

STATE OF RHODE ISLAND :  
AND PROVIDENCE PLANTATIONS :  
 :  
DEPARTMENT OF HEALTH :  
DIVISION OF EMERGENCY MEDICAL :  
SERVICES :

EMS Case # 10-015A

vs.

Timothy P. Hagerty, EMT-C #05982

**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 Timothy P. Hagerty (hereinafter "Respondent"), with violations of 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. 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 North Smithfield Fire and Rescue Services, Inc., North Smithfield, RI.
3. That on February 16, 2010, 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. The Respondent violated the Anaphylaxis and Severe Bee Sting Allergy protocol (21-1, 2008 version) by administering 0.3mg Epinephrine 1:1000 IV.
  - b. The Respondent administered Diphenhydramine and Hydrocortisone sodium succinate prior to administering epinephrine 1:1000.
4. That the conduct described in paragraph three (3) herein constitutes unprofessional conduct as defined in the *Rhode Island Prehospital Care Protocols and Standing Orders*, Protocol 21-1: Anaphylaxis and Severe Bee Sting Allergy (2008 version).

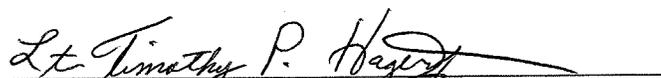
The Parties agree as follows:

1. Respondent is an Emergency Medical Technician-Cardiac and able to conduct business under and by virtue of the laws of the State of Rhode Island.
2. Respondent's mailing address is P.O. Box 192 Glendale, RI 02826.
3. Respondent's physical address is 70 Spring lake Road, Glendale, RI.
4. Respondent admits to the jurisdiction of the Department and hereby agrees to remain under the jurisdiction of the Department.
5. 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.
6. 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.
7. This Consent Order shall become a part of the public record of this proceeding once it is accepted by all parties.
  8. Acceptance by the Respondent and approval by the Department of this Consent Order constitutes an admission of the facts contained herein.
  9. Failure to comply with the Consent Order, once signed and accepted, shall subject the Respondent to further disciplinary action.
  10. Respondent voluntarily accepts the sanction of a Reprimand.
  11. Respondent shall have his performance as an emergency medical technician monitored by the North Smithfield Fire and Rescue Services, Inc. Emergency Medical Services Training Officer and Medical Director for a period of one year.
  12. During the time frame of one year, the Respondent shall also receive remedial training specifically related to the Anaphylaxis protocol and a comprehensive review of the current version of the *Rhode Island Prehospital Care Protocols and Standing Orders*.
  13. The year time frame shall commence from the time of discipline imposed by the North Smithfield Fire and Rescue Services, Inc., which is documented as March, 12, 2010.

14. That this Consent Order shall eliminate the necessity for a hearing on the matters forming the basis for this Consent Order.

Signed this 3<sup>RD</sup> day of FEBRUARY 2011.

  
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Timothy P. Hagerty, EMT-C #5982

Ratified as an order of the Department on this 4<sup>th</sup> day of February 2011.

  
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Charles Alexandre, Chief  
Health Professionals Regulation  
Health Services Regulation