STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS

DEPARTMENT OF HEALTH
DIVISION OF EMERGENCY MEDICAL
SERVICES

vs.

James A. Rapose, EMT-B #13012

EMS Case #08-025B

CONSENT ORDER

This matter is before the Department of Health, Division of Emergency Medical Services (hereinafter("Department"), upon allegations that James A. Rapose (hereinafter ("Respondent") did engage in conduct which would constitute grounds for disciplinary action against his EMT license while employed as an emergency medical technician for the Bryant University Emergency Medical Services. This conduct is alleged to have occurred on September 5, 2008 while Respondent was rendering emergency medical services to a patient. Specifically, in this incident, care was administered in violation of the applicable standards of EMT-Basic practice for hypoglycemic patient management and in violation of the Impaired Consciousness Protocol of the RI Prehospital Care Protocols and Standing Orders. Further, there was a violation in the standards of EMT practice insofar as a medication not within the EMT scope of practice was administered. Respondent, as the officer in charge, permitted these violations by finding the "insulin kit" autoinjector in the patient's pocket and passing it to the EMT who administered it. In doing so, Respondent failed to identify the medication as insulin and recognize the error in the

administration of insulin and stop such administration. Respondent's failure to act and protect his patient is unprofessional conduct. With respect to this matter, it is agreed by the parties as follows:

1) Respondent is a licensed EMT-Basic #13012 in the State of Rhode Island. Respondent's mailing address is 811 Weaver Hill Rd, Coventry, RI 02816.

2) Respondent admits to the jurisdiction of the Department and hereby agrees to remain under the jurisdiction of the Department.

3) 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.

4) 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.

5) This Consent Order shall become a part of the public record of this proceeding once it is accepted by all parties.

6) Acceptance by the Respondent and approval by the Department of this Consent Order constitutes an admission of the facts contained herein.

7) Failure to comply with the Consent Order, once signed and accepted, shall subject the Respondent to further disciplinary action.

8) That the Respondent shall, within three (3) months of the date of execution of the Consent Order, present evidence of satisfactory completion of a course of instruction related to diabetic hypoglycemia and proper treatment thereof or equivalent 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.

9) That Respondent shall serve at least a twelve (12) month period of probation subject to the terms and conditions set forth in this Consent Order.

10) That said probationary period shall commence upon execution of the Consent Order and will abate for the duration of any period in which Respondent ceases to

be employed and/or performs volunteer services as an Emergency Medical Technician in Rhode Island.

11) That during the period of probation 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 in this Consent Order, the Department shall initiate appropriate action with respect to Respondents licensure status.

13) That during the period of probation, Respondent's employers, including the Chief of the licensed Ambulance Service for which he is employed and/or serves as a volunteer, shall submit to the Department reports every six (6) months relating to Respondent's conduct and performance. That it shall be the responsibility of Respondent to have his employers submit said reports.

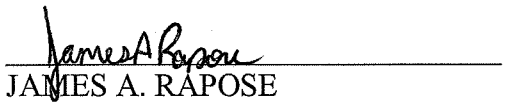
14) That during the period of probation should Respondent change employment and/or volunteer service, he shall notify the Department forthwith of said change including the name and address of the new employers and/or licensed ambulance service and the reason for the change in employment.

15) That a copy of this Consent Order shall be forwarded by the Department to Respondent's current employer(s) and/or volunteer service and all future employer(s) and or volunteer service during the period of probation.

16) That this Consent Order shall obviate the necessity for a hearing on the matters forming the basis for this Consent Order.

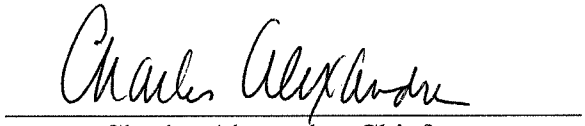
17) That should Respondent comply with the laws and regulations governing the practice of emergency medical services during the twelve (12) month period of probation and comply with the requirements of this Consent Order, he may apply to the Department for relief from the probation.

Signed this 5th day of August 2009.



JAMES A. RAPOSE

Ratified as an order of the Department on this 17th day of August 2009.



Charles Alexandre, Chief
Health Professions Regulation
Health Services Regulation