

CITY OF ATLANTA CIVIL SERVICE BOARD

ORDER

APPEAL NO. 2017-057AP

Effective Date: October 9, 2017
Hearing Date: February 25, 2020

APPELLANT:

Andrea Brock
Atlanta Fire and Rescue Department

HEARING OFFICERS:

Mary Ann Phyll, Chair
E. Carl Touchstone
Robert D. Hawkins, DWB

APPEARANCES

City of Atlanta ("City"):

Jessica Johnson, Esq.
Kimberly Myers, Esq.

City of Atlanta Witnesses:

Chief Randall Slaughter,
Atlanta Fire Rescue Department

Jason Sturm, Investigator, Ofc of
Professional Standards (OPS)

Dr. Mark Waterman,
Medical Director
for the City of Atlanta

Appellant Representative:

Lance LoRusso, Esq.

Appellant's Witness:

Andrea Brock

Observers:

None

STATEMENT OF AUTHORITY

Under the authority and provisions of Chapter 114, Article VI, Division 3, Sections 114-546 of the Atlanta City Code (the "Code"), a hearing conference in the above-referenced case was held before the above-named hearing officers of the Atlanta Civil Service Board (the "Board") on the date set forth above in Conference Room 2174 of the City Hall Tower located at 68 Mitchell Street, Atlanta, Georgia 30303.

EXHIBITS

The City's Exhibits

- C-1. Office of Professional Standards File that includes Notice of Proposed Adverse Action dated October 3, 2017 and Notice of Final Adverse Action, dated October 9, 2017.
- C-2. Video of Captain Andrea Brock's Recorded Statement
- C-3. Resume of Mark B. Waterman, M.D., and Medical Director, Atlanta Fire-Rescue Department, City of Atlanta.
- C-4. Fulton County Emergency Medical Services, Clinical Care Guideline-T7, Traumatic Arrest
- C-5. Fulton County Emergency Medical Services, Clinical Care Guideline-M4, Prehospital Resuscitation Cessation.
- C-6. Fulton County Medical Examiner's Report on Daronald Wilkerson.
- C-8. Chart 5.6 Escalating Grading Criteria-Atlanta Fire Rescue Department's Office of Professional Standards Manuel.

The Appellant's Exhibits

- A-1. Complaint Control No. 2017-1A-064
- A-1-A. Fulton County Emergency Medical Services Clinical Care Guidelines, T7 Traumatic Arrest 12/12/14
- A-1-B. NAESP Position Statement "Withholding of Resuscitation for adult traumatic cardiopulmonary arrest".
- A-1-C. Resuscitation Article
- A-2. Fulton County Medical Examiner in reference to Daronald Wilkerson.
- A-3. Andrea Brock Resume
- A-4. Fulton County Emergency Medical Services Clinical Care Guidelines Introduction, 7/1/2017.

Stipulations Prepared by the City:

None.

Stipulations Prepared by the Appellant:

None.

VIOLATIONS

City of Atlanta, Atlanta Fire-Rescue Department Work Rules:

1.00 - *Appropriate Action Required*

1.22 – *Conformance to Directives*

CHARGES

On April 21, 2017, the Appellant was the Officer-in-Charge of Engine #20. It was during this shift, that the Appellant and the crew members of Station #20 were dispatched and responded to an emergency call (Incident #17025663). This EMS call was regarding a patient with multiple gunshot wounds.

Upon reviewing the patient care report of this incident, it was discovered by Medical Director, Dr. Mark Waterman, that there had been a violation of 2014 Clinical Care Guideline-M4/Prehospital Resuscitation Cessation.

An “IV” was administered on a traumatic arrest, which initiated resuscitation. It was the Appellant’s duty as the Officer-In-Charge, to ensure that the resuscitation efforts of the arrest were properly terminated. The Appellant failed to do so, therefore; the Appellant’s actions were in direct violation of the directive/SOP cited above.

FINDINGS OF FACTS

1. Appellant is a Captain and Paramedic with the City of Atlanta, Fire and Rescue Department (“Department”). She has been in the City’s employ for approximately eighteen (18) years. Appellant received undergraduate degrees in paramedicine, while currently serving as an instructor of paramedicine at a local technical college.

