



## **Part 7, Mid Sussex Patient Care Report**

## **Part 8, Interview of Heather Helmer**

## **Part 9, Helmer Drug Test Results**

In addition to the documentary evidence, the Commission considered sworn testimony. The State called Jennifer Lawrence as its first witness. After being sworn, Ms. Lawrence testified that she worked for Mid Sussex Rescue in October of 2017. She has been an EMT since 2014. Her basic duties involved patient care issues, working at the station, and doing just about anything her supervisors ask. As an EMT she assists the paramedic within her scope of practice. When a paramedic is onboard an ambulance, advance life support is needed. As the EMT, she may have to do additional follow-up on a patient or assist with manual readings if machinery fails.

On October 3, 2017, Heather Helmer was scheduled to be at work at 8 AM that day, but she was late. Ms. Lawrence and her partner were transporting a patient to the hospital “cold,” without lights or sirens. On Indian Mission road, Ms. Lawrence came upon a white pick-up truck on-coming, completely in her lane of travel. Ms. Lawrence was unable to swerve without going off-road, so she braked and braced herself for impact. At the last minute, the white pick-up swerved back into its own lane, and Ms. Lawrence saw a white female driver with dark hair. Upon her return to Mid Sussex Rescue, Ms. Lawrence and her partner observed the white pick-up that swerved into their lane parked in the lot. Ms. Lawrence approached Ms. Helmer inside the house, and asked “was that you?” Ms. Helmer was seated with her head down and had a glazed look. Ms. Lawrence asked again “was that you?” and Ms. Helmer responded “I didn’t realize I was that far over the line. When I realized, I corrected it.” Ms. Lawrence called her supervisor and indicated that she believed Ms. Helmer was either intoxicated or sleep deprived. While on the call with him, Ms. Helmer responded to another call. Ms. Lawrence did not have the authority to stop

Ms. Helmer from responding to this call, short of assaulting her by physically removing her from the ambulance. Ms. Lawrence identified State Exhibit 1, Part 2 as her written statement of events to the President of Mid Sussex Rescue. Turning to Tab 7, Ms. Lawrence identified a patient summary report that is usually completed after transporting a patient to the hospital. This should be done within four hours. Patient care reports must be done before an EMT leaves at the end of the shift. These patient care reports are pulled by doctors and nurses at the hospital to get relevant information regarding what happened during the initial transport. They are also needed for billing purposes.

Upon questioning from the Commission, Ms. Lawrence indicated that both calls that she described occurred in the morning.

The State next called Anthony Jones. After being sworn, Mr. Jones testified that in October of 2017 he was working as an EMT at Mid Sussex Rescue. Mr. Jones has been an EMT for approximately three years. Mr. Jones testified that on October 3, 2017, he was working with his partner, Ms. Lawrence. He was in the back of the ambulance with the patient and Ms. Lawrence was driving. Ms. Lawrence had to slam on the brakes and Mr. Jones looked up to see what was going on. He saw a white pickup truck drive past them and after the run, when the two returned to the station, Mr. Jones observed the same white pick-up truck in the parking lot of the station. Ms. Lawrence then confronted Ms. Helmer in the station, and Ms. Helmer indicated that she didn't realize she was so far into their lane, but when she did, she corrected it. Mr. Jones observed Ms. Helmer speaking very slowly and she appeared under the influence. Shortly thereafter, another call came in and Mr. Jones offered to take it, but Ms. Helmer and her partner, Ms. Blizzard, indicated they would take the call. Mr. Jones identified State Exhibit 1, Part 3 as the written

summary of events that he prepared that day. He was told to prepare this by his supervisor, Holly Donaway.

On cross examination, Mr. Jones admitted that he had no conversation with Ms. Helmer prior to their conversation at the station.

The State called James Lombardo as its third witness. After being sworn, Mr. Lombardo testified in October 2017 he worked as a paramedic. Mr. Lombardo has been a paramedic for 11 years. When working in an emergency setting, the paramedic will assess the patient, decide the appropriate method of transport, and work with EMTs to effectuate the appropriate method of transport. As the paramedic, he assumes responsibility for the care of the patient and delegates tasks to the EMTs. On October 3, 2017, he and Ms. Helmer both separately arrived on a call to Renaissance nursing home. Mr. Lombardo arrived first and began assessing the patient. He got the patient moved over to the stretcher and transported the patient into the back of the ambulance. Mr. Lombardo and Ms. Helmer climbed into the back of the ambulance with the patient and Ms. Blizzard was driving. Ms. Helmer asked Mr. Lombardo a couple of times “what’s cooking, doc?” which Mr. Lombardo did not understand. Mr. Lombardo communicated readings from the blood sugar testing he was doing and Ms. Helmer asked “No, I mean, what’s wrong with this patient?” Mr. Lombardo observed that everything Ms. Helmer did was very slow and her speech was very slow. She was also unable to grasp something in her hand. Mr. Lombardo asked her “what is going on?” and Ms. Helmer indicated that she took her Seroquel too late, and it was causing her to be sleepy. Mr. Lombardo observed her falling asleep a few times on the ride to the hospital, whenever he wasn’t interacting with her. Mr. Lombardo asked Ms. Helmer to straighten the patient’s arm to assist with the taking of a blood pressure reading and while doing that, she started to fall asleep, falling forward until her head almost rested on the patient. Mr. Lombardo had to

