STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF HEALTHCARE SYSTEMS

In re: Herbert Garber, E.M.T. Petition No. 2002-0426-070-002

CONSENT ORDER

WHEREAS, Herbert Garber of Southbury, CT (hereinafter "respondent") has been issued certificate number 00918 to practice as an emergency medical technician (hereinafter "EMT") by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 368d of the General Statutes of Connecticut, as amended; and,

WHEREAS, the respondent admits that:

1. At all relevant times, respondent worked as a volunteer EMT for Heritage Village Ambulance Association in Southbury, Connecticut.
2. On or about June 4, 2001, while caring for a patient, respondent provided rescue breathing which was not in accordance with acceptable emergency medical service standards for basic life support.
3. On or about June 4, 2001, respondent failed to record vital signs for a patient under his care.
4. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, including, but not limited to §19a-180(b), and/or Regulations of Connecticut State Agencies, including but not limited to §19a-179-9(f).

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest this matter and agrees that for purposes of this or any future proceedings before the Department, this

Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §19a-180 of the General Statutes of Connecticut and §19a-179-15(a) of the Regulations of Connecticut State Agencies.

NOW THEREFORE, pursuant to §§19a-14a, 19a-180 and 19a-17 of the General Statutes of Connecticut, and §19a-179-15(a) of the Regulations of Connecticut State Agencies, respondent hereby stipulates and agrees to the following:

1. Respondent waives his right to a hearing on the merits of this matter.
2. Respondent's certificate number 000918 to practice as an emergency medical technician in the State of Connecticut is hereby reprimanded.
3. Respondent's certificate shall be placed on probation for a period of one year under the following terms and conditions:
   a. Respondent shall provide his chief of service, employer, partner and/or associate at any hospital, clinic, partnership and/or association at which he is employed or with which he is affiliated or has privileges at each place where respondent practices as an emergency medical technician throughout the probationary period, with a copy of this Consent Order within fifteen (15) days of its effective date, or within fifteen (15) days of commencement of employment at a new facility. Respondent agrees to provide monthly reports from such employer for the entire probationary period, stating that respondent is practicing with reasonable skill and safety.
4. All correspondence and reports are to be addressed to:

Bonnie Pinkerton, Nurse Consultant
Department of Public Health
Division of Health Systems Regulation
410 Capitol Avenue, MS #12HSR
P.O. Box 340308
Hartford, CT 06134-0308

5. All reports required by the terms of this Consent Order shall be due according to a schedule to be established by the Department of Public Health.

6. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.

7. Respondent shall pay all costs necessary to comply with this Consent Order.

8. Any alleged violation of any provision of this Consent Order may result in the following procedures at the discretion of the Department:

   a. The Department shall notify respondent in writing by first-class mail that the term(s) of this Consent Order have been violated, provided that no prior written consent for deviation from said term(s) has been granted.

   b. Said notification shall include the acts or omission(s) which violate the term(s) of this Consent Order.

   c. Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 8a above to demonstrate to the satisfaction of the Department that he has complied with the terms of this Consent Order or, in the alternative, that he has cured the violation in question.

   d. If respondent does not demonstrate compliance or cure the violation by the limited fifteen (15) day date certain contained in the notification of violation to the satisfaction of the Department, he shall be entitled to a hearing before the Department which shall make a final determination of the disciplinary action to be taken.

   e. Evidence presented to the Department by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Consent Order.

9. In the event respondent violates any term of this Consent Order, respondent agrees immediately to refrain from practicing as an emergency medical technician upon request by the Department, with notice to the Department, for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45 day period shall constitute grounds for the Department to seek a summary suspension of respondent's certificate. In any such summary action, respondent stipulates that failure to cooperate with the Department's investigation shall constitute an admission that his conduct constitutes a clear and immediate danger as required pursuant to the General Statutes of Connecticut, sections 4-182(c) and 19a-17(c).

10. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of his license before the Department.

11. In the event respondent is not actively practicing as an emergency medical technician for periods of thirty (30) consecutive days or longer, or is practicing outside of the State of Connecticut, respondent shall notify the Department in writing. Such periods of time shall not be counted in reducing the probationary period covered by this Consent Order.

12. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Office of Practitioner Licensing and Certification of the Department.

13. This Consent Order is effective on the first day of the month immediately following the date this Consent Order is accepted and ordered by the Department.

14. Respondent understands this Consent Order may be considered as a public document and evidence of the above admitted violations in any proceeding before the Department in

which his compliance with this Consent Order or with §19a-180 of the General Statutes of Connecticut, as amended, and/or Regulations of Connecticut State Agencies § 19a-179-9, is at issue.

15. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from taking action at a later time. The Department shall not be required to grant future extensions of time or grace periods.

16. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that he may have under the laws of the State of Connecticut or of the United States.

17. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.

18. Respondent permits a representative of the Legal Office of the Bureau of Healthcare Systems to present this Consent Order and the factual basis for this Consent Order to the Department. Respondent understands that the Department has complete and final discretion as to whether this executed Consent Order is approved or accepted.

19. Respondent understands and agrees that he is responsible for satisfying all of the terms of this Consent Order during vacations and other periods in which he is away from his residence.

20. Respondent has the right to consult with an attorney prior to signing this document.

I, Herbert Garber, have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

Herbert Garber, E.M.T.

Subscribed and sworn to before me this 16th day of December 2002.

Notary Public or person authorized
by law to administer an oath or affirmation

NOTARY PUBLIC
My Commission Expires 12-31-03

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 23rd day of December 2002, it is hereby accepted.

Stanley K. Peck, Director, Legal Office
Bureau of Healthcare Systems

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

January 6, 2003

Herbert Garber, EMT
834 D Heritage Village
Southbury, CT 06488-1301

Re: Consent Order
Petition No. 2002-0426-070-002
Certificate No. 00918
[redacted]

Dear Mr. Garber:

Please accept this letter as notice that you have satisfied the terms of your certificate probation, effective January 1, 2004.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions from your license related to the above-referenced Consent Order.

Please be certain to retain this letter as documented proof that you have completed your certificate probation.

Thank you for your cooperation during this process.

Very truly yours,

Bonnie Pinkerton

Bonnie Pinkerton, RNC
Division of Health Systems Regulation

cc: J. Filippone

Phone: (860) 509-7400
Telephone Device for the Deaf (860) 509-7191
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P.O. Box 340308 Hartford, CT 06134
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