



State of New Jersey
DEPARTMENT OF HEALTH

OFFICE OF EMERGENCY MEDICAL SERVICES

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PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

KAITLAN BASTON, MD, MSc, DFASAM
Acting Commissioner

January 25, 2024

Mr. Gavin Dobyms

Re: Notice of Revocation: Paramedic and EMT certifications
EMS ID # 637947
Investigation Control # 23-0156

Dear Mr. Dobyms:

The New Jersey Department of Health (Department) is vested with the responsibility of carrying out the provisions of N.J.S.A. 26:2K-7 to -69, which govern the provision of advanced life support services within the State of New Jersey, and the Health Care Facilities Planning Act, N.J.S.A. 26:2H-1 to -26, which was enacted, in part, to ensure that all hospital and related health care services rendered in the State of New Jersey are of the highest quality. As defined at N.J.S.A. 26:2H-2b, health care services include any pre-hospital care rendered by ambulance services. These laws establish a scheme that permits certain individuals, once certified, to perform basic life support and/or advanced life support services. In furtherance of the objectives set forth in the statutes, the Department of Health has adopted regulations that govern the training, certification, and professional conduct of Emergency Medical Technicians (EMTs) and Mobile Intensive Care Paramedics (Paramedics). See N.J.A.C. 8:40, 8:40A, 8:41, and 8:41A.

On March 24, 2023, the Department's Office of Emergency Medical Services (OEMS) received notification that you disobeyed the medication orders that were given to you by online medical command and failed to relay the correct medication orders to your partner. Consistent with OEMS regulatory authority and policy, the OEMS opened an investigation in response to this notification.

Upon opening the investigation, the OEMS investigator confirmed that you are currently certified by the OEMS as a Paramedic in New Jersey and have been since October 12, 2021. Additionally, the investigator confirmed that you were a crewmember of the Mobile Intensive Care Unit (MICU) that was dispatched to the incident in question on March 24, 2023.

As part of this investigation, the OEMS investigators requested the voice recording of your medical command communication with the physician, in accordance with N.J.A.C. 8:41-3.22, and the electronic patient care report (ePCR) for the incident in question. On the audio medical command recording, you can be clearly heard requesting an order to administer Versed and Fentanyl for your patient, but the medical command physician only gave you the order to administer 2mg of Versed and IV fluids. Upon review of the ePCR, it was determined that you administered 100mcg of Fentanyl, and your partner administered 5mg of Versed to the patient.

The medical command physician did not order or authorize the administration of 100mcg of Fentanyl or the additional 3mg of Versed.

On March 30, 2023, investigators from the OEMS interviewed your paramedic partner. During this interview, your partner told investigators that you told them the medical command physician gave you orders for 5mg of Versed, 100mcg of Fentanyl, and 1 liter of Intravenous (IV) fluid.

On April 6, 2023, you were interviewed by investigators from OEMS. During this interview, you confirmed that the medication orders provided to you by the medical command physician included 2mg of Versed and IV fluids. During the interview, you confirmed twice that the medical command physician did not, at any time, verbalize an order for fentanyl to you. Additionally, you also told the investigators that you did, in fact, relay a medication order of fentanyl to your partner. You also admitted that you were the provider who administered 100mcg of Fentanyl to the patient. Lastly, you admitted that when your partner questioned you about giving 5mg of Versed, you confirmed the inaccurate order of 5mg of Versed. When you were asked by OEMS investigators why you disobeyed the medical command orders given to you, you stated that you felt the physician should have told you no Fentanyl.

While the Department was completing its investigation, it determined that you posed an immediate and serious threat to public health, safety, and welfare. Accordingly, the Department summarily suspended your EMT and Paramedic certifications on August 22, 2023.

As you are aware, Paramedics must make important medical assessments and carry out appropriate medical interventions in difficult field locations for patients young and old, combative, and docile. In order to effectively care for all patients, Paramedics must exercise good judgment and treat patients with dignity and respect. They are entrusted by the public to be there in times of need. Thus, Paramedics must trust each other and be trusted by police officers, firefighters, doctors, and other professionals in order to provide effective and appropriate care to patients who are suffering medical emergencies.

