



State of New Jersey

DEPARTMENT OF HEALTH
OFFICE OF EMERGENCY MEDICAL SERVICES
PO BOX 360
TRENTON, N.J. 08625-0360

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

www.nj.gov/health

CATHLEEN D. BENNETT
Commissioner

July 12, 2016

Kelly Chesler

Re: **Notice of Summary Suspension:
EMT-Paramedic Certification # 1202 (EMS ID # 558430)
Investigation Control # 2016-0074V**

Dear Ms. Chesler:

The New Jersey Department of Health is vested with the responsibility of carrying out the provisions of N.J.S.A. 26:2K-7, et seq., which govern the provision of advanced life support services within the State of New Jersey, and 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 and/or advanced life support services. In furtherance of the objectives set forth in the statutes, the Department of Health has adopted regulations that govern the training, certification and professional conduct of EMT-Basics and EMT-Paramedics. See N.J.A.C. 8:40A-1.1, et seq. and N.J.A.C. 8:41A-1.1, et seq.

The Department's Office of Emergency Medical Services (OEMS) received notification that you were charged with theft of time from your employer. Consistent with regulatory authority and OEMS policy, the OEMS opened an investigation in response to this notification.

Upon opening the investigation, the OEMS investigator confirmed that you are currently certified as an EMT-Paramedic. The investigator also confirmed that on or about June 14, 2016, you were charged with the following under complaint number 16-06-00838-1:

1. Two counts of conspiracy, theft by deception in the third degree, which is violation of N.J.S.A. 2C:5-2(a)(1) and N.J.S.A. 2C:20-4.
2. One count of theft by deception, value under \$500, in the fourth degree which is in violation of N.J.S.A. 2C:20-4.

3. One count of official misconduct in the second degree, which is in violation of N.J.S.A. 2C:30-2(a).
4. One count of pattern of official misconduct in the second degree, which is a violation of N.J.S.A. 2C:30-7(a).
5. Eight counts of official misconduct in the third degree, which is in violation of N.J.S.A. 2C:30-2(a).
6. Seven counts of tampering with records in the fourth degree, which is in violation of N.J.S.A. 2C:21-4(a).

As you are aware, EMTs are placed in a position of trust by the general public. They must work in two person teams to respond effectively to emergencies and must make important medical assessments and carry out appropriate medical interventions at motor vehicle accidents, in people's homes, and at other difficult field locations. In order to be effective, EMTs must exercise good judgment, trust each other and be trusted by police officers, fire fighters, doctors and other professionals. In short, EMTs must be law-abiding and trustworthy.

Based upon the foregoing, the Department has determined that your EMT-Basic and EMT-Paramedic certifications must be **summarily suspended**. Pursuant to N.J.A.C. 8:41A-5.2(a), "[t]he Commissioner, or his or her designee, may summarily suspend a person's EMT-Paramedic 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." See also N.J.A.C. 8:40A-10.2 (stating that an individual's EMT-Basic certification may be summarily suspended if the person poses a serious or immediate threat to public safety, welfare or health). Because the crimes with which you have been charged are serious and the nature of the charges are indicative of poor judgment and lack of trustworthiness, the Department finds that your continued certification as an EMT-Paramedic and EMT-Basic constitutes an immediate and serious threat to public health, safety, and welfare. **Therefore, your certifications as an EMT-Paramedic and an EMT-Basic are immediately suspended and shall remain suspended until such time as the Department has completed its investigation into this matter and the charges against you have been resolved. You may not, under any circumstances, act in the capacity of, or perform the duties of an EMT-Basic or an EMT-Paramedic in New Jersey during this period of suspension.**

In accordance with N.J.A.C. 8:41A-4.1(f)(2) and 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-Paramedic and EMT-Basic certification card(s) to the OEMS, either by sending via United States Postal Service First Class Mail, to the address on the first page of this Notice, or via by physical delivery to Department of Health, OEMS, 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-Paramedic and EMT-Basic certifications.

Pursuant to N.J.A.C. 8:41A-5.2(a), N.J.A.C. 8:40A-10.3(a) and N.J.A.C. 1:1-12.6, you have the right to apply to the Commissioner of the Department of Health for emergency relief to contest this summary suspension. A request for emergency relief shall be submitted in writing and shall be accompanied by a response to the charges contained in this Notice. Please include the control number **2016-0074V** on your correspondence, and forward your request to:

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

Failure to submit a written request for emergency relief within 30 days from the date of this Notice shall be interpreted as an acceptance of this Department's decision to summarily suspend your EMT-Paramedic certification pending completion of its investigation, thereby forfeiting all rights to emergency relief. If you have any questions concerning this matter, please contact Dr. Terry Clancy, at (609) 633-7777.

Sincerely,

Nancy Kelly-Goodstein, M.A.S.
Acting Director
Emergency Medical Services

- c. Christopher R. Rinn, Assistant Commissioner
Terry Clancy, OEMS
James Sweeney, OEMS
Tami Roach, OL&RC

SENT VIA REGULAR U.S. MAIL AND
CERTIFIED MAIL # 7008 1140 0001 5589 2524
RETURN RECEIPT REQUESTED