

**BEFORE THE STATE FIRE PREVENTION COMMISSION
OF THE STATE OF DELAWARE**

IN RE: ERIN MCCAFFERTY

EMT I.D. NO: 862729

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Case No.: 1719

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CONSENT AGREEMENT

A written Complaint has been filed with the Delaware State Fire Prevention Commission (“Commission”) alleging that Erin McCafferty (“Respondent”), an emergency medical technician (“EMT”) in the State of Delaware, has engaged in conduct which constitutes grounds for discipline under 16 *Del. C.* Ch. 67 and the Delaware State Fire Prevention Regulations.

Respondent and the State enter into this Consent Agreement and submit it to the Commission for review and approval as a means of resolving the pending administrative prosecution against Respondent pursuant to 16 *Del. C.* Ch. 67 and 29 *Del. C.* Ch. 101.

IT IS UNDERSTOOD AND AGREED THAT:

1. The Respondent is certified as an emergency medical technician (“EMT”) in Delaware pursuant to the provisions of 16 *Del. C.* Chapter 67.
2. Respondent has been an EMT since February 2015 and at all times relevant, Respondent worked for Rehoboth Beach Fire Company in Rehoboth Beach, Delaware.
3. On August 2, 2017 at around 3:52 P.M., Respondent and her partner, Katelyn Ellingsworth, were dispatched to the home of a patient (“MH”) in Rehoboth Beach, Delaware. MH had called 911 because she was having trouble breathing.
4. MH has a history of calling for an ambulance to be sent to her home because of her breathing issues.

5. At approximately 3:57 P.M., Respondent and Ellingsworth arrived at the home and were unable to gain access inside. MH was heard inside shouting at Respondent and Ellingsworth.

6. At around 3:59 P.M., Respondent entered the home and engaged with MH. Both MH and Respondent were agitated. Respondent said to MH: "Ok you called us." MH asked Respondent not to yell at her. Respondent asked MH not to yell at her.

7. At this time, MH was walking around and trying to collect her personal belongings. Respondent and MH bickered with each other.

8. Inside the home, MH said that her husband had taken her oxygen and requested oxygen from Respondent. MH said that she needed oxygen. MH, however, remained agitated and was constantly walking around such that neither Respondent nor Ellingsworth could perform a medical assessment or provide oxygen to MH.

9. Respondent instructed MH to walk to the ambulance parked outside the home where MH would be given oxygen. This was a distance of about 50 feet.

10. MH told Respondent that she could not walk to the ambulance because she could not walk that far. Nevertheless, Respondent continued to instruct MH to walk to the ambulance. MH asked to be carried to the ambulance, Respondent refused. Respondent and MH continued to bicker with each other.

11. No medical assessment was performed on MH inside the home.

12. After MH walked to the ambulance, MH was placed on a stretcher and a medical assessment was conducted by advanced life support providers ("ALS"). MH's oxygen was found to be 100% on room air (without any oxygen administered). MH was given an albuterol treatment by ALS.

13. MH was to be taken by ambulance to Beebe Medical Center (“BMC”) in Lewes, Delaware. Respondent asked to ride in the back of the ambulance with MH. This caused MH to become even more agitated. Ellingsworth intervened and had Respondent drive the ambulance while Ellingsworth rode in the back with MH.

14. During transport to BMC, MH refused to allow ALS to place an IV. MH stated that she did not want to be transported to BMC. MH said that she only wanted an albuterol treatment and oxygen. ALS instructed MH that because medication was provided, MH had to be taken to the hospital.

15. Upon arrival at BMC, Respondent and Ellingsworth assisted MH to a room. MH refused further treatment and left BMC untreated.

16. By the above conduct, Respondent violated Part 710, Section 14.4.1.6 of the Delaware State Fire Prevention Regulations in that she has engaged in unprofessional conduct as defined by § 14.4.2 ¶¶ 3 and 11.

