

Commissioner of Political Practices  
1205 Eighth Avenue  
Post Office Box 202401  
Helena, MT 59620-2401  
Phone: 406-444-2942  
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**Ethics**

**Complaint Form (10/09)**

Type or print in ink all information on this form except for verification signature

**Person bringing complaint (Complainant):**

Complete Name Tyler Q. Steinebach  
Complete Mailing Address PO Box 816  
Superior, MT 59872  
Phone Numbers: Work \_\_\_\_\_ Home 406-515-0055

**Person or organization against whom complaint is brought (Respondent):**

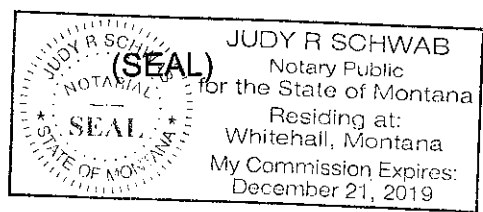
Complete Name James DeTienne, Section Supervisor  
Complete Mailing Address EMS + Trauma Systems, PO Box 202951  
Helena, MT 59620  
Phone Numbers: Work 406-444-4460 Home \_\_\_\_\_

**Please complete the second page of this form  
and describe in detail the facts of the alleged violation.**

**Verification by ~~Signature~~ affirmation**

State of Montana, County of Jefferson

I, Tyler Q. Steinebach, being duly sworn, state that the information in this Complaint is complete, true, and correct, to the best of my knowledge and belief.



Tyler Steinebach  
Signature of Complainant

Subscribed and sworn to before me this 25<sup>th</sup> day of July, 2016.

Judy R. Schwab  
Notary Public

My Commission Expires: 12-21-2019

Statement of facts:

Describe in detail the alleged violation(s), including pertinent dates, and cite the statute or statutes you believe have been violated. Please attach copies of documentary evidence to support the facts alleged in your statement.

If the space provided below is insufficient, you may attach additional pages as necessary.

Mr. DeTienne has allowed major conflicts of interest to drive his decisions and actions regarding ambulance licensure and issues of false advertisement by EMS Service. Mr. DeTienne has shown an obvious preference for an ambulance service which employs his subordinate, Francine Janik. Mr. DeTienne has done inspections that deviate from the standard and has used hypertechnical restraints as often as possible to delay ambulance licensure to Whitehall Ambulance Service which is in competition with the ambulance service which employs his subordinate. Mr. DeTienne has made statements that are outside of the scope of his position and which are only intended to sway public opinion away from supporting Whitehall Ambulance Service. Mr. DeTienne has clearly ignored conflicts of interest, has misrepresented facts to sway public reception, has allowed grant opportunities originally awarded to Whitehall Ambulance Service to be directed, and has put the public in danger by ignoring due diligence in matters of public safety such as ALS service delivery.

Complaints must be:

- signed
- notarized
- delivered to the Commissioner in person or by certified mail.

Tyler Steinebach  
P.O. BOX 816  
Superior, MT 59872  
406-515-0055

State of Montana  
Commissioner of Political Practices  
1205 Eighth Avenue  
PO BOX 202401  
Helena, MT 59620

RE: Attachment to Ethics Complaint Form

Mr. DeTienne, the section supervisor of the EMS and Trauma Section of DPHHS holds a position of great influence of the lives of many people. He should be held to a very high ethical standard.

Ever since my employment with Whitehall Ambulance Service in March 2016, first as a full-time advanced EMT and currently as the director, I have noticed Mr. DeTienne behaving without regard for ethical obligations.

Note that due to local political issues there are two ambulance services in the Whitehall area. The Whitehall Ambulance Service which is run by the Town and has been in operation for a long time. There is now a new private ambulance service that started in February 2016, the EMS and Trauma Section's ambulance licensing inspector, Francine Janik is active on that ambulance service.

Within the first few months Mr. DeTienne came to inspect our ambulances twice. The first time was nearly a surprise visit and the second was scheduled. Both times Mr. DeTienne and staff "forgot" the permits that go on the ambulances after the inspection which was unheard of to any other service we spoke with later on. We had to make numerous calls to their office to finally get them delivered and eventually had to speak with their legal advisor.

