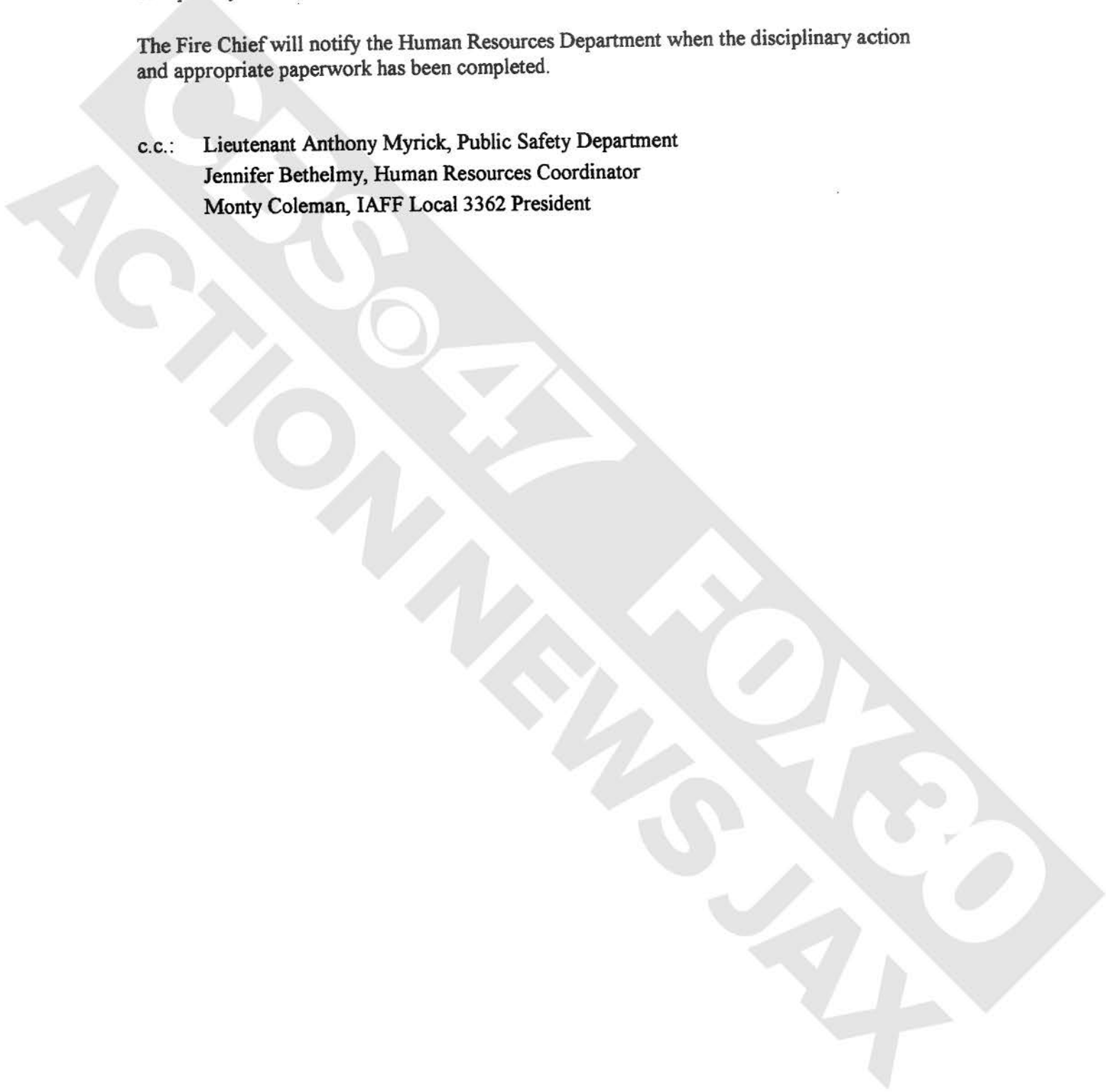
I will remind you that your Paramedic training and experience are essential factors in life and death situations. Failure to provide adequate and appropriate emergency transport and patient care can incur unnecessary liability to the County, not to mention the potential for great emotional distress for the patient's family

As such, I support the recommendation of the Department Head and you will be permanently demoted to the rank of Engineer. You are required to successfully complete and regain the full paramedical clearance in accordance with our Medical Director's recommendation. In addition, you will not be eligible for any promotional opportunities that may occur for a period of two years from the date of implementation of this

disciplinary action.

