

June 20, 2001

Mr. Gregory Mikula

Re: Notice of Summary Suspension: EMT-Paramedic Certification #1505
Investigation Control #01-C-041

Dear Mr. Mikula:

The New Jersey Department of Health and Senior Services is vested with the responsibility of carrying out the provisions of N.J.S.A. 26:2K-7, et seq., which govern the provision of advanced life support services within the State of New Jersey. This law establishes a scheme that permits certain individuals, once certified as EMT-Paramedics, to perform advanced life support services under the direct supervision of a hospital-based mobile intensive care program. In furtherance of the objectives set forth in the statute, the Department of Health and Senior Services has adopted regulations that govern the training, certification and professional conduct of EMT-Paramedics such as yourself. See, N.J.A.C. 8:41-1.1, et seq.

On June 14, 2001 staff of this Department's Office of Emergency Medical Services (OEMS) was made aware of an incident that took place on June 9, 2001. The facts as I understand them are as follows: On June 9, 2001 at approximately 4:00 a.m., EMT-Basics Mr. Robert Rapolla and Mr. Robert Hutchinson of Trenton Emergency Medical Services responded to 490 West Hanover Street in Trenton, New Jersey to assist a patient who was actively seizing. Upon arrival at the scene, EMTs Rapolla and Hutchinson were presented with an unconscious 32-year-old male who appeared to be in respiratory distress. According to the patient care report prepared by EMTs Rapolla and Hutchinson, the events unfolded as follows: Initially, the patient did not respond to verbal stimuli. EMTs Rapolla and Hutchinson proceeded to roll the patient onto his back and attempted to arouse the patient with loud verbal stimuli, to which he ultimately responded. However, upon regaining consciousness, the patient became extremely combative, kicking at the EMTs with both legs, as well as striking EMT Hutchinson in the chest with his fist and kicking EMT Rapolla in the groin. The patient continued his combative behavior, apparently head-butting the wall, the headboard and the EMS crewmembers several times.

It was at this point that you arrived on the scene along with your partner, EMT-Paramedic Ms. Marguerite Johnson. Again, according to the patient care report prepared by EMTs Rapolla and Hutchinson, you observed what was happening and radioed for assistance from the Trenton Police Department. You then attempted to help subdue the patient, while Medic Johnson returned to the MICU to obtain cravats to be utilized to restrain the patient. In all, it appears that there were approximately five EMS crewmembers attempting to restrain the patient when officers from the Trenton Police Department arrived on the scene.

This is consistent with the observations made by your immediate supervisor, EMT-Paramedic Mr. Kenneth Guy, who arrived on the scene shortly after your arrival. According to one of Medic Guy's two written statements dated June 9, 2001, several EMS crewmembers were attempting to restrain the patient, who was face down on the bed at that time. Medic Guy's partner, MICN Mr. Peter Schroeder was at the patient's head, holding his neck and head with both hands. EMTs Rapolla and Hutchinson were on the patient's back attempting to control the patient's arms. Medic Guy's other partner, Mr. Vito Vacirca, was at the patient's feet attempting to restrain his legs while Medic Johnson attempted to tie them with the cravat, and you were standing on the patient's thighs with your hands pressed to the ceiling. Medic Guy then handed the cravats to Medic Johnson, at which time he observed you kicking the patient in the leg. He states that he made eye contact with you, at which point you stopped. Medic Guy goes on to state that the police arrived on the scene several minutes after that, at which point he requested that the patient be handcuffed.

Once again, according to the patient care report prepared by EMTs Rapolla and Hutchinson, the patient was subsequently handcuffed and was placed on a Reeves® stretcher. The patient continued to flail his body and rolled face down on the stretcher. The crew decided to transport the patient to the ambulance in the face down position while protecting the patient's airway. The patient was then carried to the ambulance, all the while continuing to flail about. Once in the ambulance, you and EMT Hutchinson attempted to complete a patient assessment. The patient was placed on his back, and it was determined that his airway was not obstructed and that he had radial pulses. However, the patient remained combative and eventually became apneic. At that point, you began to assist with ventilation utilizing a bag-valve-mask and then you intubated the patient. The patient was then placed on a monitor and was transported to the Emergency Department at Capital Health System - Fuld Campus.