Mr. DeTienne has gone out of his way to make sure he puts strong support behind the ambulance service which is basically operated partially by his subordinate. Here is an example:

The opposing ambulance service (Jefferson Valley EMS) was promoting they were an Advanced Life Support service in the newspaper (see attached) which requires they have a paramedic on the ambulance 24/7. I sent the advertisement to EMS and Trauma and all of a sudden their ads changed slightly to different language but they kept advertising it other ways. I clarified with the Board of Medical Examiners staff and rules to make sure and then wrote emails to the Sheriff regarding dispatching and Jefferson Valley EMS regarding Advanced Life Support mutual aid. I also then spoke at the Board of Medical Examiners meeting in Helena where concerns were voiced. Soon after I received a letter from Mr. DeTienne stating all of my assertions were wrong and he started making statements about what the intent of the DPHHS and Dept of Labor rules were. Some of his statements were not within his purview and were wrong. He then, the same week, made a "surprise" visit to Jefferson Valley EMS and verified they have no deficiencies. He also verified that all the calls where they had used ALS had been done correctly. This was then published in the paper the next week. Mr. DeTienne doesn't even had the medical background to make such an assertion, not in the slightest. This was purely posturing.

Another example, there was a piece of equipment meant for Whitehall Ambulance Service per a grant through the EMS and Trauma Section and a contract was signed by the mayor, yet after the ambulance services split all of a sudden the grant was longer available to Whitehall Ambulance.



# Department of Public Health and Human Services

EMS & Trauma Systems Section ♦ PO Box 202951 ♦ 1400 Broadway ♦ Helena, MT 59620-2951  
Phone: (406) 444-3895 ♦ Fax: (406) 444-1814 ♦ web: <http://MontanaEMS.mt.gov>  
Public Health and Safety Division ♦ Chronic Disease Prevention & Health Promotion Bureau

Steve Bullock, Governor

Richard H. Opper, Director

July 14, 2016

To: Tyler Steinebach, Director, Whitehall Ambulance Service

Re: Advanced Life Support / Dispatch

In the last weeks, you have raised numerous issues and interpretations of law concerning advanced life support as well as emergency medical dispatch and dispatch protocols. Most troubling are your allegations at the Whitehall city council and to the Jefferson County Sheriff, commissioners, attorney and others:

- 'There are some major problems with dispatching protocols and ... they also put large liability unnecessarily on the County'
- The Sheriff's dispatching procedures are illegal
- JVEMS is practicing 'unlawful advertising which could cause serious patient harm'

In response to your comments, I offer the following clarifications:

*Jefferson Valley EMS is not an advanced life support ambulance ... They have convinced the Sheriff and Dispatch that they are ALS ... You cannot say you are an ALS service unless a paramedic is there ... Jefferson Valley has misinformed the County officials regarding their capabilities and licensure level ... They are not an ALS service ... They are far from an advanced life support provider.*

Mr. Biggers was very clear about their level of licensure – "We, like you, are licensed at a BLS level with ALS Authorization". He's been clear that they provide ALS services with Advanced EMTs and EMTs with endorsements. He did not imply that JVEMS is licensed at an Advanced Life Support level and he did not imply that they respond with paramedic level providers. As such, your assertion that JVEMS is in violation of ARM 37.104.108 are unfounded.

*If an ALS response is dispatched, that ambulance must respond with a paramedic ... a service that offers 24/7 paramedic response which is the only qualifier for what merits an ALS service ... There is only one level of [ALS] provider meeting that criteria, a paramedic per Board of Medical Examiners and DPHHS ... An ALS provider is strictly one level, a paramedic ... Both ambulance services are of equal licensure [BLS with Authorization for ALS] which*

*mostly means if and when a paramedic is on the ambulance we may function at that level ...  
A paramedic must be on the ambulance for it to be ALS per State rules.*

While a service that is licensed at an Advanced Life Support level must assure that a paramedic is on all calls, other rules provide flexibility for services licensed as BLS with Authorization for ALS to provide a broad range of ALS services depending on the availability of EMTs with endorsements, Advanced EMTs or paramedics. Both DPHHS and the Board have similar rules that define Advanced Life Support (ALS) as a level of care provided by a licensed ECP provider at any level or endorsement above ECP-EMT – ARM 37.104.101(3) and ARM 24.156.2701(1)(b). Additionally, ARM 37.104.109 clearly allows an EMS service authorized for limited ALS to provide advanced life support with EMTs with endorsements, advanced EMTs and paramedics. As such, your assertion that ALS services can only be provided by an Advanced Life Support service with paramedics are unsubstantiated.