The Fire Chief will notify the Human Resources Department when the disciplinary action and appropriate paperwork has been completed.

c.c.: Lieutenant Anthony Myrick, Public Safety Department
Jennifer Bethelmy, Human Resources Coordinator
Monty Coleman, IAFF Local 3362 President



OK - MFS
04-19-11

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3. DEPARTMENT'S EXPECTATIONS:

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- *Recompletion of full paramedical clearance process.*
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4. DATE OF DISCIPLINARY HEARING:

Wednesday, March 16th 2011 (10:00 am)

5. COUNTY MANAGER'S DISPOSITION:

6. DEPARTMENT HEAD/ DESIGNEE:

Lorin Mock, Fire Chief

7. DIRECTOR OF HUMAN & NATURAL RESOURCES:

J. Bere 3/10/2011

Jennifer Rupert-Bethelmy (Acting)

8. COUNTY MANAGER:

Richard J. O'Connell

Richard J. O'Connell (Interim)

9. EMPLOYEE:

Signature

Date

Be advised that you have the right to prepare an oral or written statement, or both, to be presented at the hearing to refute or explain the charges made against you.



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Interim County Manager
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To: Anthony Myrick
Lieutenant

From: Richard J. O'Connell *RJC*
Interim County Manager

Date: March 10th 2011

Re: Disciplinary Hearing

I am in receipt of a Memorandum from Lorin Mock, Fire Chief, dated March 7th 2011, recommending certain disciplinary action be imposed against you, specifically permanent demotion to the rank and pay of Engineer, recompletion of the paramedical clearance process and ineligibility for any promotional opportunities for two years.

In accordance with Article 9.04 C of the County's Personnel Policies Manual, this letter shall serve as your formal notification that the Disciplinary Hearing therein is scheduled March 16th 2011 at 10:00 am at Conference Room B of the Clay County Administration Building.

Enclosed is a Notice of Disciplinary Action to be used at the Hearing, which has been partially completed in accordance with Article 9.04 C of the Personnel Policies Manual.

Should you or your counsel desire to discuss matters preliminary and appropriate to the Hearing or to those proceedings, or if you wish to waive your right to a Hearing and accept the recommended discipline, I encourage you to contact Jennifer Rupert-Bethelmy, Acting Human & Natural Resources Director at 529-3867.

Enclosed is a copy of Article 9 of the Manual in its entirety. It contains information regarding the disciplinary process, the Discipline Hearing and your rights in relation, thereof, which you should be familiar with.

Please govern yourself accordingly.

c.c. Jennifer Rupert-Bethelmy, Acting Human & Nat. Res. Director
Lorin Mock, Fire Chief
Monty Coleman, IAFF Local 3362 President



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MEMORANDUM

TO: Rich O'Connell,
Interim County Manager

VIA: Jennifer Bethelmy,
Interim Human Resources Director

FROM: Lorin Mock *LJM*
Fire Chief

DATE: March 7, 2011

SUBJECT: Recommendation of Disciplinary Action – Anthony Myrick

On February 23, 2011, Deputy Chief Motes and I conducted a pre-disciplinary hearing with Lieutenant Anthony Myrick regarding the findings of an investigation, conducted by Battalion Chief Michael R. Swartz, into Lieutenant Myrick's failure to provide emergency medical service in accordance with Departmental protocols at two separate incidents, one occurring on January 4, 2011 and the second on January 16, 2011. Also present at this meeting was Lieutenant Monty Coleman, President Clay County Firefighters Local 3362, Engineer Eric Padgett, Engineer Michael Woodie and Battalion Chief Ron Hildum.

