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| STATE OF RHODE ISLAND | : | |
| AND PROVIDENCE PLANTATIONS | : | |
| | : | |
| DEPARTMENT OF HEALTH | : | EMS Cases #07-055A |
| DIVISION OF EMERGENCY MEDICAL | : | #07-056A |
| SERVICES | : | #07-057A |
| | | #07-058A |

vs.

Clement Napolitano EMT-C #12817

CONSENT ORDER

Pursuant to Chapter 23-4.1 of the General Laws of the State of Rhode Island, 1956, as amended, and the rules and regulations promulgated thereunder, the Rhode Island Department of Health, Division of Emergency Medical Services (hereinafter “Department”), has investigated a complaint charging Clement Napolitano (hereinafter “Respondent”), with violations of the *Rhode Island Prehospital Care Protocols and Standing Orders* and the *Rules & Regulations Related to Emergency Medical Services [R23-4.1-EMS]*.

After careful consideration by the Department, the following constitutes the Findings of Fact with respect to the professional performance of the Respondent:

1. That Respondent is an Emergency Medical Technician-Cardiac licensed to practice emergency medical services in the State of Rhode Island.
2. That at all pertinent times Respondent was employed by Jamestown EMS of Jamestown, RI.
3. That during the period of December 20, 2005 to March 2, 2007 the Respondent provided emergency medical care and transportation in a manner inconsistent with the *Rhode Island Prehospital Care Protocols and Standing Orders* and the *Rules &*

Regulations Related to Emergency Medical Services [R23-4.1-EMS]. These deficiencies include but are not limited to:

- a. In EMS Case #07-056, the Respondent failed to document proper immobilization of patients under the *Trauma* protocol and/or to obtain an appropriate refusal of care from those patients.
- b. In EMS Case #07-057, the Respondent, as the officer in charge of this incident and the senior EMT, significantly and unnecessarily delayed transport of a patient under the *Abdominal Pain* protocol, contrary to that protocol's direction to "Transport the patient without delay to a hospital emergency facility."
- c. In EMS Case #07-058, the Respondent, as the officer in charge of this incident and the senior EMT, initially withheld cardio-pulmonary resuscitation (CPR) efforts for a patient who did not meet the criteria for death as established in the *Biological Death* protocol. The Respondent further violated the *Standard Management of All Patients* protocol, the *Comfort One* protocol, and the *Medical Control at the Emergency Scene* protocol by transporting the deceased patient to a private physician's office in a vehicle licensed as an Ambulance, and further violated protocols and regulations by then transporting the deceased back to his residence and moving the body to a bedroom at the family's request.

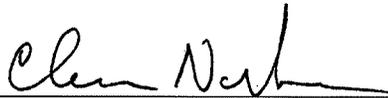
With respect to these matters, it is agreed by the parties as follows:

1. Respondent is a licensed EMT-Cardiac in the State of Rhode Island.
2. Respondent's mailing address is 77 Reservoir Circle, Jamestown, RI 02835.
3. Respondent admits to the jurisdiction of the Department and hereby agrees to remain under the jurisdiction of the Department.
4. Respondent has read this Consent Order and understands that it is a proposal of the Department and is subject to final ratification by the Department. This Consent Order and the contents thereof are not binding on Respondent until final ratification by the Department.
5. Respondent hereby acknowledges and waives:
 - a. The right to appear personally or by counsel or both before the Department;
 - b. The right to produce witnesses and evidence in his behalf at a hearing;
 - c. The right to cross-examine witnesses;
 - d. The right to have subpoenas issued by the Department;
 - e. The right to further procedural steps except for those specifically contained herein;
 - f. Any and all rights of appeal of this Consent Order;
 - g. Any objection to the fact that this Consent Order will be presented to the Department for consideration and review;
 - h. Any objection to the fact that it will be necessary for the Department to become acquainted with all evidence pertaining to this matter in order to adequately review this Consent Order;

- i. Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order to the Department.
6. This Consent Order shall become a part of the public record of this proceeding once accepted by all parties.
7. Acceptance by the Respondent and approval by the Department of this Consent Order constitutes an admission of the facts contained herein.
8. Failure to comply with the Consent Order, once signed and accepted, shall subject the Respondent to further disciplinary action.
9. That the Respondent shall, within twelve (12) months of the date of execution of the Consent Order, present evidence of satisfactory completion of a course of re-education related to the following protocols: *Standard Management of All Patients, Biological Death, Comfort One, Trauma, and Abdominal Pain*; as well as the following topics: patient care reporting/documentation, medical direction/oversight, and legal-ethical issues in Emergency Medical Services. The content of said course shall be subject to approval by the Department. Respondent shall submit, or cause to be submitted to the Department, appropriate documentation to verify completion of this requirement. Any expense related to the completion of this requirement shall be borne by the Respondent.
10. That respondent shall serve a twelve (12) month period of Suspension from practice as an Emergency Medical Technician in the State of Rhode Island, subject to the terms and conditions set forth in this Consent Order.
11. That said Suspension period will commence upon execution of this Consent Order.

12. That during the period of Suspension should Respondent fail to comply with the provisions of Chapter 23-4.1 and/or the Rules and Regulations Relating to Emergency Medical Services, or any of the terms of this Consent Order, the Department shall initiate appropriate action with respect to Respondent's licensure status.
13. That this Consent Order shall eliminate the necessity for a hearing on the matters forming the basis for this Consent Order.
14. That upon conclusion of the twelve (12) month Suspension period, and completion of the re-education requirements stipulated herein, the Respondent may apply to the Department for reinstatement of his EMT-Cardiac license.

Signed this 9 day of SEPTEMBER 2010.



Clement Napolitano EMT-C #12817

Ratified as an order of the Department on this 13 day of September 2010.



Charles Alexandre, Chief
Health Professionals Regulation
Health Services Regulation