

September 24, 2012

Mr. Matthew McClelland

**Re: Notice of Summary Suspension:**  
EMT-Basic Certification # 542950  
Investigation Control # 2012-400

Dear Mr. McClelland:

The New Jersey Department of Health (the Department) is vested with the responsibility of carrying out the provisions of *N.J.S.A. 26:2H-1 et seq., Health Care Facilities Planning Act*, 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 admission care rendered by basic life support (BLS) personnel. In addition, *N.J.S.A. 26:2K-7 et seq., Emergency Medical Services Act*, authorizes the Department to certify Emergency Medical Technicians (EMTs). In furtherance of the objectives set forth in the statutes, the Department has adopted regulations that govern the training, certification and professional conduct of EMTs and EMT candidates. (See: *N.J.A.C. 8:40A-1.1, Emergency Medical Technicians-Basics: Training and Certification.*)

On September 10, 2012, the Department's Office of Emergency Medical Services (OEMS) received a news article from nj.com, dated September 8, 2012, which alleged you were arrested by Old Bridge Police for criminal sexual contact, lewdness, and harassment. As a result, the OEMS opened an investigation into this matter.

Further investigation revealed that under Complaint Warrants # W-2012-1209-000577, and W-2012-1209-000578, issued by the Middlesex County Prosecutor's Office in connection with Old Bridge Police Department, you were charged with one (1) count of criminal sexual contact in the fourth degree, one (1) count of lewdness in violation of *N.J.S.A. 2C:14-3B, and 2C:14-4A.*

The complaints allege that while in your position as Captain of the Laurence Harbor First Aid Squad you exposed your genitals, while at your squad building, to a 16 year-old squad member and you began to inappropriately touch yourself, during which time you made statements to the 16 year old squad member that she should have been the one touching your genitals.

As you know, EMTs work in unsupervised environment. The nature of this work requires that these individuals make important medical assessments and carry out appropriate pre-hospital interventions at motor vehicle accidents, in people's homes and at other difficult field locations. In order to be effective, EMTs must unconditionally trust each other and be incontestably trusted by paramedics, police officers, fire fighters, doctors and other professionals. Because EMTs treat vulnerable patients of all ages, from infants to the elderly, they are required to place a high value on the health, safety and welfare of the patients they treat.

Moreover, at the time the alleged acts were committed you were the squad Captain responsible for day to day operations, and had supervisory power to ensure the safety and welfare of your members, especially those under the age of 18. In this position, you knew, or should have known that you were entrusted with the safety and welfare of your members. As such, your actions were in complete opposition with your responsibilities to the Laurence Harbor First Aid Squad.

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

Because of the seriousness of the crimes with which you have been charged, the Department finds that your continued certification as an EMT constitutes an immediate and serious threat to the health, safety, and welfare of the public. **Therefore, your certification as an EMT is immediately suspended and shall remain suspended indefinitely.**

Be aware that you may not under any circumstances act in the capacity of, or perform the duties of an EMT in New Jersey during this period of suspension. Also, be aware that if you act in the capacity of, or perform the duties of an EMT in New Jersey during this period of suspension, your actions will constitute impersonation of an EMT in violation of *N.J.A.C. 8:40A-10.4* and shall incur further penalties.

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 certification card(s) to the OEMS, either by U.S. mail to the address on the first page of this Notice or by physical delivery to the Department of Health, Office of Emergency Medical Services, John Fitch Way, Market and Warren Streets, Trenton, NJ, 08611.

In the interim, the OEMS will continue to investigate this matter. You will be notified when the OEMS has completed its investigation, at which time you will be advised of what action(s), if any, will be taken with respect to your EMT certification.

Pursuant to *N.J.A.C. 8:40A-10.3(a)*, you may appeal to the Commissioner of the Department of Health for a hearing before the Office of Administrative Law to contest this summary suspension. Your request for an administrative hearing regarding this matter must be submitted in writing and must be accompanied by a response to the charges contained herein. Please include control number **2012-400** on your correspondence, and forward your request to:

The New Jersey Department of Health  
Office of Legal & Regulatory Compliance  
P.O. Box 360, Room 805  
Trenton, NJ 08625-0360  
Attn: Ms. Tami Roach

**Finally, please note that failure to submit a request for a hearing within 30 days from the date of this Notice 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 Dr. Jo-Bea Sciarrotta, OEMS Compliance Officer, at (609) 633-7777.

Sincerely,

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

- c. Christopher Rinn, Assistant Commissioner  
Christopher Ryan, OEMS  
Tami Roach, OL&RC  
Dave Merwin, President Laurence Harbor First Aid

SENT VIA REGULAR U.S. MAIL AND  
CERTIFIED MAIL # 70090820000081493674  
RETURN RECEIPT REQUESTED