

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

IN RE: DAVID HODGES

EMT I.D. NO.: 109311

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Case No.: 2207

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CONSENT AGREEMENT

A written Complaint has been filed with the Delaware State Fire Prevention Commission ("Commission") alleging that David Hodges ("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. David Hodges ("Respondent") is a resident of Lewes, 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 was issued on November 29, 2018 and expired on March 31, 2021.

2. Respondent is also a licensed Paramedic in Delaware. His license, number C8-0001747, was issued on October 17, 2018 and was suspended on November 1, 2022.

3. At all times relevant, Respondent was employed as a Paramedic for Sussex County Emergency Medical Services in Sussex County, Delaware. Respondent resigned from his position with Sussex County Emergency Medical Services effective July 15, 2021

at which time his license was terminated.

4. Respondent also holds licenses as a paramedic in Maryland and Texas.

5. As part of his duties as a paramedic, Respondent worked at a site in Dover, Delaware where COVID-19 vaccinations were administered.¹

6. Beginning on or about February 22, 2021, through on or about June 21, 2021, Respondent improperly obtained blank COVID-19 vaccination cards and used them to create fraudulent proof of vaccination cards for various individuals who, in fact, had not been vaccinated.

7. Respondent received payment for the fraudulent vaccination cards he had created. Respondent generated approximately \$1,300.00 from the sale of fraudulent vaccination cards.

8. Respondent engaged in the above-referenced conduct during a period of time wherein he held a valid EMT certification.

9. Respondent was criminally charged for this conduct in the United States Magistrate Court for the District of Delaware. On 3/7/2022, Respondent pled guilty to one count of Sell, Possess, Manufacture Vaccination Cards Without Proper Authorization, a misdemeanor. Respondent was sentenced to six (6) months of probation and ordered to pay a \$1,300.00 fine.

10. Respondent was successfully discharged from his criminal probation on September 6, 2022.²

1. COVID-19 is a novel strain of a highly contagious coronavirus (SARS-CoV-2, or COVID-19) that was first identified in Wuhan in the Hubei province of China. As of this Complaint, since the first identified cases in China, COVID-19 has spread throughout the world, resulting in a global pandemic, which has consequently affected the United States, including Delaware.

2. According to his federal probation officer, Respondent was classified as a "low-risk" probationer, did very well on probation, and was remorseful.

11. Upon the termination of his criminal probation, Respondent became eligible for re-certification as an EMT.

12. On October 11, 2022, the Maryland State Emergency Medical Services Board (“the EMS Board”), accepted the voluntary surrender of Respondent’s paramedic license in lieu of revocation. Respondent is permitted to apply to reinstate his paramedic license after having served any period of suspension in Delaware and reinstatement in Delaware.

13. On November 1, 2022, the Delaware Board of Medical Licensure (“BMLD”) and Discipline approved a Consent Agreement based on this same behavior and entered it as an Order of the Board. The discipline is as follows:

- a. Respondent’s license issued by BMLD shall be suspended for a period of three years from the date BMLD signs an Order accepting this Consent Agreement;
- b. After Respondent’s license has been suspended for one year, Respondent may petition BMLD to stay the suspension and place him on probation for a period of two years. At the time of such petition, BMLD may continue the suspension if it finds such action necessary to appropriately protect the public or stay the suspension in favor of probation and impose any additional conditions it finds necessary to protect the public.
- c. During the term of probation, Respondent shall inform all employers for whom he is providing paramedic services that BMLD has placed his paramedic license on probation.
- d. During the term of probation, Respondent must notify the BMLD

Executive Director of all paramedic employment and any change thereto within ten days of said change.

- e. Within 90 days of the date the Board accepts this Agreement and enters it as an Order, Respondent shall complete four (4) continuing medical education credits in professional ethics. These continuing medical education credits shall be in addition to those required for licensure renewal.**
- f. Any violation of any of the terms of the probation specified in paragraphs 15.b. through 15.e. above will result in the immediate conversion of Respondent's probation to suspension for the remainder of the term without further notice or hearing; and**
- g. If Respondent is newly charged and/or arrested for a crime substantially related to the practice of medicine, as defined by BMLD Regulation 15, Respondent's probation shall be immediately converted to suspension. Upon being suspended, Respondent may request that a hearing be held by BMLD to review the suspension. At the time of such review, BMLD may continue the suspension if it finds such action necessary to appropriately protect the public or re-instate probation for the remainder of the term with any additional conditions it finds necessary to protect the public.**

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

15. 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.

16. Respondent hereby admits that the allegations set forth in paragraphs one (1) through fifteen (15) above are true and correct.

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

- a. I continue to be remorseful for my actions.**
- b. In an effort to maintain and or increase my medical knowledge, I listen to multiple monthly podcasts:**
 - i. EMCrit Podcast - critical care podcast**
 - ii. ICU educational series by Lori Gasper**
 - iii. Coffee Break HEMS Podcast**

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

- a. Respondent is currently decertified and expired.**
- b. Should Respondent apply for recertification as an EMT in Delaware, he shall petition the Fire Commission for a hearing, at which time the Commission shall determine whether any additional discipline is necessary to protect the public.**

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

20. 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.

21. 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.

22. 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.

23. 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.

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


25. 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:

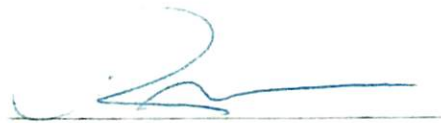
- a. Neither Respondent, nor anyone on his behalf, will in any way or in any forum challenge the ability of the Commission or any of its members to conduct an evidentiary hearing relating to the allegations in the subject Complaint;
- b. The Consent Agreement, or conduct or statements made in negotiating 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.

26. 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.

27. 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.

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


David Hodges
Respondent


Renee Hrivnak
Deputy Attorney General
Delaware Department of Justice

Dated: 05/03/23

Dated: 5/3/2023

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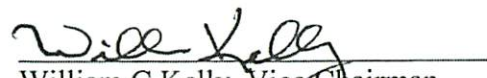
ORDER

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



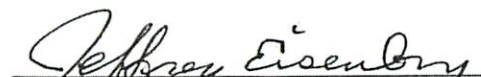
Ronald H. Marvel, Chairman



William C Kelly, Vice Chairman



Lynn Truitt



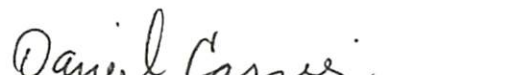
Jeffrey Eisenbrey



Richard T. Perillo



Joseph A. Leonetti, Sr.



Daniel Carrier