

NOTICE OF PROPOSED REVOCATION

January 19, 2000

Ms. Dawn Marie Warnick

Re: Notice of Proposed Revocation of EMT-Basic Certification
Investigation Control #99-34

Dear Ms. Warnick:

The New Jersey Department of Health and Senior Services is vested with the responsibility of carrying out the provisions of the Health Care Facilities Planning Act, N.J.S.A. 26:2H-1, et seq., which was enacted, in part, to ensure that all hospital and related health care services rendered in the State of New Jersey are of the highest quality. As defined at N.J.S.A. 26:2H-2b, health care services include any pre-hospital care rendered by paramedical and ambulance services. In furtherance of the objectives set forth in the statute, the Department of Health and Senior Services has adopted regulations that govern the training and certification of the Emergency Medical Technicians (EMTs), such as yourself, who staff those paramedical and ambulance services. See, N.J.A.C. 8:40A-1.1, et seq.

On June 10, 1999, staff of this Department's Office of Emergency Medical Services (OEMS) received a complaint concerning your performance as an EMT while serving on the Plainfield Rescue Squad. Specifically, the complaint alleged that on June 2, 1999 you and two of your colleagues, Mr. Daniel Cone and Mr. Aaron Spivey, responded to a call to a woman in labor at 373 Evona Avenue, Plainfield, New Jersey. Upon arrival, it was revealed that the woman had delivered an infant of approximately 22 weeks gestation. A determination was made by the attending EMTs that the infant had been stillborn, at which point the infant was placed in a plastic biohazard bag and transported along with its mother to Muhlenburg Regional Medical Center. The complaint further alleged that upon arrival at Muhlenburg Regional Medical Center, the infant was removed from the biohazard bag and was found to be alive. The infant was attended to by emergency room physicians and was subsequently admitted to the hospital's Special Care Nursery. The infant was later transferred to St. Barnabas Medical Center, where it died a few days later.

In response to that complaint, this Department sent you a Notice dated June 30, 1999, in which you were advised that your EMT-Basic certification had been summarily suspended and, as such, you were prohibited from acting in the capacity of or performing the duties of an EMT-Basic until such time as OEMS staff had completed a full investigation into the June 2, 1999 incident.

Please be advised that OEMS staff has now completed its investigation into this matter. This investigation included interviews with Mr. Spivey, Mr. Cone, the infant's mother

and grandmother, three attending physicians and four registered nurses from Muhlenberg Regional Medical Center, as well as review of all applicable medical records from Muhlenberg Regional Medical Center, St. Barnabas Medical Center and the Plainfield Rescue Squad. After having considered all of the information and data contained in the interview summaries and medical records, I have concluded that you did, in fact, play a role both in the determination that the infant had been stillborn and in the decision to place the infant into the biohazard bag.

Pursuant to N.J.A.C. 8:40A-9.6:

(a) The Department may suspend, revoke or refuse to issue or reissue any certification of any EMT, FR-D or EMT-D for any of the following reasons: (b)

1. Demonstrated incompetence or inability to provide adequate services as defined in the program curriculum;
3. Willful or negligent practice beyond the scope of practice as defined by the program curriculum and this chapter;
4. Abuse or abandonment of a patient;
10. Refusal to respond to a call or to render emergency medical care when operating in an official capacity because of a patient's race, sex, creed, national origin, sexual preference, age, disability, medical condition or ability to pay; and
20. Any conduct which poses a threat to public health, safety or welfare.

Based upon the investigation conducted by OEMS staff, and in accordance with the provisions of N.J.A.C. 8:40A-9.6(a)1, 3, 4, 10 and 20, I find that your involvement in the determination that the infant had been stillborn and in the decision to place the infant into the biohazard bag is sufficient to warrant revocation of your EMT certification. In particular, I find that your actions indicate a demonstrated incompetence in providing adequate care to the infant in question, that you exercised negligent practice in your non-treatment of the infant, that you constructively abandoned the infant, that you refused to render emergency medical care to the infant due to the infant's medical condition and that your conduct on June 2, 1999 suggests that your continued certification would pose a threat to the public health, safety and welfare.

Therefore, I hereby serve you with Notice of this Department's intent to revoke your certification to practice as an EMT within the State of New Jersey.

Pursuant to N.J.S.A. 52:148-1, et seq. and N.J.A.C. 8:40A-9.6(b), you are entitled to a hearing before the Office of Administrative Law to contest this proposed revocation. Your request for a hearing on this matter must be submitted in writing and must be accompanied by a response to the charges contained herein. In the event that you request a hearing, you shall retain your EMT-Basic certification until such time as the hearing has been concluded and a final decision has been rendered. The summary suspension which was imposed on June 30, 1999, however, currently remains in effect and shall continue to remain in effect until a final decision has been rendered with respect to the proposed revocation.

Your request for a hearing must be submitted within 30 days from the date of this Notice, and should be forwarded 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

Please include the control number noted above (i.e., #99-34) on all of your correspondence. Finally, please note that failure to submit a request for a hearing within 30 days shall result in the automatic revocation of your EMT-Basic certification, effective on the 31st day from the date of this Notice. If you have any questions concerning this matter, please do not hesitate to contact Mr. Gerard Muench, Director, Office of Emergency Medical Services at (609) 633-7777.

Sincerely,
Christine Grant
Commissioner

c: Mr. Muench, OEMS
Mrs. Slimm, L&RA
Ms. Halupke, OEMS
Mr. Dinetz, OEMS
Mr. Mondoro, OEMS
Ms. Saunders, OEMS

CERTIFIED MAIL #Z-754-301-046
RETURN RECEIPT REQUESTED

NOTICE OF REVOCATION

February 28, 2000

Ms. Dawn Marie Warnick
737 West 8th Street
Plainfield, NJ 07060-2213

Re: Notice of Revocation of EMT-Basic Certification
Investigation Control #99-34

Dear Ms. Warnick:

By Notice dated January 19, 2000 you were advised that this Department was proposing to revoke your certification to practice as an EMT-Basic within the State of New Jersey. A copy of that Notice is attached hereto.

You were also advised that if you planned to contest the proposed revocation, you were required to submit a written request for a hearing, and that failure to submit such a request within 30 days (i.e., by February 18, 2000) would result in the automatic revocation of your EMT-Basic certification, effective February 19, 2000.

Having not received such a request, please be advised that effective February 19, 2000, your certification to practice in New Jersey as an EMT-Basic was and is hereby revoked. Finally, please be advised that notice of this revocation will be sent to The National Registry of Emergency Medical Technicians.

If you have any questions, please contact Mr. James Mondoro, Supervisor of Advanced Life Support Services and Enforcement, Office of Emergency Medical Services at (609) 633-7777.

Sincerely,
Gerard C. Muench, Jr., MPA, MICP
Director
Office of Emergency Medical Services

c: Mr. Mondoro, OEMS
Ms. Halupke, OEMS
Mr. Dinetz, OEMS
Ms. Saunders, OEMS

Enclosure

CERTIFIED MAIL #Z-754-300-759
RETURN RECEIPT REQUESTED