The investigation found that Lieutenant Myrick, in the early morning hours of January 4, 2011, responded with Rescue 14 to an incident with an overturned full size pickup truck in a ditch. His report indicates that he found a single victim lying across the inside windshield and in no distress. The report also went on to state that he immobilized the patient and moved him to the rescue unit. Unfortunately, the written report was completely false. The statements of other responders, and in his own interview with Chief Swartz, indicated that he, in violation of protocols, assisted the victim who had a head injury out of the vehicle and walked him the rescue unit.

In the second incident on January 16, 2011 he responded on a cardiac call to an eighty three year old male who was weak and clammy. The investigation found that on arrival Lt. Myrick questionably changed the nature to general sickness, failed to identifying the patient's actual cardiac rhythm, failed to treat the patient by administering the proper medication, failed to recognize the contraindications of medication administered, and lastly improperly documented the timeline of the entire response.

Battalion Chief Lori Fehr was monitoring this response, and after questioning Lieutenant Myrick and receiving an unsatisfactory response concerning his understanding of the aforementioned medical protocols, brought the incident to the attention of Deputy Chief Motes. Chief Motes then removed Lieutenant Myrick from a field response assignment and requested that the Department's Medical Director, Peter J. Gianas, MD review both these incidents, as well as other randomly selected reports of his. After this review, Doctor Gianas removed Lieutenant Myrick's divisional paramedic clearance, recommending at minimum a full clearance process be conducted.

Deputy Chief Motes therefore recommended that Lieutenant Myrick's actions placed him in violation of both the following Departmental Policies and/or the Clay County Board of Commissioners Personnel Policies Manual.

Clay County Board of Commissioners Personnel Policies Manual;

9.10 Conduct Subject to Discipline, Section (C)

1. Incompetence

Not possessing the necessary ability, skill, etc to do or carry out a task; incapable. Marked by lack of ability, skill etc.

2. Insubordination

a. Repeated violations of law, County or departmental rules or regulations or directives;

3. Neglect of Duty

n. Sleeping and other acts of inattention or neglect of duty.

4. Moral Turpitude

a. Falsification or misrepresentation of any document or record completed in the course of employment or in obtaining employment, including group insurance claims, and drug and medical testing.

Clay County Department of Public Safety Administrative Procedures;

101.00.0 Customer Service

Several areas of the policy were violated in not meeting the needs of the patient and the level of service provided by the system.

303.00.02 Duty to Act

The Paramedic and EMT have the obligation to treat the patient in accordance with the standard of care to be expected from other medical care providers of the same training and skill level. If the responder does not act in accordance with these accepted standards of care and the patient suffers injury because of this, the provider may be liable for negligence.

In the course of the hearing Lieutenant Myrick acknowledged his participation in each incident, validated both his formal documentation of them and then his contradictory statements to the investigating officer. He otherwise offered little or no explanation for the behaviors which violated department protocols.

Given these facts it is impossible to reach any conclusion other than that Lieutenant Myrick exhibited gross incompetence in the proper adherence to the Department's medical protocols, and more damning, willfully and falsely documented the patient care he provided. Each, are in and of themselves inexcusable, but when considered in combination are unpardonable.

I therefore recommend that Lieutenant Anthony Myrick be immediately and permanently demoted in pay and compensation from the rank of Lieutenant to the rank of Engineer. Further, per Doctor Ganas' recommendation his Department paramedical approval is withdrawn and he is remanded to recomplete the full paramedical clearance process. Additionally, Lieutenant Myrick will be ineligible for any promotional opportunities that may occur for a period of two years.

Cc: Monty Coleman, President Clay County Firefighters Local 3362