



State of New Jersey

DEPARTMENT OF HEALTH
OFFICE OF EMERGENCY MEDICAL SERVICES
PO BOX 360
TRENTON, N.J. 08625-0360

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

www.nj.gov/health

CATHLEEN D. BENNETT
Commissioner

April 27, 2017

Frederick M. Wagner

Re: **Notice of Summary Suspension:
Emergency Medical Technician (EMT) - Basic Certification # 577973
Investigation Control # 2017-0064V**

Dear Mr. Wagner:

The New Jersey Department of Health (the Department) 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-2(b), health care services include any pre-hospital care rendered by basic life support personnel. In addition, the Emergency Medical Services Act, N.J.S.A. 26:2K-7 et seq., authorizes the Department to certify Emergency Medical Technicians (EMT-Basics). In furtherance of the objectives set forth in the statutes, the Department has adopted regulations that govern the training, certification and professional conduct of EMT-Basics and EMT-Basic candidates. See N.J.A.C. 8:40A, Emergency Medical Technicians: Training and Certification.

On April 13, 2017, the Department's Office of Emergency Medical Services (OEMS) received notification that you performed a pelvic exam on a pregnant patient that was under your care. Consistent with regulatory authority and OEMS policy, the OEMS opened an investigation in response to this notification.

Upon opening the investigation, the OEMS investigator confirmed that you are currently certified as an EMT-Basic with your certification expiring June 30, 2017. You have been certified since January 13, 2009. Investigators also confirmed that, while working for the Washington Emergency Medical Services, you were dispatched to a government office on March 8, 2017 for a maternity call where a 17-year-old pregnant female was complaining of cramping.

Per the patient care report, you arrived to find the patient lying on a couch in the office while complaining of lower abdominal pain. During your assessment, you documented the patient's abdomen was rigid and tender throughout, and the patient

was palpated to be three to four centimeters dilated. The patient was packaged and an advanced life support (ALS) unit was met en route.

While giving report to the paramedics, it was reported that the patient was dilated. The paramedics questioned how the crew knew this, and it was indicated that you had “checked her”. Upon arrival at the hospital, it was conveyed to the receiving labor and delivery staff that the patient was dilated. When it was questioned as to who checked her, you indicated that you did.

Investigators met with two of the employees who had been in the room and caring for the patient while at the government office. They recounted that the patient was lying on a couch when the ambulance arrived. They report you had assisted the patient to the stretcher. When she indicated that she needed to use the bathroom, you placed a glove on your hand and declared that you were going to have to “check her”. You then pulled the patient’s pants forward and placed your hand down towards her genital area. When you pulled your hand back, the glove was moist. You stated she was three to four centimeters dilated and that birth was eminent. You further stated that she might need to be given some medication to stop the progression of the delivery. The patient was placed into the back of the ambulance and ALS was met en route to the hospital. Ultimately, the patient was treated for dehydration and released from the hospital. At no time was the patient dilated and ready to give birth.

In New Jersey, the EMT–Basic training curriculum is based off the National Highway Traffic Safety Administration’s EMT-Basic National Standard Curriculum, which is found at www.ems.gov. See N.J.A.C. 8:40A-1.3 and N.J.A.C. 8:40A-5.8. Pursuant to the EMT-Basic National Standard Curriculum, the procedure for assessing a pregnant patient includes questioning the patient as to the status of their pregnancy (i.e. week of gestation, symptoms, etc.) and whether the patient is crowning. In fact, the curriculum precautions that providers “do not touch vaginal areas except during delivery and when your partner is present.” Ibid. Nowhere in the EMT-Basic Curriculum does it state or instruct that an internal pelvic exam should be completed in a pre-hospital setting. Therefore, the exam you performed was not only outside the scope of practice for an EMT-Basic but also a gross deviation from the appropriate standard of care that was required for your patient.

As you are aware, EMT-Basics work in unsupervised, two-person teams to respond effectively to emergencies. You should also be aware that neither member of the team works in a supervisory capacity. Rather, one team member drives the vehicle and the other is alone in the back of the ambulance providing emergency medical care to the patient. The provision of emergency care requires an EMT-Basic to have close, hands-on contact with vulnerable patients ranging from infants to senior citizens. Even more, EMT-Basics are placed in a position of trust by the public, police officers, fire fighters, doctors and other professionals and must maintain that trust to be effective at the provision of emergency medical care. In addition, EMT-Basics are called to care for patients during some of the worst moments of their lives and, therefore, EMT-Basics

must have their patients' best interests at heart. In short, EMT-Basics must be trusted to care for all patients in an appropriate, safe manner.

Based upon the foregoing, the Department has determined that your EMT-Basic certification must be **summarily suspended**. Pursuant to N.J.A.C. 8:40A-10.2(a), "the Commissioner, or his designee, may summarily suspend a person's EMT-Basic and/or EMT Instructor certification when, in his or her opinion, the continued certification of that person poses an immediate or serious threat to the public health, safety or welfare." The information that OEMS has gathered to date regarding this matter demonstrates that you acted outside the scope of practice for an EMT-Basic and grossly departed from the appropriate standard of care for the above-mentioned patient. Moreover, your actions demonstrate poor judgement and lack of trustworthiness as well as establish that you pose a threat to vulnerable, minor, female patients. Indeed, you violated a young, female patient who was in a vulnerable state. As such, the Department finds that your continued certification as an EMT-Basic constitutes an immediate and serious threat to public health, safety, and welfare. **Therefore, your certification as an EMT-Basic is immediately suspended and shall remain suspended until the Department has completed its investigation into this matter. You may not, under any circumstances, act in the capacity of, or perform the duties of an EMT-Basic in New Jersey during this period of suspension.**

In accordance with N.J.A.C. 8:40A-7.1(f), certification cards are the property of the Department and shall be immediately surrendered upon demand. You are hereby directed to immediately surrender your EMT-Basic certification card(s) to the OEMS, either by sending via United States Postal Service First Class Mail, to the address on the first page of this Notice, or via physical delivery to Department of Health, OEMS, John Fitch Way, Market and Warren Streets, Trenton, NJ, 08611.

In the interim, the OEMS will continue to investigate this matter. You will be notified when the OEMS has completed its investigation, at which time you will be advised of what further action(s), if any, will be taken with respect to your EMT-Basic certification.

Pursuant to N.J.A.C. 8:40A-10.3(a), you may appeal to the Commissioner of the Department of Health for emergency relief to contest this summary suspension. 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. Please include the control number **2017-0064V** on your correspondence, and forward your request to:

New Jersey Department of Health
Office of Legal & Regulatory Compliance
P.O. Box 360, Room 805
Trenton, NJ 08625-0360
Attn: Ms. Tami Roach

Failure to submit a written request for emergency relief within thirty (30) days from the date of this Notice shall be deemed an acceptance of this Department's decision to summarily suspend your EMT-Basic certification pending completion of its investigation, thereby forfeiting all rights to emergency relief. If you have any questions concerning this matter, please contact Timothy Seplaki at (609) 633-7777.

Sincerely,

Nancy Kelly-Goodstein, M.A.S.
Acting Director
Emergency Medical Services

SENT VIA REGULAR U.S. MAIL AND
CERTIFIED MAIL #
RETURN RECEIPT REQUESTED