clap his hands to rouse her. During the transfer of the patient from the stretcher to the nursing home bed, Ms. Helmer again fell asleep standing up. Mr. Lombardo reported the incident to his supervisor, Jonathan Offen. Mr. Lombardo identified Part 4 of State's Exhibit 1 as the written summary he provided for his Deputy Director. In his opinion, Ms. Helmer appeared intoxicated as she was able to be roused, but was not startled when he clapped in her face. She also had no trunk support as she was drifting away.

On cross-examination, Mr. Lombardo admitted that he has no medical training qualifying him to diagnose intoxication aside from his paramedic training.

The State called Delaware State Trooper Jessica Lang. TFC Lang testified that she is a DSP trooper, and has been since 2015. Her primary responsibilities include traffic enforcement, law enforcement, and she works primarily in Sussex County, but her jurisdiction is the entire state of Delaware. On October 3, 2017, TFC Lang prepared an impaired driver report, which is the report that she prepares whenever there is a DUI issued. On that day, TFC Lang heard a BOLO for a white pick-up truck with a potentially impaired driver. The BOLO included a tag number. After a period of time, there was another call over her radio that there was a single-vehicle accident in a ditch. When TFC Lang responded to the accident scene, she observed Ms. Helmer being placed on a stretcher. TFC Lang conducted an inventory search of the vehicle, which uncovered five prescription bottles of five separate medications that were prescribed to Ms. Helmer. TFC Lang observed Ms. Helmer as lethargic and her speech was slow and mumbled. She did not smell any alcohol on Ms. Helmer and did not smell any alcohol in the vehicle. In TFC Lang's advanced impairment training, she learned that mood stabilizers and benzodiazepines will present much like intoxication from alcohol. TFC Lang was able to obtain a blood search warrant for Ms. Helmer. She did not have the results of the blood draw with her.

The State called Mr. David Traux. Mr. Traux is the investigative and compliance officer with the Delaware State Fire Prevention Commission. Mr. Traux investigated this matter after receiving a phone call from Dr. Briscoe, the Sussex County ambulance director. Mr. Traux spoke with Ms. Lawrence as part of his investigation. Ms. Lawrence's written statement was consistent with the testimony she gave today. Mr. Traux summarized his interview with Ms. Helmer. Mr. Traux identified Part 9, the records of Access Quality Healthcare that he subpoenaed. These records indicate a positive urine test on October 3, 2017 for Ms. Helmer, indicating the presence of Hydrocodone. Mr. Traux indicated that Ms. Helmer was required to report her arrest to the State Fire Prevention Commission.

Dr. Patrick Matthews was sworn and testified as the next witness for the State. Dr. Matthews is the Medical Director and an emergency physician. He is familiar with the medications that Ms. Helmer was prescribed. Seroquel blocks some of the dopamine receptors. It is typically used for mental health issues and to help with anxiety. The side effects can be broad spectrum.

The State called Ms. Heather Helmer as its last witness. Ms. Helmer admitted that she is an EMT and that she was driving her white pick-up truck on October 3, 2017. She passed an ambulance that day, but she isn't sure who was driving. She did submit to a voluntary drug test, which came back positive for hydrocodone. She was not surprised as this had been prescribed to her by her dentist for a chipped tooth. That morning, she had taken one of her hydrocodone pills. She told her coworkers about taking her Seroquel the night before, but she did not tell them about the hydrocodone. After leaving the station, she was driving and on the phone with her ex-husband, while trying to place her phone back on the magnetic holder, she hit something and the truck went into a ditch. She wasn't driving very fast as this was right after a light, so maybe 40-45 miles per hour. After the accident, she was arrested for driving under the influence. She did not report the

arrest to the Commission; she spent six days in the ICU at Beebe Medical Center, then discharged home for eight weeks of bedrest. She thought that by speaking with Mr. Truax she was reporting her arrest. She treats with a nurse practitioner for anxiety and this is where she gets the prescription for her Seroquel. At the conclusion of her testimony, the State rested.