2. On April 21, 2017, Appellant was the Officer-in-Charge of Engine #20. It was during this shift, that the Appellant and crew members of Station #20 were dispatched and responded to an emergency call. This EMS call was regarding a patient with multiple gun shot wounds.
3. Per the written recount of the Engine #20 crew members and that of the Appellant, upon arriving on the scene, a person was found shot in a vehicle and slumped over in the driver's side seat. Two crew members checked for a pulse and found no pulse present. See City's Exhibits (C) 1-28; (C) 1-29; and (C) 1-30.
4. Appellant instructed the crew to remove the patient from the vehicle to better assess his condition. During that process, a crew member received authorization from the Appellant to insert an IV line.
5. While preparing to insert an IV line, Grady EMS arrived on the scene.
6. Grady EMS assessed the patient and subsequently informed the Appellant that the patient was deceased and not revivable. See City's Exhibit (C) 1-29.
7. The Appellant then instructed the crew to stop all efforts. Patient's body was covered with a sheet provided by Grady EMS.
8. Upon reviewing the patient care report of the incident, Medical Director, Dr. Mark Waterman ("Complainant") concluded that there had been a violation of "2014 Clinical Care Guideline-M4/Prehospital Resuscitation Cessation". The conclusion and assertion are based on an "IV" line being administered/inserted on a traumatic arrest, which the Complainant concludes initiated resuscitation. The Complainant further asserts in the Notice of Proposed Adverse Action the Appellant failed to ensure that the resuscitation efforts of the arrest were properly terminated.
9. Notice of Final Adverse Action was issued City and executed by the City on October 9, 2017. Specific adverse action toward the Appellant was "Suspension without pay for fifteen (15), twelve (12) hour days". Such action is in accordance with "Category C" as highlighted in the City's Exhibit C- 8, "Chart 5.6, ESCALATING GRADING CRITERIA".

DISCUSSION

Following an investigation into the Appellant's actions at the scene whereby a patient sustained multiple gunshot wounds and subsequently perished as a result of same, the City determined that the Appellant failed to uphold her responsibility as the Officer-in-Charge in violation of Atlanta Fire-Rescue Department Work Rules 1.00 and 1.22. Accordingly, the City suspended the Appellant without pay for fifteen (15) twelve (12 hr.) days. Appellant appeals this decision.

Appellant is employed with the City as a Captain and a Paramedic with the Fire-Rescue Department. On April 21, 2017 Fire Engine #20, under the Appellant's command, was dispatched to a scene involving a patient with multiple gunshot wounds.

Upon arriving on the scene, the team approached the patient who was slumped over in the driver's seat of a vehicle. At the direction of the Appellant, the patient was removed from the vehicle by the crew members to better evaluate his condition. During this process, the patient's shirt was cut and with approval from the Appellant, an "IV" line was inserted into his right arm. However, at no time was fluid actually administered to the patient and on that basis, the Appellant contends, resuscitation efforts did not commence.

Grady EMS arrived on the scene. Per the Appellant and the crew members, Grady EMS checked the patient's pulse and she, along with a Grady Medic, checked the patient's pupillary reaction to detect any signs of spontaneous movement. Subsequently, the Grady EMS deemed the patient "unrevivable", and all medical assistance was terminated.

It is important to note the written statements, offering accounts of the events that took place on April 21, 2017, provided by the crew members of Engine #20 align with the Appellant's written statements and oral testimony. The statements offered by the crew members are contained in the City's exhibits that were entered into the official testimony.

The City seeks to hold the Appellant accountable for not terminating resuscitation efforts in accordance with existing protocols and guidelines set forth in the City's exhibit C-5, "Fulton County Emergency Medical Service Clinical Care Guideline, Prehospital Resuscitation Cessation ("M4"). The City argues that the Appellant's act of authorizing a crew member to insert an "IV", was tantamount to initiating resuscitation. Thus, the City contends that prior authorization was needed from the Medical Director, Atlanta Fire-Rescue Department, City of Atlanta to cease resuscitation efforts.

After carefully reviewing the criteria contained in the City's exhibit, C-5, the Board's interpretation of Cessation of Resuscitation Criteria differs from the City's. The language in the Guideline suggests that resuscitation efforts are initiated if "IV or IO" access is established, **"and"** 1 liter of IV Fluid is given. During the Hearing, the City did not provide any evidence substantiating the delivery of fluids; therefore, the Board does not concur with the City's assertion that the prior authorization of the Medical Director was needed to cease medical intervention because, based on the aforementioned Guideline, resuscitation efforts were never initiated.

Moreover, the disciplinary measures imposed on the Appellant were based on the criteria contained in the City's Exhibit, C-8. The Appellant's actions and behavior were categorized as ("C", "Very Serious"), meaning:

- She brought discredit to the Department.
- Her behavior negatively affected other members of the Department.

- Her actions had a negative impact on the delivery of services by the Department.

During the Hearing, Counsel for the Appellant instructed a witness for the City to offer specific examples or instances whereby the Appellant's behavior on April 21, 2017 adversely impacted Department Personnel and Department Operations. The witness was unable to offer any concrete or definitive evidence. Also, during the Hearing, no evidence was presented by the City to support or indicate that the Appellant's behavior ultimately caused or accelerated the patient's death.

ORDER

Based on the foregoing, this Board **GRANTS** the appeal, hereby reversing the fifteen (15) day suspension without pay.

This the 15th day of March 2020

Mary Ann Phyll

Mary Ann Phyll, Chair

E. Carl Touchstone

E. Carl Touchstone

Robert D. Hawkins

Robert D. Hawkins, DWB