



State of New Jersey
DEPARTMENT OF HEALTH AND SENIOR SERVICES
OFFICE OF EMERGENCY MEDICAL SERVICES
PO BOX 360
TRENTON, N.J. 08625-0360

JON S. CORZINE
Governor

www.nj.gov/health

FRED M. JACOBS, M.D., J.D.
Commissioner

March 12, 2007

Mr. Michael Janocko
95 Cornell Street
Avenel, N.J. 07001

Re: **Notice of Summary Suspension:**
EMT-Basic Certification
Investigation Control # 07-C-008

Dear Mr. Janocko:

The New Jersey Department of Health and Senior Services is vested with the responsibility of carrying out the provisions of the Health Care Facilities Planning Act, N.J.S.A. 26:2H-1, et seq., 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 paramedical and ambulance services. These laws establish a scheme that permits certain individuals, once certified, to perform basic life support (BLS) services. In furtherance of the objectives set forth in the statutes, the Department of Health and Senior Services (the Department) has adopted regulations that govern the training, certification and professional conduct of EMT-Basics. See N.J.A.C. 8:40A-1.1, et seq.

On February 27, 2007, the Office of Emergency Medical Services (OEMS) received a report of an unusual occurrence from the University of Medicine and Dentistry of New Jersey (UMDNJ). Specifically, the report stated that on February 8, 2007 you assisted UMDNJ BLS Unit #1302 with a patient exhibiting an altered mental status at 764 Broad Street in Newark, New Jersey. The patient was reportedly initially combative and had both his arms and legs restrained to the stretcher, but was non combative, conscious, alert, oriented and in no acute distress at the time of the events giving rise to the report. The OEMS initiated an investigation in response to the report.

According to eyewitness and written accounts of the incident, after the patient was calm but still restrained to the stretcher, one of the UMDNJ emergency responders asked the patient if he was in Newark buying drugs. The patient became indignant and stated, "Don't offend me like that." You then told the patient, "If you say another word, I'm going to hit you in the head." The patient began to speak at which time you picked

up a full, unopened box of examination gloves with both hands, lifted the box over your head and brought it down, striking the patient in the forehead with the end of the box. According to eyewitness statements, you were laughing at the time that you struck the patient with a considerable amount of force, dislodging the nasopharyngeal airway that had been inserted in the patient's nostrils to improve his respiration.

The patient screamed out in pain and inquired, "Why are you doing this to me?" Another EMS provider at the scene reinserted the nasopharyngeal airway. You then stated to the patient, "Shut the (expletive) up, or I'm going to hit you in the nuts." The patient protested again. While laughing, you picked up the same full unopened box of exam gloves with both hands, lifted the box over your head and struck the patient in the groin with the end of the box. The patient again cried out in pain from the blow. Shortly thereafter, the patient was transported to Saint Josephs Medical Center.

OEMS staff spoke with you via telephone on March 2, 2007 and requested an interview with you to discuss this incident. You told investigators, "I'll have to get back to you, I don't know what my schedule is." You did not subsequently contact the OEMS to arrange the interview. OEMS staff members followed up with a written request for an interview that was sent to you via certified and regular mail, requesting that you interview with OEMS staff by the close of business on March 8, 2007. You called the OEMS on March 8, 2007 and left a message requesting a return call. OEMS staff attempted to return your telephone call but there was no answer and you did not make any additional attempts to arrange an interview prior to the close of business on March 8, 2007.

N.J.A.C. 8:40A-10.2(a) states that, "The Commissioner, or his or her designee, may summarily suspend a person's EMT-Basic and/or EMT-Instructor certification when, in his or her opinion, the continued certification of that person poses an immediate or serious threat to the public health, safety or welfare."

Based on the OEMS investigation concerning your conduct and the compelling need to protect patients from abuse, the Department finds that your continued certification as an EMT-Basic constitutes an immediate and serious threat to the health, safety, and welfare of the public. **Therefore, your certification as an EMT-Basic is immediately suspended and shall remain suspended pending a full OEMS investigation into this matter.** You may not, under any circumstances, act in the capacity of or perform the duties of an EMT-Basic in New Jersey during this period of suspension.

In accordance with N.J.A.C. 8:40A-7.1(f), certification cards are the property of the Department and shall be immediately surrendered upon demand. You are hereby directed to immediately surrender your EMT-Basic certification card to OEMS, either by U.S. mail to the address on the first page of this Notice or by personal delivery to OEMS at Capitol Plaza, 50 E. State Street, 6th Floor, Trenton, New Jersey. You will be notified when OEMS has completed its investigation into this matter, at which time you will be advised what action(s), if any, will be taken with respect to your EMT-Basic certification.

Pursuant to N.J.A.C. 8:40A-10.3(a), you have the right to appeal to the Commissioner of Health and Senior Services for an emergent hearing before the Office of Administrative Law to contest this summary suspension. If the summary suspension is upheld at the Office of Administrative Law, you have the right to apply for injunctive relief in the Superior Court of New Jersey. Your request for an emergent 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 07-C-008 on your correspondence, and forward your request to:

New Jersey Department of Health & Senior Services
Office of Legal & Regulatory Affairs
P.O. Box 360, Room 805
Trenton, NJ 08625-0360
Attn: Ms. Michele Stark

If you have any questions concerning this matter, please do not hesitate to contact Mr. Samuel Stewart, OEMS Regulatory Officer, at (609) 633-7777.

Sincerely,



Karen Halupke, RN, M.Ed.
Director
Office of Emergency Medical Services

c: David W. Gruber, Senior Assistant Commissioner
Health Infrastructure Preparedness and Emergency Response
Joseph Tricarico, Jr., Assistant Commissioner
Health Infrastructure Preparedness Bureau
Ruth Charbonneau, Director, OLRA
Samuel Stewart, Regulatory Officer, OEMS
William Duffy, OEMS

SENT VIA REGULAR U.S. MAIL AND
CERTIFIED MAIL # 7005 1820 0003 1463 5377
RETURN RECEIPT REQUESTED