Ms. Helmer testified in her case in chief. She stated that in the Complaint, it states that she was in violation of two regulations. The first is a failure to self-report, the second is unprofessional conduct. With regard to the failure to self-report, when she spoke with Mr. Truax and indicated to him that she was charged with a DUI and that she had an attorney, she was not advised that any other action needed to be taken and she was not aware that any other action needed to be taken prior to the Court proceedings of her DUI. She will not argue the unprofessional conduct because, with all of the statements that were made today and her lack of memory of that day due to the automobile accident, and she knows that she was fighting with her boyfriend the night before. She was tired. In the last seven years, she has never had any incidents or complaints against her. She has provided care in the 911 setting and in critical care. She has never had a discipline and she had only one incident while driving where she was reprimanded for hitting a barrel while driving. She volunteered for MaryDel and has been a member of Hartley Ladies' Auxiliary for the past sixteen years. Nothing that happened that day was intentional. She was tired and probably should have called out, but she needed to provide for her children.

Upon questioning from the Commission, Ms. Helmer indicated that she did not do an incident report that day because she had to report immediately to be drug tested, then her supervisor Holly sent her home, at which time she was involved in the car accident. Ms. Helmer indicated that she was prescribed hydrocodone 1-2 every 4-6 hours. The Seroquel was to be taken at night. Being an EMT was her primary job. She is no longer with Mid Sussex Rescue, so she's staying

home with her kids now. She was an EMT for seven years before this. There has been no other complaint filed against her. In 2015, she responded to a pediatric homicide and has been diagnosed with PTSD.

### **FINDINGS OF FACT**

The Commission finds as a matter of fact that on October 3, 2017, Ms. Helmer was almost involved in a head-on collision with an ambulance while she was driving to Mid Sussex Rescue. The Commission bases this finding on the testimony of Ms. Lawrence, Mr. Jones, and Ms. Helmer. The Commission further finds as a matter of fact that Ms. Helmer was lethargic at best, intoxicated at worst, while on a run on October 3, 2017. The Commission bases this finding of fact on the testimony of Mr. Lombardo and Ms. Helmer. The Commission finally finds that Ms. Helmer was involved in an automobile accident, charged with Driving Under the Influence, and failed to report these charges in writing to the Commission. The Commission bases this finding of fact on the testimony of TFC Lang, Mr. Truax, and Ms. Helmer. The Commission is unable to find as a matter of fact that Ms. Helmer has a substance abuse problem. However, by her own testimony, her prescription medication played a role in her conduct on the day in the question. Accordingly, the Commission will require Ms. Helmer to obtain a substance abuse evaluation, and require her to follow any recommended treatment or monitoring. If, in the opinion of the medical profession performing the evaluation, no treatment or monitoring is appropriate, none will be required.

### **CONCLUSIONS OF LAW**

Having found the facts to be as set forth herein, the Commission concludes as a matter of law that Ms. Helmer violated the provisions of Commission Regulation Part 710, Section 14.8.1 in that she failed to report in writing her criminal charges within 30 days. The Commission further

finds that Ms. Helmer violated Commission Regulation Part 710, Section 14.4.1.6 in that she has engaged in disciplinable unprofessional conduct.

**THEREFORE IT IS ORDERED** that the EMT license of Ms. Helmer shall be suspended for one year, immediately stayed for a period of probation. During the term of probation, she is to obtain a substance abuse evaluation within 30 days of the date of this Order, provide the results of such evaluation to the Commission, and follow any recommendations of the substance abuse evaluation, including treatment if recommended. If the probationary term is successfully completed without further incident and if the terms of the probation are fully complied with, the probation will lift after one year without further hearing. Any failure to comply with the probationary term will result in the immediate conversion of the probation to suspension without further hearing.

**BY THE STATE FIRE PREVENTION COMMISSION:**



Alan Robinson, Chairman

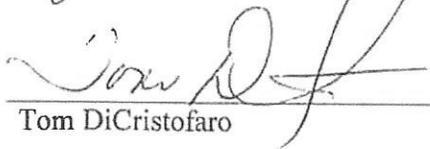


Ron Marvel, Vice Chairman

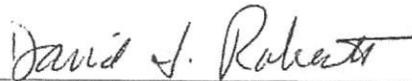


Lynn Truitt

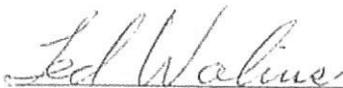
Marvin Sharp



Tom DiCristofaro



David J. Roberts



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