The Department has now completed its investigation. Based upon the above, OEMS finds that you failed to comply with the medical command physician's directions, in violation of N.J.S.A. 26:2K-10 and N.J.A.C. 8:41-9.6. Pursuant to N.J.S.A. 26:2K-10, a paramedic may only perform advanced life support services if he is following protocols that were approved by his agency's emergency medical services medical director and the Department of Health, Department of Health standing orders, or "if the paramedic maintains direct voice communication with and is taking orders from a licensed physician or physician directed registered professional nurse, both of whom are affiliated with a mobile intensive care hospital which is approved by the commissioner to provide advanced life support services." See also N.J.A.C. 8:41-9.6 (requiring a paramedic to follow direction and orders given to him or her by a medical command physician or physician directed nurse). Such limitations are necessary because the provision of advanced life support care is deemed a delegated medical practice. N.J.A.C. 8:41-9.6.

Here, you contacted the medical command physician for medication orders for your patient. The medical command physician gave you a clear and specific order for 2mg of Versed and IV fluids. You failed to comply with this direction. Instead, you made the decision to administer 100mcg of Fentanyl and lie to your partner about the Fentanyl order and the Versed order, causing your partner to give medications for which they were not authorized to administer. Your failure to comply with the medical command physician's orders was a clear violation of the

above statute and rule and placed the patient's health in unnecessary jeopardy. Such actions cannot be tolerated.

Additionally, N.J.A.C. 8:41-3.3(a)(3) requires paramedics to "provid[e] the patient with prompt, effective and appropriate medical care." Furthermore, N.J.A.C. 8:41-3.3(a)(8) states that advanced life support crewmembers must "continually monitor the patient's condition and equipment while providing necessary intervention **according to the medical command physician...**" (Emphasis added). Your actions demonstrate a violation of these rules because you deviated from the appropriate standard of care while caring for your patient by blatantly disregarding medical command orders.

Based upon the foregoing, the Department has determined that your Paramedic certification must be **revoked**. Pursuant to N.J.A.C. 8:41A-5.2 [t]he Commissioner, or his or her designee, may issue a formal written warning, impose a monetary penalty, place on probation, suspend, revoke and/or refuse to issue or renew the certification of any EMT-Paramedic for violation of any of the rules set forth in this chapter. This shall include, but is not limited to:

1. Demonstrated incompetence or inability to provide adequate services;
3. Negligent practice;
4. Acting beyond the scope of practice of an EMT-Paramedic;
25. Failure to comply with any part of this chapter, any applicable part of N.J.A.C. 8:40 or 8:41, or any applicable law, rule and/or regulation; and or
26. Any other action deemed by the department to pose a threat to public health, safety or welfare.

See also N.J.A.C. 8:40A-10.2 (setting forth substantially the same reasons for revocation of an EMT certification as set out in N.J.A.C. 8:41A-5.2).

Your actions demonstrate that you have poor judgment and a lack of trustworthiness. Paramount to the provision of advanced life support care is compliance with medical command orders. Your brazen and flagrant disregard for medical command medical orders evidence incompetency, negligence in your provision of care to a patient, and that you acted outside of your scope of practice as a Paramedic. Even more, your actions violated the rules and statute cited above as well as demonstrate that you pose a threat to public health, safety, and welfare. **Therefore, the Department proposes to revoke your EMT certification and Paramedic License. You are reminded that you remain under a summary suspension and, as a result, are PROHIBITED from acting in the capacity of an EMT or Paramedic.**

Pursuant to N.J.A.C. 8:41A-5.3, you may request a hearing within thirty (30) calendar days after the mailing of this proposed action. Your request for a hearing on this matter must be submitted in writing and must be accompanied by a response to the charges contained herein. Please include the control number **23-0156** on your correspondence, and forward your request to:

New Jersey Department of Health
Office of Legal & Regulatory Compliance
P.O. Box 360

Trenton, NJ 08625-0360

Failure to submit a written request for a hearing within 30 days shall be interpreted as an acceptance of this Department's decision, thereby negating any further appeal rights.

If you have any questions concerning this matter, please contact Daniel Kazar at (609) 633-7777 or via email at Daniel.Kazar@doh.nj.gov.

Sincerely,



Candace Gardner, Paramedic
Director
Office of Emergency Medical Services

c: Daniel Kazar, Chief of Education, Licensure, and Enforcement, OEMS
Kirsten Posselt, Investigator, OEMS
NREMT
Pennsylvania Bureau of Emergency Medical Services
Atlantic Ambulance
RWJBarnabas Health

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