

NOTICE OF PROPOSED REVOCATION

Donald C. Banghart Notice of Revocation

Dear Mr. Banghart:

The New Jersey Department of Health and Senior Services carries out the provisions of N.J.S.A. 26:2K-7 et seq, concerning the provision of advanced life support services. This law establishes a statutory scheme which permits certain individuals, once certified, to perform advanced life support services authorized by the Commissioner of Health and Senior Services in accordance with, and within, the limits established by law and regulations.

On July 23, 1998, the Department issued a notice to you advising that your paramedic certification was suspended pending the outcome of an investigation into alleged improper handling of controlled dangerous substances. That notice detailed that the Office of Emergency Medical Services was notified of a potential narcotics loss from the medication stock of the Raritan Bay Medical Center's Mobile Intensive Care Program. Initial investigation by the Department revealed that you obtained ten syringes of morphine sulfate containing ten milligrams each from the Raritan Bay Medical Center Pharmacy on April 20, 1998. A review of this record indicates that all of the entries contained on the administration log were fictitious. On June 19, 1998, you returned that administration record to the Raritan Bay Medical Center Pharmacy and obtained another ten syringes of morphine sulfate containing ten milligrams each. Again, a review of the administration record demonstrated that all of the entries were fictitious. This card was returned to the pharmacy on July 13, 1998, and again you obtained ten syringes of morphine sulfate containing ten milligrams each. In this last instance, the morphine sulfate was not placed in the mobile intensive care unit (MICU) stock, and was not included in the inventory.

The full investigation revealed that you had obtained controlled dangerous substances by misrepresentation, fraud, forgery or subterfuge commencing on or about September 23, 1997, and continuing on diffuse dates until July 13, 1998. Specifically:

On diffuse dates between September 23, 1997 and July 13, 1998, you obtained morphine sulfate from the pharmacies of Raritan Bay Medical Center in Perth Amboy and Union Memorial Hospital in Union by the submission of false controlled dangerous substances control cards and did not place the morphine into the MICU stock, in violation of N.J.S.A. 2C:35-13 and N.J.A.C. 8:41-4.18(a)15. The total direct theft has been identified as 68 s Tinges each containing ten milligrams of morphine;

To obtain the controlled dangerous substances, you offered false medical records in violation of N.J.A.C. 8:41-4.18(a)8; and

On or after July 5, 1998, you tampered with and/or altered the security seal on the in-stock syringes (those used to provide medication to patients treated by the MICU) and replaced some or all of the morphine in those syringes with another substance, most probably sterile water, in violation of N.J.S.A. 2C:35-13, 2C:20-4, and N.J.A.C. 8:41-4.18(a)15.

Therefore, you are advised that the Department proposed to revoke your paramedic certification, permanently. You have the right to a hearing to contest this action, in accordance with the provisions of N.J.A.C. 8:41-4.18(e). Should you wish a hearing; you must request one, in writing, within 30 days of the receipt of this notice. In the event you request a hearing on this matter, you are required to submit a written response to the above allocation(s). This response must accompany your request for a hearing, and include the control number listed below. Forward any request for a hearing to:

Carole Slimm
N.J. Department of Health and Senior Services
Legal and Regulatory Affairs
P.O. Box 360
Trenton, New Jersey 08625-0360

If you elect to request a hearing, the suspension imposed July 23, 1998, will remain in effect until the conclusion of any hearings. Although representation by counsel may not be mandatory at such hearings, it has been the Department's experience that representation by counsel is advisable. Please direct any questions on this matter to Ray Sweeney, Supervisor of Regulation and Enforcement for OEMS at (609) 633-7777.

For: Len Fishman, Commissioner

By: Jerry L. Midgette
Acting Director
Legal and Regulatory Affairs

Date: November 13, 1998
Certified Mail: Z-282-386-770
Control Number. 98-C-015
RETURN RECEIPT REQUESTED

c: Gerard C. Muench, Director OEMS
Karen Halupke, Chief OEMS
Ray Sweeney, OEMS
Lane Bivano, Attorney for D. Banghart

NOTICE OF REVOCATION

September 23, 1999

Mr. Donald C. Banghart
538 Locust Avenue
Garwood, NJ 07027

Re: Notice of Revocation of Paramedic Certification
Investigation Control #98-C-015

Dear Mr. Banghart:

By Notice dated November 13, 1998 you were advised that this Department was proposing to revoke your certification to practice as Paramedic within the State of New Jersey. A copy of that Notice is attached hereto.

You were also advised that if you planned to contest the proposed revocation, you were required to submit a written request for a hearing within 30 days from receipt of that Notice. By letter dated December 1, 1998 you did, in fact, make a formal request for a hearing on this matter. As such, the matter was transmitted to the New Jersey Office of Administrative Law, where it was assigned OAL Docket No. HLTOT-01765-99N, and was scheduled for hearing on September 27 and 28, 1999.

Having been advised by letter dated September 20, 1999 that you have withdrawn your request for a hearing, please be advised that effective September 21, 1999, your certification to practice in New Jersey as a Paramedic was and is hereby revoked. Finally, please be advised that notice of this revocation will be sent to The National Registry of Emergency Medical Technicians.

If you have any questions, please contact Mr. James Mondoro, Supervisor of Advanced Life Support Services and Enforcement, Office of Emergency Medical Services at (609) 633-7777.

Sincerely,
Gerard C. Muench, Jr., MPA, MICP
Director
Office of Emergency Medical Services

c: NREMT
Mr. Mondoro, OEMS
Ms. Halupke, OEMS
Ms. Saunders, OEMS

Enclosure

CERTIFIED MAIL #Z-754-301-071
RETURN RECEIPT REQUESTED