*Advanced EMTs are BLS providers with limited ability to perform some specific advanced skills ... Emergency Medical Responders, Emergency Medical Technicians and Advanced EMTs are all Basic Life Support providers with some having the ability to implement various limited advanced skills.*

State protocols for EMTs with endorsements allow them to insert advanced airways and IVs. They can also administer solu-medrol, decadron, hydrocortisone, morphine, epinephrine, albuterol and nitroglycerin. Additionally, Advanced EMTs can administer glucagon, narcan, dextrose, atropine and thiamine. While there is no argument that these providers do not have the same depth and breadth of knowledge and skills as a paramedic, EMTs and Advanced EMTs are typically the highest level of providers available in our rural communities. They are a valuable resource capable of providing many advanced life support services in the absence of a paramedic or awaiting for the arrival of a paramedic.

*You must follow your protocol and dispatch an ALS service to 'ALS' calls ... the dispatching protocols put a large liability on the County ... Another ambulance service should be dispatched other than Whitehall Ambulance or Jefferson Valley because they are ALS cases per your dispatch decisions.*

Jefferson County Sheriff Dispatch utilizes an evidence-based, validated Criteria Based Dispatch system. The dispatcher utilizes guide cards to interview a 9-1-1 caller to determine the priority of the call and to dispatch an appropriate response. If priority of the call rises to dispatch of ALS, it is not a requirement or protocol that it must dispatch a licensed Advanced Life Support service (paramedics). All dispatch centers must weigh the resources available to them, and in Jefferson County, they even have to weigh the different resources available to them on the north end vs. the south end.

In the case of the Whitehall area, they have determined over time that it is generally appropriate to dispatch a Whitehall service first and then let the EMS service decide if additional resources are

July 14, 2016  
Tyler Steinebach  
Page 3

needed. In your July 2<sup>nd</sup> email to the Sheriff, you seem to agree that it would be unreasonable to only dispatch Butte or Bozeman to ALS calls while not recognizing your capabilities.

Of particular note, given the limited ALS capacity of your service, it is essential that you either pre-emptively let dispatch know when you are on call with just BLS providers or let them know immediately upon being dispatched to an ALS call that you only have a BLS crew.

*I have been advised by some State officials it would be best to start speaking with the Department of Military Affairs/Disaster and Emergency Services and the 911 Commission ... per Board of Medical Examiners ... I have confirmed this principle with Board staff.*

Under 50-6-323 MCA, only DPHHS has been given general authority to supervise and regulate emergency medical services. The Board has affirmed that they do not have authority over EMS service operations or dispatch centers or EMD. I offer that your misinterpretations of statutes and procedures may be due to you seeking counsel from Board staff and others that neither have authority over EMS service operations but also do not deal with these issues on a day-to-day basis.

I hope this information provides clarity to the issues you raise.

Sincerely,

A handwritten signature in black ink that reads "Jim DeTienne". The signature is written in a cursive, flowing style.

Jim DeTienne, Supervisor  
EMS and Trauma Systems Section



# Department of Public Health and Human Services

Director's Office ♦ PO Box 4210 ♦ Helena, MT 59620 ♦ (406) 444-5622 ♦ Fax: (406) 444-1970 ♦ www.dphhs.mt.gov

Steve Bullock, Governor

Richard H. Opper,  
Director

August 1, 2016

Matthew Haus  
Guza, Nesbitt & Putzier, PLLC  
25 Apex Drive, Ste A  
Bozeman, MT 59718

Dear Mr. Haus,

I am writing in response to your letter dated July 25, 2016, regarding a letter that our employee, Jim DeTienne, wrote to Whitehall EMS service manager Tyler Steinebach.

While I understand your concerns, due to the minimal size of our staff in the EMS and Trauma Systems Program, I cannot guarantee to your client that Mr. DeTienne will be screened from any further involvement with Whitehall EMS or Jefferson Valley EMS in his official capacity as a DPHHS employee. I will, however, direct EMS Systems manager Shari Graham to assume the main point-of-contact role for communication between DPHHS and your client. Any future regulatory clarification will come from the program's attorney, Nick Domitrovich.

