

IN RE: BRITTANY GILLESPIE)
) **Case No.: 2303**
EMT I.D. NO. 36216)

A written Complaint has been filed with the Delaware State Fire Prevention Commission (“Commission”) alleging that Brittany Gillespie (“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.

IT IS UNDERSTOOD AND AGREED THAT:

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- a. Respondent was the primary patient caregiver.
- b. Respondent failed to assess Patient J.T. during the call, including but not limited to a failure to check her vital signs.
- c. Respondent entered the home without any medical equipment.
- d. Respondent's comments to the patient resulted in the patient refusing to go to the hospital.
 - i. No refusal of service form was presented to or signed by Patient J.T.
- e. Respondent incorrectly documented her report that this was a cancellation.

5. *Delaware Basic Life Support Protocols, Guidelines and Standing Orders for Prehospital and Interfacility Patients ("BLS Protocols")* for General Patient Care (Adult) require EMTs to obtain vital signs of any patient.

6. *BLS Protocols* for Refusal of Service states, in part, as follows:

- a. Coercing a patient or family into a Refusal of Services may lead to loss of EMS provider privilege by the State Fire Prevention Commission.
- b. Follow General Patient Care Protocols and any other appropriate protocols that may be required based on the patient condition, complaint, or your assessment
- c. Discussion of refusal should be initiated by the patient and/or their guardian.
- d. If patient and/or patient's guardian wishes to refuse treatment and/or transport to a medical facility:
 - o Inform the patient about the needed treatment and possible outcomes including verbalizing the possibility of disability and death.
 - o Every effort should be made to persuade the patient to consent to treatment and/or transport.
 - o Consider involving family, Medical Control and law enforcement as needed.

- e. Obtain a signed *Refusal of Service form* and document the informed consent process, concerns, and if applicable the physician number on the appropriate reports.

7. Respondent has violated Part 710, Section 14.4.1.4 of the Delaware State Fire Prevention Regulations in that she has violated Protocols;

8. Respondent has violated Part 710, Section 14.4.1.9 of the Delaware State Fire Prevention Regulations in that she has engaged in “unprofessional conduct”.

9. Respondent violated Part 710, Section 14.4.2.3 of the Delaware State Fire Prevention Regulations because Respondent’s above-described conduct was “dishonorable, unethical, or other conduct likely to deceive, defraud, or harm the public.”

10. Respondent hereby admits that the allegations set forth in paragraphs one (1) through nine (9) above are true and correct.

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

- a. 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;
- b. During the term of probation, Respondent shall remediate through the Delaware State Fire School in the following protocols: Documentation, “General Patient Care” and “Refusal of Service”. Respondent shall provide proof of such remediation to the Fire Commission Investigators within 5 days of the completion of the courses;
- c. During the term of probation, any complaint regarding unprofessional

conduct, patient care or violation of protocols may result in further discipline, including suspension or revocation of Respondent's EMT certification, without further hearing;

- d. During the term of probation, Respondent shall inform all employers for whom she is providing EMT services that the Commission has placed her EMT license on probation; and
- e. During the term of probation, Respondent must notify the Commission in writing of all EMT employment and any change thereto within ten days of said change.

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

13. 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.

14. 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.

15. 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.

16. 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.

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

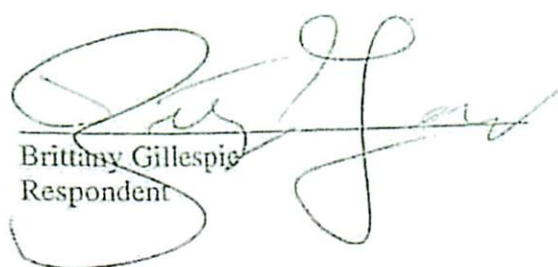
18. The parties acknowledge and agree that if the Commission does not accept this Consent Agreement, it shall have no force or effect, except as follows:

- 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.

19. 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.


20. 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.

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



Brittany Gillespie
Respondent

Dated: 6/1/23



Renee Hrivnak
Deputy Attorney General
Delaware Department of Justice

Dated: 6/5/2023

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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 20th day of June, 2023.



Ron Marvel, Chairman

William Kelly
William Kelly, Vice Chairman


Lynn Truitt


Jeff Eisenbrey


Richard Perillo


Joseph J. Leonetti, Sr.

Daniel Carrier
Daniel Carrier