According to records thus far obtained from Capital Health System - Fuld Campus, when the patient arrived at the Emergency Department, he was unresponsive with ecchymosis and swelling of both shoulders, he had petechiae around his eyes and head, a subconjunctival hemorrhage of both eyes, ecchymosis and swelling of the right forearm, contusions to the forehead, upper lips and tongue margin, ecchymosis around the base of the neck, ecchymosis and swelling of clavicles and circumferential abrasions and lacerations of both wrists. The patient was ultimately admitted to the hospital, where he died on June 13, 2001. Although a report has been prepared by the Medical Examiner, as of this time staff of this Department has not received a copy of that report. Please be assured that the Medical Examiner's report, along with the patient care reports prepared by Trenton Emergency Medical Services and Capital Health System and the patient's hospital records shall be reviewed as part of this Department's full investigation into this matter.

As the agency responsible for certifying EMT-Paramedics, it is this Department's obligation to ensure the health and safety of the public with whom you may come into contact. If there is any justifiable reason for this Department to believe that your

continued certification as an EMT-Paramedic poses a threat to the public health and safety, it is our obligation to initiate proceedings for the immediate suspension of that certification. Specifically, N.J.A.C. 8:41-4.18(d), in relevant part, states:

"A pre-hospital ALS provider may be suspended by the Department during the course of an investigation of allegations, if the Department demonstrates that public safety and health require such an interim suspension."

Based on the knowledge and information that I have at this time, and in accordance with the intent of N.J.A.C. 8:41-4.18(d), I believe that it is in the best interest of the public health, safety and welfare to summarily suspend your certification at this time. Therefore, please be advised that your certification as an EMT-Paramedic is immediately suspended and shall remain suspended pending the outcome of OEMS's investigation into this matter. It is my understanding that you have been suspended from your position with Capital Health System - Fuld Campus pending further investigation into this matter. That said, please be advised that you may not, under any circumstances, act in the capacity of or perform the duties of an EMT-Paramedic or EMT-Basic with Capital Health System - Fuld Campus or any other basic or advanced life support program or provider in New Jersey during this period of suspension. You will be notified when OEMS has completed its investigation into this matter, at which time you will be advised what action(s), if any, will be taken with respect to your EMT-Paramedic certification.

Pursuant to N.J.A.C. 8:41-2.8 and N.J.A.C. 8:41-4.18(d), you are entitled to appeal to the Commissioner of Health and Senior Services for an expedited hearing before the Office of Administrative Law to contest this summary suspension. If the summary suspension is upheld at the Office of Administrative Law, you have the right to apply for injunctive relief in the Superior Court of New Jersey. Your request for an expedited hearing on this matter must be submitted in writing and must be accompanied by a response to the charges contained herein. Please include the control number noted above (i.e., #01-C-041) on your correspondence, and forward your request to:

New Jersey Department of Health & Senior Services
Office of Legal & Regulatory Affairs
P.O. Box 360, Room 805
Trenton, NJ 08625-0360
Attn: Mrs. Carole Slimm

If you have any questions concerning this matter, please do not hesitate to contact Ms. Darcy Saunders of my office at (609) 633-7777.

Sincerely,

Susan Way
Director
Office of Emergency Medical Services

c: Mr. Al Maghazehe, CEO
Capital Health System
Ms. Jennifer Waxler, Medical Director
Capital Health System - MIC Program
Mr. Richard Butler, Director
Capital Health System - MIC Program
National Registry of EMTs
Ms. Peg Trimble, Director
Pennsylvania Dept. of Health - EMS
Mrs. Slimm, L&RA
Ms. Barreto, DAG
Ms. Halupke, OEMS
Mr. Dinetz, OEMS
Mr. Mondoro, OEMS
Mr. Carter, OEMS
Mr. McSweeney, OEMS
Ms. Saunders, OEMS

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