

**BEFORE THE STATE FIRE PREVENTION COMMISSION**

**OF THE STATE OF DELAWARE**

**IN RE: MARIA PAYNE**

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**Case No.: 1725**

**EMT I.D. NO.: 788007**

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**CONSENT AGREEMENT**

A written Complaint has been filed with the Delaware State Fire Prevention Commission ("Commission") alleging that Maria Payne ("Respondent"), an emergency medical technician 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 Respondent is a resident of Greenwood, Delaware and is certified as an emergency medical technician ("EMT") in Delaware pursuant to the provisions of 16 *Del. C.* Ch 67

2 At all times relevant to the allegations in this Complaint, Respondent was an employee of the Selbyville Fire Department ("Selbyville")

3 On October 14, 2017, Respondent and certified EMT Barbara Walls (EMT I.D. #903849, hereinafter "Walls") were dispatched to a report of an individual who had fallen at 28861 McCabe Road in Frankford, Delaware.

4. When Respondent and Walls arrived at 28861 McCabe, the patient Lester R. was laying prone on the steps of his residence.

5. Lester R. informed Respondent and Walls that he was in pain and unable to sit or stand unassisted. Lester R. also informed Respondent and Walls that he may have been briefly unconscious

6. Respondent and Walls assisted Lester R. to a standing position

7 Respondent felt Lester R.'s back and spine.

8 Neither Respondent nor Walls took Lester R.'s vital signs, and neither Respondent nor Walls did any additional assessment of Lester R.

9 Respondent and Walls assisted Lester R. to his personal vehicle, and his wife transported him to Atlantic General Hospital. At the hospital, Lester R. underwent a CAT scan and it was discovered that he had two broken vertebrae in his back.

10. Neither Respondent nor Walls obtained a patient refusal form from Lester R.

11 Neither Respondent nor Walls authored a patient care report within the timeframe dictated by the Basic Life Support ("BLS") protocols.

12. By the afore-mentioned conduct, Respondent has violated Part 710, Section

7.1.6.2, in that she did not complete a written report on the patient contact

13. By the afore-mentioned conduct, Respondent has violated Part 710, Section 14.4.1.4 of the Delaware State Fire Prevention Regulations in that she violated Statewide Basic Life Support treatment protocols.

14. By the afore-mentioned conduct, Respondent has violated Part 710, Section 14.4.1.6 of the Delaware State Fire Prevention Regulations in that she engaged in unprofessional conduct, in that her conduct may harm the public.

15. Respondent hereby admits that the allegations set forth in paragraphs 1 through 14 above are true and correct.

16 Respondent and the State agree that the appropriate disciplinary sanctions shall be as follows:

- a. Respondent's EMT certification shall be suspended for six (6) months;
- b. Following the period of suspension, Respondent's EMT certification shall be placed on probation for a period of six (6) months;
- c. Within 90 days of the entry of this Consent Agreement as an Order of the Commission, Respondent shall complete a full remedial protocols course training at the Delaware State Fire School, at her own expense; and
- d. Should Respondent violate the BLS protocols and/or the State Fire Prevention Regulations during the period of her probation, the Fire Commission may, at its discretion, take further action against her EMT certification without further hearing

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

**Respondent.**

18. 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 Agreement.

19. 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 Commission prior to the imposition of disciplinary sanctions.

20. 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.

21. 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.

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

23. 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 his 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 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 Agreement.

24. 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

25. 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.

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

*Marla Payne*  
Marla Payne  
Respondent

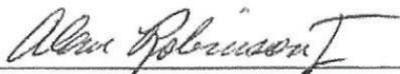
Dated: 6-29-18

  
Zoe Plethoples  
Deputy Attorney General  
Delaware Department of Justice

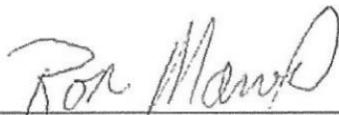
Dated 7/2/18

It is so Ordered this 17<sup>th</sup> day of July, 2018.

**STATE FIRE PREVENTION COMMISSION**



Alan Robinson, Jr., Chairman



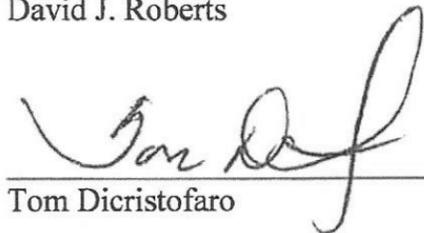
Ron Marvel, Vice Chairman

David J. Roberts



Lynn Truitt

Tom Dicristofaro



Marvin C. Sharp

Ted Walius

