



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

October 25 , 2007

Mr. Adam Zell
660 Ithaca Place
East Windsor, New Jersey 08520

Re: **Order to Cease and Desist Impersonating a Certified New Jersey
Emergency Medical Technician-Basic**
Investigation Control #07-C-034

Dear Mr. Zell:

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 paramedic and ambulance services. In furtherance of the objectives set forth in the statute, the Department of Health and Senior Services (the Department) has adopted regulations that govern the training and certification of the Emergency Medical Technicians (EMTs) 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 a certified EMT-Basic (EMT-B). Specifically, on September 15, 2007 you were found walking inside the Rutgers Football Stadium in Piscataway, wearing a white uniform type shirt with a New Jersey EMT-B patch on the sleeve and an EMT badge on the front of this shirt. You had in your possession, one folding knife, two (2) pair of red scissors and one stethoscope. When questioned by the Rutgers' University EMS Chief as to your reason and authority to be at the stadium, you stated that you were an EMT and were assigned to be there for EMS support for the football game by Tri-County EMS. You proceeded to tell the Chief that Tri-County EMS was contracted by Robert Wood Johnson EMS to cover the football game. The Chief then asked you to provide him with a phone number of a supervisor at Tri-County EMS. You gave a phone number that belonged to Monroe EMS. At this point

the Rutgers Police Department became involved and arrested you for Defiant Trespassing. You admitted to the police that you dressed as an EMT to gain free access to the stadium. You also stated to the police that you were a certified EMT in New Jersey. OEMS staff confirmed that you are not certified in the State of New Jersey or through the National Registry of EMTs or by any state or jurisdiction whose EMT-B certifications are recognized or reciprocated in the State of New Jersey.

N.J.S.A. 26:2K-42b. states that "A person shall not impersonate or refer to himself as an EMT-D unless the person is authorized to do so pursuant to this act."

N.J.S.A. 26:2K-44 states, in relevant part, that "A person who violates the provisions of this act is subject to a penalty of \$200 for the first offense and \$500 for each subsequent offense."

N.J.A.C. 8:40A-10.4(a) states, in relevant part, that "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, that "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 \$200.00 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."

N.J.A.C. 8:40A-10.2(f) states, in relevant part, that "Monetary penalties may be imposed in the amount of \$200.00 per calendar day, per infraction.

1. Violations shall be considered as a single, different occurrence for each calendar day the violation occurs or remains uncorrected.

2. Subsequent violations of the same type may be subject to a penalty of \$500.00 per calendar day, per infraction."

Therefore, you are hereby **ordered to immediately CEASE AND DESIST** any further representations that you are a certified New Jersey EMT-Basic. You are further prohibited from acting in the capacity of an EMT-Basic. Additionally, you are hereby ordered to immediately surrender any and all invalid and/or fraudulent certification credentials including EMT Patches and Badges 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. Consistent with the above referenced authority, you are hereby assessed a \$200 monetary penalty for referring to yourself as a certified EMT-Basic.

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. 26:2K-44 and N.J.A.C. 8:40A-10.2(f)3, 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 a renewal or certification 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, Director

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,
OEMS Regulatory Officer, at (609) 633-7777.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen Halupke". The signature is fluid and cursive, with the first name "Karen" written in a larger, more prominent script than the last name "Halupke".

Karen Halupke, RN, M.Ed.
Director
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
Michele Stark, OLRA
Samuel Stewart, Esq., OEMS
Donald Roberts, OEMS
Jason Pidcock, OEMS
National Registry of Emergency Medical Technicians

SENT VIA REGULAR US MAIL AND
CERTIFIED MAIL # 7005 1820 0003 1168 6501
RETURN RECEIPT REQUESTED