I have spoken with all parties familiar with the situation and have been assured by Mr. DeTienne that his letter was not an attempt to advocate for one service over another. I am told that his letter was in response to requests for clarification from several parties stemming from emails sent by Mr. Steinebach alleging licensing violations. To that extent, I have instructed the EMS and Trauma Systems Program to refrain from responding to any further inquiries from Mr. Steinebach that do not pertain to Whitehall EMS. Concerns related to regulatory compliance of other services should be address to the Board of Medical Examiners screening panel in accordance with § 50-6-323.

I appreciate your understanding as to our inability to guarantee that Mr. DeTienne will be completely screened from matters pertaining to these two services. In light of recent consternation, we had sincerely hoped that the recent re-permitting and inspection process conducted with Whitehall EMS would demonstrate DPHHS' intention to work with the service in a fair and transparent fashion. We remain committed to this goal.

Sincerely,

Richard H. Opper, Director  
Montana DPHHS

## Tyler Steinebach

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**From:** Tyler Steinebach <whitehallems@hotmail.com>  
**Sent:** Monday, July 11, 2016 4:35 PM  
**To:** jdetienne@mt.gov; shaddon@jeffersoncounty-mt.gov; nDomitrovich@mt.gov  
**Cc:** whitehallems@hotmail.com; 'Matt Haus'; 'Town of Whitehall'  
**Subject:** FW: ALS Calls

This is unlawful advertising which could cause serious patient harm.

Jefferson Valley EMS is not an advanced life support ambulance. When ALS is truly needed, we will dispatch a true ALS unit with guaranteed ALS coverage with required ALS staffing, which includes a paramedic. They have already convinced the Sheriff and Dispatch that they are ALS and that if ALS is truly needed or requested they can be dispatched even without a paramedic on board.

**ARM 37.104.108**

**ARM 37.104.319**

Thanks,

Tyler Steinebach, AEMT  
Director  
Whitehall Ambulance Service

On Thursday, July 7, 2016 10:53 AM, Trent Biggers <[t.biggers@live.com](mailto:t.biggers@live.com)> wrote:

Dear Mr. Steinebach,

I hope this E-Mail finds you well. It has been brought to my attention that over the last several weeks your Service, Whitehall Ambulance has been responding to ALS calls with only BLS personnel or most recently responding to a BLS call that was upgraded by your staff to ALS from the residence, requiring you to meet and transfer the patient to A1 or AMR for ALS Services.

The situation got me to thinking that you may not be aware of our ALS services bases right in the town of Whitehall. We, like you are licensed at a BLS with ALS Authorization. The majority of my team has ALS capabilities either as AEMT's (12) or as EMT's with endorsements (17), totaling 29 staff members with ALS capabilities, making it very easy for us to have an ALS Crew ready when needed.

I would like to extend our services to your team as a resource to them when needed. I think that we would be a far better choice for the patient than A1 or AMR (Depending on the distance of course) i.e. Road Side Transfer of Patients and extended BLS Care for an ALS Patient. We are a tool available to your team as you see fit. I suspect that my team could provide these ALS Services much more quickly for the patients when you are not taking calls. Another solution might be to let Boulder Dispatch know when you have ALS coverage and when you have BLS coverage so that the Dispatchers can more effectively and efficiently deploy adequate resources to the calls.



## Tyler Steinebach

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**Subject:** FW: BLS vs ALS

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**From:** Threet, Ken <kthreet@mt.gov>

**Sent:** Monday, June 6, 2016 1:41 PM

**To:** Tyler Q. Steinebach

**Cc:** Sibold, Harry

**Subject:** RE: BLS vs ALS

*The comments were that an ALS (advanced Life Support) provider is a paramedic, others licensure levels (who do not resuscitate patients) are providers whom may have specific ALS skills.*

*The comment was in reference to the definitions in the Board rules.*

*The general belief is that an ALS provider is someone who has the skills to provide resuscitation of the pulseless, breathless patient.*

