



State of New Jersey

DEPARTMENT OF HEALTH AND SENIOR SERVICES

OFFICE OF EMERGENCY MEDICAL SERVICES

PO BOX 360

TRENTON, N.J. 08625-0360

www.state.nj.us/health

JAMES E. MCGREEVEY
Governor

CLIFTON R. LACY, M.D.
Acting Commissioner

March, 2002

Mr. Gregory Mikula

Re: Notice of Proposed Revocation of EMT-Paramedic Certification
Investigation Control #01-C-041

Dear Mr. Mikula:

The New Jersey Department of Health and Senior Services is vested with the responsibility for 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-Paramedic, to perform advanced life support services under the direction 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 advanced life support personnel, including EMT-Paramedics. See, N.J.A.C. 8:41-1.1, et seq.

As you will recall, on June 20, 2001 the Department served you with a "Notice of Summary Suspension," in which you were notified that your certification to act as an Emergency Medical Technician-Paramedic was immediately suspended. The summary suspension of your EMT-Paramedic certification was based on information regarding your involvement in an incident that occurred on June 9 2001, in which a patient sustained serious physical injuries and died 4 days later.

The Department has now completed it's investigation which included a review of patient care reports prepared by Trenton Emergency Medical Services (TEMS) and Capital Health System (CHS), the Mercer County Medical Examiners and from the Office of the Mercer County Prosecutor. The prosecutor's report included transcriptions



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of interviews with bystanders, police officers, emergency medical technicians and mobile intensive care paramedics that were at the scene. It should be noted that your interview with staff from the Mercer County Prosecutor was reviewed; however, you declined the opportunity to meet directly with staff from the Office of Emergency Medical Services (OEMS) in June 2001.

Our investigation revealed that on June 9, 2001, you responded to a report of an unconscious patient at 490 West Hanover Street in Trenton as an EMT-Paramedic with Capital Health System's Mobile Intensive Care Program with your partner, Marguerite Johnson. When you arrived at this location, EMT-Basic Rapolla and EMT-Basic Hutchinson from Trenton Emergency Medical Services (TEMS) were already upstairs in the back bedroom struggling with the patient. You stated in your interview with the prosecutor that the patient was kicking, hitting and screaming and that you laid on top of him to keep him down. You stated that you called for police assistance several times as the patient continued to struggle. During the struggle you admitted to standing on the back of the patient's thighs and arms with your entire body weight to keep him from hitting you. In addition, you admitted kicking the patient so he would allow you to get back on top of him after he threw you off.

EMT-Paramedic Guy, CHS Supervisor, arrived at the scene after your arrival and observed you giving the patient short kicks with your boot into the patient's thigh and stated when he looked at you, you ceased kicking the patient. EMT-Paramedic Johnson, your partner, has reported seeing you kick the patient "once or twice around the hips" to stop the patient from knocking you off of him. EMT-Paramedic Johnson reported that during the struggle in the bedroom, she noticed blood on your shirt and blood on the shirt of one of the TEMS EMT-Basic's.

The patient was then handcuffed by police, placed in the prone position on the Reeves® stretcher and carried down the stairs to the waiting ambulance stretcher. EMT-Paramedic Guy reports prior to transporting the patient, you stated to him "it's a good thing that I had steel toe boots." You accompanied the patient to the hospital with EMT-Basic Hutchinson in a TEMS ambulance with the patient in a prone position, still in the Reeves stretcher and secured to the ambulance stretcher. You stated when the patient started to struggle that you and EMT-Hutchinson laid on top of the patient and forcibly held him down in the prone position. When you noticed the patient had calmed down, you rolled the patient onto his back and noticed that his respiratory effort had decreased. You then reported that you intubated the patient, assisted his respiratory effort and placed him on a cardiac monitor during his transfer to Capital Health Systems Fuld Campus. You and EMT-Basic Hutchinson transferred patient care to the staff at Capital Health Systems Fuld Campus.

Pursuant to N.J.A.C. 8:41-4.18 (a), the Department may suspend, revoke or refuse to issue or reissue the certification or cancel an endorsement of any pre-hospital ALS provider upon receipt of a complaint and subsequent investigation for the following:

1. Demonstrated incompetence or inability to provide adequate services as required by the chapter;
3. Willful or negligent practice beyond what is authorized by this chapter;
4. Abuse or abandonment of a patient;
11. Failure to comply with any part of these rules;
18. Any other action deemed to pose a threat to public health and safety.

After having considered all of the information and data contained in the interview summaries, medical reports, and prosecutor's report, I have concluded that you did, in fact, contribute to the patient's injuries, as documented in the medical examiner's report. You have violated the standards set forth at N.J.A.C. 8:41. Therefore, in accordance with N.J.A.C. 8:41-4.18(a) 1, 3, 4, 11 and 18, it is the intention of this Department to revoke your EMT-Paramedic certification, thereby rendering you ineligible to practice as an EMT-Paramedic within the State of New Jersey.

Pursuant to N.J.S.A. 26:2K-9, N.J.A.C. 8:41-2.8 and N.J.A.C. 8:41-4.18(e), 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. The summary suspension that was imposed on June 20, 2001, however, currently remains in effect and shall continue to remain in effect until a final decision has been rendered with respect to this 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., #01-C-041) on all of your correspondence. **Finally, please note that failure to submit a request for a hearing within the required time frame shall result in the automatic revocation of your EMT-Paramedic certification, effective at 12:00 a.m. on thirty days from the date of this notice.** If you have any questions concerning this matter, please do not hesitate to contact Ms. Karen Halupke of my office at (609) 633-7777.

Sincerely,

Susan Way
Director
Office of Emergency Medical Services

c: Ms. Slimm, L&RA
Ms. Halupke, OEMS
Mr. McSweeney, OEMS
Mr. Dinetz, OEMS
Mr. Todd, DHSS
Mr. Meyerwitz, DAG

CERTIFIED MAIL #Z-424-792-495
RETURN RECEIPT REQUESTED