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

| IN RE: ALBERT APICELLA | )          |      |
|------------------------|------------|------|
|                        | ) Case No. | 1914 |
| EMT I.D. NO: 861521    | )          |      |

## **COMPLAINT**

- 1. Albert Apicella ("Respondent") is certified as an emergency medical technician ("EMT") in Delaware pursuant to the provisions of 16 *Del. C.* Chapter 67.
- 2. Respondent is a Certified EMT, and at all times relevant, Respondent worked for Carlisle Fire Company in Milford, Delaware.
- 3. On June 24, 2019 at around 11:00 A.M., Respondent and his partner, EMT James Von Vorst, were dispatched to Nemours duPont Pediatrics medical offices at 703 N. Dupont Boulevard, Milford, Delaware ("Nemours"). Nemours called 911 because a patient (the "Patient") was in medical distress. Patient was a 37-week pregnant mother who was in Nemours's offices with her children and husband.
- Upon arrival at about 11:10 A.M., Respondent observed Patient to be in distress.
   EMT Von Vorst questioned Patient regarding her medical condition.
- 5. EMT Von Vorst questioned Patient's husband whether husband could take Patient to the Emergency Room on his own.
- 6. Ms. Christina Saez, a medical provider at Nemours, informed the EMTs of Patient's vitals, including low blood pressure.
- 7. Neither Respondent, nor EMT Von Vorst, conducted an assessment of Patient upon their arrival. Nor did either obtain a refusal from Patient.
  - 8. Respondent and EMT Von Vorst left Nemours around 11:19 A.M.

9. After Respondent and EMT Von Vorst left Nemours, Patient's blood pressure remained low and she continued to be in distress. Patient's husband took her to the Emergency Room.

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

**WHEREFORE**, pursuant to 16 *Del. C.* § 6712, the State of Delaware respectfully requests that the Commission:

- a. Serve Respondent with a copy of the Complaint;
- b. Set a time for a hearing on the allegations set forth above;
- c. Find Respondent guilty of the violations alleged herein; and
- d. Impose such disciplinary measures as the Commission deems appropriate.

STATE OF DELAWARE DEPARTMENT OF JUSTICE

/s/ Daniel C. Mulveny

Daniel C. Mulveny (I.D. # 3984) Deputy Attorney General State of Delaware 820 N. French Street, Sixth Floor Wilmington, DE 19801 (302) 577-8400

Date: October 14, 2019

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

| ) Case No.: 1914 )  ORDER  WHEREAS, the Delaware State Fire Prevention Commission has reviewed this matter |
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| 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 15th day of Cober, 20/9  |
| David J. Roberts  Chairman  Row Mawel  Ron Marvel  William Kelly  Willard Betts, Jr.                       |
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