*Kenneth L. Threet, Training Coordinator*

Montana Board of Medical Examiners

P.O. Box 200513

301 South Park Avenue

4th Floor

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406-841-2359

Email: [kthreet@mt.gov](mailto:kthreet@mt.gov)

Web: [www.emt.mt.gov](http://www.emt.mt.gov)

*"...each day is your only day...make it special..."*

I believe that Jim DeTenne is harassing our ambulance service so it is harder for us to get reorganized. As you read in these emails there are a lot of things he says that he would have not known if he was not being fed misinformation. In one of the letters he states we did not have a service director since Jan. 1, 2016 (how would he have known that unless he was fed misinformation), but indeed that is not true. Terry Ross was the Assistant Ambulance/Service Director so following chain of command would have meant he was the Service Director until Feb. 8, 2016 when I received his resignation.

I feel that because this group of people want to destroy the Whitehall Ambulance Service, Jim DeTienne is helping Francine and the former ambulance crew in doing just that.

I do not want Jim DeTienne harassing our ambulance service any more. I do understand that we have to follow rules. We are in the process of reorganizing our service and hope to be up and running in the next couple of months. This is not going to be easy for us due to rumors floating around that St. James Hospital, Dr. Moore, will not be taking our patients. Also have heard that Sherriff Doolittle will not dispatch to us. Once again these are just rumors, but if indeed these rumors are true, we will seek legal action.

More complaints with documentation will be turned in this next week. Who do I turn them into? I would also like a job description for Jim DeTienne and Francine Janik, if we are allowed to have them?

Sincerely,

  
Summer Fellows  
Clerk/Treasurer



## Department of Public Health and Human Services

EMS & Trauma Systems Section ♦ PO Box 202951 ♦ 1400 Broadway ♦ Helena, MT 59620-2951  
Phone: (406) 444-3895 ♦ Fax: (406) 444-1814 ♦ web: <http://MontanaEMS.mt.gov>  
Public Health and Safety Division ♦ Chronic Disease Prevention & Health Promotion Bureau

Steve Bullock, Governor

Richard H. Opper, Director

March 23, 2016

Mayor Dale Davis  
Town of Whitehall  
2 N Whitehall St.  
Whitehall MT 59759

Dear Mayor Davis,

I've noticed that Whitehall is advertising to hire EMTs to staff the Whitehall Ambulance Service. I have reviewed the City of Whitehall's EMS service application and note that:

- 1) The service has not had a service manager of record since December 31, 2015 and no edits or other activity has been noted on the service license in HIRMS for some time.
- 2) The service has not had a medical director of record since January 1, 2016 and is therefore not authorized to provide a level of service above basic life support.
- 3) I believe we have received resignations from nearly all Whitehall Ambulance staff.
- 4) On February 8<sup>th</sup>, I talked to Summer Fellows to try and determine the status of the city's license and what their plans for operation were. She stated that A-1 Ambulance would be taking all Whitehall calls and she referred me to the city's attorney for any further information.
  - a. A conversation with Mike McGree confirmed that he was prepared to provide backup as needed to the Whitehall area, but that he was not available for primary call to the area.
  - b. In a subsequent call with your attorney, he did not offer any further information about Whitehall ambulance's status or plans.
- 5) On February 9<sup>th</sup>, we received information that the Jefferson County Sheriff's dispatch was no longer dispatching out Whitehall Ambulance.

Therefore, as the status of Whitehall Ambulance's ability to respond as a licensed ambulance service is largely unknown, I have changed the status of your license to 'inactive'. This is not a violation of ambulance licensing statutes, but just administrative action to put your license on hold until we receive further information that you've been able to secure a service manager and can verify you have staff to provide ambulance services as required by statute. I will also likely need to inspect ambulances to assure they are still ready and compliant with rules.

Lastly, before activating your license again, we need to discuss Whitehall's plans for operations. It's very troubling to me how two ambulance services will operate in the same community and I will want to assure that the public is protected in such a scenario.

*Definitely not any part of Mr. DeTienn's job scope.*

March 23, 2016  
Mayor Dale Davis

Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Jim DeTienne". The signature is written in a cursive style with a large, looped "J" and "D".

Jim DeTienne, Supervisor  
Phone (406) 444-4460  
Email: [jdetienne@mt.gov](mailto:jdetienne@mt.gov)