



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

HEATHER HOWARD
Commissioner

August 22, 2008

Mr. Michael Ayers

**Re: Notice of Proposed Revocation of EMT-Basic Certification
Investigation Control # 08-C-017**

Dear Mr. Ayers:

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 basic life support (BLS) personnel. 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, certification and professional conduct of Emergency Medical Technician-Basics (EMT-Bs). See N.J.A.C. 8:40A-1.1, et seq.

On October 23, 2007, the Office of Emergency Medical Services (OEMS) was informed by your employer that you had been convicted of criminal sexual contact. According to the New Jersey Promis/Gavel Charge/Disposition form, on January 20, 2006 you entered a guilty plea to fourth degree sexual assault in violation of N.J.S.A. 2C:14-2c(3). In March 2006, you were court ordered to register as a sex offender under Megan's Law and sentenced to two years probation.

On February 4, 2008, you were interviewed by OEMS investigators and stated that the Ocean County Prosecutor's Office had informed you that Ms. Denise Varley's 16 yr. old daughter had made rape allegations against you. During your interview with OEMS investigators, you stated that you had a romantic relationship with the accuser's mother and at no time did you rape or have sexual relations with Ms. Varley's daughter. The transcripts from your interview with the Ocean County Prosecutor's Office have you indicating the romantic relationship was with the accuser, which contradicts your statements to this office. OEMS investigators contacted you to resolve the discrepancies in your statements, at which time you stated the statements given to our

office were correct and that the prosecutor's office "fabricated" the other statements. On January 20, 2006 you entered a guilty plea to fourth degree sexual assault in violation of N.J.S.A. 2C:14-2c(3). In March 2006, you were court ordered to register as a sex offender under Megan's Law.

N.J.A.C. 8:40A-10.2(b) provides that, "The Commissioner, or his or her designee, may issue a formal written warning, impose a monetary penalty, place on probation, suspend, revoke and/or refuse to issue or renew the certification of any EMT-Basic or EMT-Instructor for violation of any of the rules set forth in this chapter. This includes, but is not limited to:

12. Conviction of any crime;

13. Conviction of any disorderly persons offense;

24. Any other action deemed by the Department to pose a threat to the public health, safety or welfare."

Therefore, as a result of our investigation, please be advised that the Department intends to revoke your certification as an Emergency Medical Technician-Basic. In addition, you will not be recognized as having Emergency Medical Technician-Basic privileges in New Jersey. Pursuant to N.J.S.A. 52:14B-1, et seq. and N.J.A.C. 8:40A-10.3(b), you are entitled to a hearing before the Office of Administrative Law to contest this Department's decision to revoke your EMT-Basic certification and to refuse to recognize you as having EMT-Basic privileges in New Jersey. Your request for a hearing on this matter must be submitted in writing and must be accompanied by a response to the charges contained herein. Your request for a hearing must be submitted within 30 days from the date of this Notice and should be forwarded to:

New Jersey Department of Health & Senior Services
Office of Legal & Regulatory Affairs
P.O. Box 360, Room 805
Trenton, NJ 08625-0360
Attn: Ms. Michele Stark

Please include the control number 08-C-017 on all of your correspondence. **Finally, please note that your failure to submit a request for a hearing within 30 days 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 do not hesitate to contact Mr. Samuel Stewart, OEMS Regulatory Officer, at (609) 633-7777.

Sincerely,



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

c: Michele Stark, OLRA
David Gruber, Senior Assistant Commissioner,
Division of Health Infrastructure Preparedness and Emergency Response
Joseph Tricarico, Jr., Assistant Commissioner,
Health Infrastructure Preparedness Bureau
Samuel Stewart, Regulatory Officer, OEMS
Donald Roberts, OEMS
Chris Ryan, OEMS

SENT VIA REGULAR U.S. MAIL AND
CERTIFIED MAIL # 25-0785-95-1871-202
RETURN RECEIPT REQUESTED