



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

MARY E. O'DOWD, M.P.H.
Commissioner

November 6, 2014

Michelle Slattery

Re: **Notice of Summary Suspension:
EMT-Paramedic Certification # 1775 (EMS ID # 501549)
Investigation Control # 2014-0084V**

Dear Ms. Slattery:

The New Jersey Department of Health (Department) is vested with the responsibility of carrying out the provisions of N.J.S.A. 26:2K-7, et seq., Advanced Life Support Services, and N.J.S.A. 26:2H-1, et seq., Health Care Facilities Planning Act, which were 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. These laws establish a scheme that permits certain individuals, once certified, to perform basic life support and/or advanced life support services. In furtherance of the objectives set forth in the statutes, the Department has adopted regulations that govern the training, certification and professional conduct of Emergency Medical Technician (EMT)-Basics and EMT-Paramedics. See N.J.A.C. 8:40A-1.1 et seq., N.J.A.C. 8:41A-1.1 et seq.

The Department's Office of Emergency Medical Services (OEMS) received notification that you were involved in a physical altercation with a patient. 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-Paramedic. Investigators also obtained and reviewed written incident reports and conducted interviews with a number of individuals who were at the scene and witnessed the altercation. In addition, the patient care report was obtained, which confirmed that you were dispatched to an assisted living facility on September 30, 2014 for a patient complaining of chest pain. Upon arrival, you found a 92 year old female in the wellness center of the facility. The patient reported she was experiencing chest pain, but was unclear as to when it had started. The patient presented in an oriented state with periods of being uncooperative and combative. The patient was placed on a stretcher in order to be transported to the hospital for evaluation. Bystanders reported that as you were securing the top strap of the stretcher around the patient, the patient yelled that she was going to bite you. She then grabbed your left arm and bit you in the forearm area. You pulled your arm back and exclaimed that the patient had bitten you. You then proceeded to slap the patient on the left cheek/neck

area. The patient reportedly gasped and stated, "You hit me!" to which, you responded, "Well, you bit me!"

On October 16, 2014, you met with OEMS investigators and recounted the incident. You confirmed the incident occurred as described above and further advised that you "whacked" the patient because you thought you saw her trying to bite you again and were attempting to protect yourself. In addition, you reported that as you tried to restrain the patient further, she grabbed your hair and dislodged your hair clip. At this point, an administrator from the nursing facility took control of the patient's arm and you were separated from the situation. You had no further patient contact.

As you are aware, EMT-Paramedics must work in two person teams to respond effectively to emergencies and must make important medical assessments and carry out appropriate medical interventions in difficult field locations for patients young and old, combative and docile. In order to effectively care for all patients, EMT-Paramedics must exercise good judgment and treat patients with dignity and respect. Moreover, an EMT-Paramedic must be able to reasonably recognize when her personal safety is in jeopardy while caring for a patient and know that the appropriate response to true personal safety issues is to retreat from the scene and call for police assistance, as set forth at N.J.A.C. 8:41-3.5(c)(1). Indeed, striking a combative, elderly patient is never an appropriate response to the situation and is deemed abuse of a patient, which is a prohibited act under N.J.A.C. 8:41A-5.2(b)(5).

Based upon the foregoing, the Department has determined that your EMT-Paramedic certification must be summarily suspended. Pursuant to N.J.A.C. 8:41A-5.2(a), "[t]he Commissioner, or his or her designee, may summarily suspend a person's EMT-Paramedic 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." Because the investigation to date has revealed that you acted in an abusive manner towards an elderly patient, which is indicative of poor judgment and a disregard for a patient's dignity and well-being, the Department finds that your continued certification as an EMT-Paramedic constitutes an immediate and serious threat to public health, safety, and welfare. **Therefore, your certification as an EMT-Paramedic is immediately suspended and shall remain suspended until such time as 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-Paramedic in New Jersey during this period of suspension.**

In accordance with N.J.A.C. 8:41A-4.1(f)(2), certification cards are the property of the Department and shall be immediately surrendered upon demand. You are hereby directed to immediately surrender your EMT-Paramedic 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, O8611.

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 action(s), if any, will be taken with respect to your EMT-Paramedic.

Pursuant to N.J.A.C. 8:41A-5.2(a), you have the right to apply to the Commissioner of the Department of Health for emergency relief to contest this summary suspension. A request for emergency relief shall be submitted in writing and shall be accompanied by a response to

the charges contained in this Notice. Please include the control number **2014-0084V** 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 30 days from the date of this Notice shall be interpreted as an acceptance of this Department's decision to summarily suspend your EMT-Paramedic certification pending completion of its investigation, thereby forfeiting all rights to emergency relief. If you have any questions concerning this matter, please contact Mr. Donald Roberts, at (609) 633-7777.

Sincerely,

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

- c. Christopher R. Rinn, Assistant Commissioner
Donald Roberts, OEMS
James Sweeney, OEMS
Tami Roach, OL&RC

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