



State of New Jersey

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

www.nj.gov/health

JON S. CORZINE
Governor

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

February 2, 2006

Mr. Gabriel A. Bertola

Re: **Order to Cease and Desist Impersonating a Certified New Jersey
Emergency Medical Technician-Basic**
Investigation Control # 05-C-089

Dear Mr. Bertola:

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. In furtherance of the objectives set forth in the statute, the Department of Health and Senior Services has adopted regulations that govern the training and certification of the Emergency Medical Technician-Basics (EMT-Bs) who staff those paramedical and ambulance services. See N.J.A.C. 8:40A-1.1, et seq.

It has come to the attention of this Department's Office of Emergency Medical Services (OEMS) that you have impersonated an Emergency Medical Technician - Basic (EMT-B) while employed with Friendly Care Medical Transport (FCMT). On September 3, 2004, OEMS staff conducted a provider survey at FCMT in Highland Park, New Jersey. The staff roster for FCMT identified you as an EMT-B. However, no valid New Jersey or National Registry EMT-B certification could be found in your employee file. In addition, OEMS has confirmed that you are not certified through the National Registry of EMTs (NREMT) or by any state or jurisdiction whose EMT-B certifications are recognized or reciprocated in the State of New Jersey. The certification on file for you at FCMT, as well as the one that you referred to as an NREMT card and provided to OEMS staff, was that of a National Association of Emergency Medical Technician (NAEMT) Pre Hospital Trauma Life Support (PHTLS) course card that you had obtained in Uruguay. You were advised that this was not an

NREMT course card and in no way equivalent to that of a New Jersey or NREMT EMT-B certification. You were advised by the Department that you may not function in the capacity of an EMT-B until you successfully complete a recognized EMT-B course. Mr. Weissblum and Ms. Ozeryansky of FCMT were present and similarly advised. A subsequent provider survey of the records at FCMT revealed that you had staffed their ambulance a minimum of 49 calendar days from June 1, 2004 through August 4, 2004.

You were verbally advised that you were not to staff an ambulance in New Jersey and in doing so you would be "Impersonating an EMT-B." Subsequent to this and prior to OEMS effecting any enforcement actions, OEMS became aware that you were observed to be in an On Call Ambulance (OCA) after attending an EMT course. An extensive review of OEMS records revealed that you entered EMT-B course numbered 04-107-025 on September 9, 2004 and that you had failed out of the course in the third module on October 9, 2004.

On April 12, 2005, OEMS staff observed you in an OCA vehicle and when approached, you were unable to produce a valid EMT-B certification card. You reluctantly admitted that you entered an EMT course on September 9, 2004, were unable to finish and dropped out. A survey of OCA's records revealed that you filled out an application identifying yourself as an EMT-B with experience at FCMT. The patient care reports obtained identified you as an EMT-B staffing the ambulance at OCA on a minimum of 67 calendar days from January 7, 2005 through April 12, 2005. When asked why you knowingly deceived the management of OCA by presenting yourself as an EMT-B with the same "NREMT" card that you presented to the staff of Friendly Care Medical Transport, you replied by stating, "Because I needed the money."

N.J.A.C. 8:40A-10.4(a) states, "No person shall impersonate, refer to himself or herself as, act in the capacity of or perform the duties of, an EMT-Basic or EMT-Instructor unless he or she is certified or recognized by the Department in accordance with the standards set forth in this chapter.

1. Upon notice or discovery that a person is impersonating, referring to himself or herself as, or acting in the capacity of an EMT-Basic without having first obtained the required EMT-Basic or EMT-Instructor certification or recognition or after revocation of an EMT-Basic or EMT-Instructor certification previously issued by the Department, the Commissioner or his or her designee may issue an order directing that person to immediately cease and desist."

N.J.A.C. 8:40A-10.4(a)2 states, in relevant part, "In addition to the issuance of an order to cease and desist, the Commissioner or his or her designee may:

- i. Impose a monetary penalty in the amount of \$200 per calendar day for each day that a person is found to have impersonated, referred to him or herself as, or acted in the capacity of, an EMT-Basic or EMT-Instructor;

- ii. Refuse to issue or renew any subsequent EMT-Basic and/or EMT-Instructor certifications."

You initially claimed during the interview at FCMT that Ms. Polina Ozeryansky hired you as a Mobility Assistance Vehicle (MAV) driver and offered you an EMT-B position when you presented her with your "NAEMT" certification. You were verbally advised on September 3, 2004 that you were not to staff an ambulance in New Jersey and in doing so you would be "Impersonating an EMT." You then knowingly and willfully gained employment under fraudulent pretenses at OCA.

Therefore, you are hereby **ordered to immediately CEASE AND DESIST** any further representations that you are a certified New Jersey EMT-Basic. You are also prohibited from future certification as a New Jersey EMT-Basic as well as having EMT-Basic privileges in New Jersey. In accordance with N.J.A.C. 8:40A-10.4(a)2i, you are hereby assessed a penalty of \$200. Additionally, you are hereby ordered to immediately surrender any and all invalid and/or fraudulent certification credentials to the Office of Emergency Medical Services. Failure to abide by this order to cease and desist may result in additional fines and penalties as provided for by law.

A certified check or money order in the amount of \$200 made payable to "Treasurer, State of New Jersey," must be submitted within 30 days from the date of this Notice. In accordance with N.J.S.A. 26:2H-16 and N.J.A.C. 8:40A-10.2(f)3ii, failure to pay this penalty may result in a summary civil proceeding in the Superior Court of New Jersey pursuant to the Penalty Enforcement Law (N.J.S. 2A:58-1, et seq.), refusal by the Department to issue or renew a license and/or any such other action as authorized by law. Payment should be forwarded to:

New Jersey Department of Health & Senior Services
Office of Emergency Medical Services
P.O. Box 360
Trenton, NJ 08625-0360
Attn: Ms. Karen Halupke

This order to cease and desist shall constitute a Final Agency Decision. As such, pursuant to New Jersey Court Rules 2:2-3 and 2:4-1, you may appeal from this Final Agency Decision within 45 days to the following authority:

New Jersey Superior Court-Appellate Division
Richard J. Hughes Justice Complex
P.O. Box 006
Trenton, New Jersey 08625-0006

If you have any questions, please do not hesitate to contact Mr. Samuel Stewart of my office at (609) 633-7777.

Sincerely,



Karen Halupke, R.N., M.Ed
Director, Emergency Medical Services

c: David Gruber, Assistant Commissioner DHSS
Tomas Zabala, President, On Call Ambulance
Friendly Care Medical Transport
Michele Stark, OLRA
Samuel Stewart, Esq., OEMS
Charles McSweeney, OEMS
Donald Roberts, OEMS
Kenneth Beym, OEMS
National Registry of EMT's

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