17. Respondent has not received previous formal discipline from the Commission.

18. Respondent hereby admits that the allegations set forth in paragraphs one (1) through seventeen (17) above are true and correct.

19. Respondent and the State agree to resolve the matter as follows:

a. Respondent will receive a Letter of Reprimand; and

b. Within 60 days of the Commission’s acceptance of this Consent Agreement as a final Order, Respondent shall complete the courses on “Introduction and EMT Standard of Care” and “Acute Respiratory Distress” offered through the Delaware Fire School, and Respondent shall pay any costs in connection with these courses.

20. The parties to this Consent Agreement are the State of Delaware and Respondent.

21. The parties agree and acknowledge that nothing contained in this Consent Agreement shall affect any rights or interests of any person not a party to this Consent Agreement.

22. Respondent acknowledges that she is waiving her rights under the State Fire Prevention Regulations and 29 *Del. C.* Ch. 101 to a hearing before the Board prior to the imposition of disciplinary sanctions.

23. Respondent acknowledges that she has carefully read and understands this Consent Agreement, and is entering into this Consent Agreement freely, knowingly, voluntarily, and after having received or having been afforded the opportunity to receive the advice of counsel.

24. Respondent acknowledges that this Consent Agreement is a public record within the meaning of 29 *Del. C.* § 10002 and will be available for public inspection and copying as provided for by 29 *Del. C.* § 10003.

25. The parties acknowledge and agree that this Consent Agreement is subject to approval by the Commission.

26. The parties acknowledge and agree that if the Commission does not accept this Consent Agreement, it shall have no force or effect, except as follows:

a. Neither Respondent, nor anyone on her behalf, will in any way or in any forum challenge the ability of the Commission or any of its members to conduct an evidentiary hearing relating to the allegations in the subject Complaint;

b. The Consent Agreement, or conduct or statements made in negotiating the

Consent Agreement, will be inadmissible at any administrative, civil or criminal legal proceeding; and

- c. No provision contained in the Consent Agreement shall constitute or have the effect of an admission by the Respondent as to any fact alleged in the Complaint in this matter or in this Consent Agreement.

27. If the Commission accepts the Consent Agreement and enters it as an Order, the Consent Agreement shall be admissible as evidence at any future proceedings before the Commission.

28. The parties acknowledge and agree that this Consent Agreement, along with any exhibits, addendums, or amendments hereto, encompasses the entire agreement of the parties and supersedes all previous understandings and agreements between the parties, whether oral or written. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever concerning this agreement.

29. This Consent Agreement shall be effective upon acceptance by the Commission and entry of the Commission's Order.

Erin McCafferty
Respondent



Daniel C. Mulveny (I.D. 3984)
Deputy Attorney General
Department of Justice

Dated: _____

Dated: 13 June 2018

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OF THE STATE OF DELAWARE**

IN RE: ERIN MCCAFFERTY

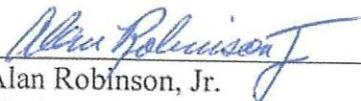
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ORDER

WHEREAS, the Delaware State Fire Prevention Commission has reviewed this matter and hereby approves the Consent Agreement of the parties, and enters it now as an Order of the Delaware State Fire Prevention Commission;

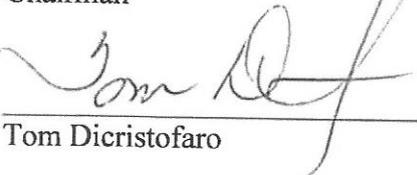
IT IS SO ORDERED this 19th day of June, 2018



Alan Robinson, Jr.
Chairman



Ron Marvel
Vice Chairman



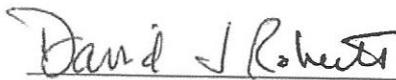
Tom Dicristofaro

absent

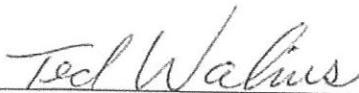
Lynn Truitt

absent

Marvin Sharp



David J. Roberts



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