

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

IN RE: MICHAEL EHART)	
)	
)	Case No.: 2226
EMT I.D. NO.: 66673)	

CONSENT AGREEMENT

A written Complaint has been filed with the Delaware State Fire Prevention Commission ("Commission") alleging that Michael Ehart ("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. Michael Ehart ("Respondent") is a resident of Townsend, Delaware and was certified as an emergency medical technician ("EMT") in Delaware pursuant to the provisions of 16 *Del. C. Ch. 67*. His EMT certification expires on March 31, 2023.

2. At all times relevant, Respondent was employed by the Camden-Wyoming Fire Company as an EMT.

3. On September 20, 2022, Respondent and his partner, EMT Brian McCarthy ("McCarthy"), responded to a possible stroke patient at her home. Respondent and McCarthy had to force entry into the patient's apartment where they located the 68-year-old female unresponsive.

4. The Call for Service Detail Report (CAD) showed that the call was made to 911 at 5:19:23 PM. Respondent and McCarthy were dispatched at 5:22:51 PM, arrived on scene at 5:29:56 PM, advised they were making forcible entry at 5:32:51 PM, and advised Kent Center the patient was DOA¹ at 5:38:36 PM.

5. According to the CAD, Advanced Life Support (“ALS”) arrived on scene at 5:45:51 PM and advised it was a workable arrest and started rescue at 5:52:48 PM. ALS noted that the patient had been speaking with a family member when she began slurring her words and having trouble breathing. A call was made to 911. Upon arrival, ALS observed the patient to be unresponsive, pulseless, and apneic on the bed with no rigor or lividity noted. ALS performed approximately 20-25 minutes of CPR before contacting medical control whereupon a physician granted termination of resuscitation orders with a time of death of 6:21 PM.

6. During Respondent’s interview with Fire Commission investigators, Respondent advised the following:

- a. Respondent observed the patient to be cold but not stiff, not to be breathing, not to have a pulse, and her jaw was still loose.
- b. Respondent thought she was dead but workable.
- c. Respondent was questioning his own judgement and asked McCarthy for his opinion.
- d. McCarthy assessed the patient and told Respondent that the patient was deceased.
- e. Their medical equipment had been taken back to the ambulance by

¹ Deceased.

McCarthy when they were initially unable to locate the correct apartment and prior to forcing entry into the patient's residence.

- f. Their medical equipment was not brought back up to the apartment prior to the arrival of ALS.
- g. McCarthy announced on the radio that the patient was DOA.
- h. Respondent and McCarthy did not render any aid to the patient prior to the arrival of ALS.
- i. Once ALS arrived and determined the patient was workable, Respondent assisted in getting the patient on the floor and assisted with compressions.

7. Respondent and McCarthy did not initiate CPR at any time prior to the arrival of ALS.

8. Respondent did not have proper equipment to treat the patient in the apartment when he and McCarthy gained entry by force due to the medical equipment having been taken back down to the ambulance.

9. The patient received no medical treatment and Respondent did not render any aid for approximately (20) twenty minutes - from the time Respondent and McCarthy forced entry and located her at 5:32:51PM until ALS started rescue at 5:52:48PM.

10. Respondent has violated the following protocols in violation of Part 710, Section 14.4.1.4, of the Delaware State Fire Prevention Regulations:

- a. State of Delaware Basic Life Support Protocols for Adult Cardiac Arrest state that compressions should begin as soon as possible

following EMS arrival.²

- b. State of Delaware Basic Life Support Protocols for Initiation of Resuscitative Efforts states that cardiopulmonary resuscitation “(“CPR”) ...shall be initiated for all patients unless one of more of the following criteria apply:

...

- o Patient is pulseless and apneic (without vital signs), cold in a warm environment, along with rigor mortis and/or dependent lividity.

...”³

- c. State of Delaware Basic Life Support Protocols for Initiation of Resuscitative Efforts states “both [EMTs] must agree with the decision not to begin CPR. If there is any disagreement, resuscitation is to begin immediately.”⁴

11. Respondent has engaged in unprofessional conduct in violation of Part 710, Section 14.4.1.9, of the Delaware State Fire Prevention Regulations.

12. Respondent engaged in unprofessional conduct that was dishonorable, unethical, or other conduct likely to deceive, defraud or harm the public in violation of Part 710, Section 14.4.2.3, of the Delaware State Fire Prevention Regulations.

13. Respondent hereby admits that the allegations set forth in paragraphs one (1) through twelve (12) above are true and correct.

² Delaware Basic Life Support Protocols, Guidelines and Standing Orders for Prehospital and Interfacility Patients, effective March 1, 2021 at 35.

³ *Id.* at 34

⁴ *Id.*

14. Respondent avers the following in mitigation of his conduct:

- a. Shortly after returning from this call, Respondent notified his Asst. Chief of Career Services of what happened via email.

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

- a. Respondent shall be issued a Letter of Concern;
- b. Respondent's EMT certification shall be placed on probation for a period of twelve months from the date the State Fire Prevention Commission of the State of Delaware ("the Commission") signs an Order accepting this Consent Agreement;
- c. During the term of probation, Respondent shall remediate in the following protocols: "Initiation of Resuscitative Efforts" and "Cardiac Arrest" and provide proof of such remediation to the Fire Commission Investigators within 5 days of the completion of the courses;
- d. During the term of probation, any complaint regarding patient care or violation of protocols may result in further discipline, including suspension or revocation of Respondent's EMT certification, without further hearing.

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

17. 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.

18. Respondent acknowledges that he is waiving his 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.

19. Respondent acknowledges that he 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.

20. 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.

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

22. 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 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.

23. 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.

24. 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.

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



Michael Ehart
Respondent



Renee Hrivnak
Deputy Attorney General
Delaware Department of Justice

Dated: 1-19-2023

Dated: 1/19/2023

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

IN RE: Michael Ehart

)

Case No.: 2226

)

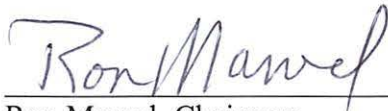
EMT I.D. NO.: 66673

)

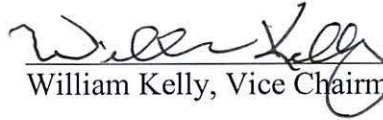
ORDER

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 21 day of February, 2023.



Ron Marvel, Chairman



William Kelly, Vice Chairman



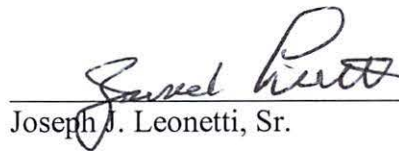
Lynn Truitt



Alan Robinson Jr.



Richard Perillo



Joseph J. Leonetti, Sr.



Daniel Carrier