



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

December 12, 2008

Ms. Leslie Gardner

**Re: Notice of Proposed Revocation of EMT-Basic Certification
Investigation Control # 08-C-011**

Dear Ms. Gardner:

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 September 20, 2007, the Department's Office of Emergency Medical Services (OEMS) received a complaint that you had entered into a pre-trial intervention program through a plea agreement with the Ocean County Prosecutor's Office. The OEMS began an investigation in response to the complaint. The Department's preliminary investigation revealed that the Ocean County Prosecutor charged you with two counts of official misconduct, in violation of N.J.S.A. 2C:30-2, and two counts of falsifying/tampering with records, in violation of N.J.S.A. 2C:21-4. Pursuant to a plea agreement entered on January 31, 2007, these charges were suspended pending your successful completion of a pre-trial intervention (PTI) program which was completed on January 31, 2008. OEMS staff contacted you to arrange an interview to discuss the facts and circumstances giving rise to the charges.

On October 18, 2007, you arrived at the OEMS with your husband and insisted that he be present during the interview. You were advised that your husband could not be present but that you could have your attorney present. You provided OEMS with the

contact information for your attorney and stated that any further communications should be sent through him. Subsequently, several attempts were made to reschedule your interview. It was not until OEMS staff explained that your case was going forward without your input unless you interviewed with the Department that you agreed to discuss the charges.

During your interview on November 30, 2007, you explained two instances where you had written patient care reports for yourself and your daughter. The first occurred on November 20, 2005 when you stated that you had cut yourself with a knife while at home. You stated to OEMS staff that you went into work for your next shift and advised your supervisor that you needed stitches, at which time another ambulance crew was directed to take you over to the hospital. Shortly thereafter, a call for a motor vehicle accident was dispatched and you advised the other crew that they should take the emergent call. Your partner then transported you in the front seat of the ambulance. You wrote a patient care report since it is "policy" of Dover Township Police Department - Emergency Medical Services to write a report whenever anyone is transported. You admitted that you falsified the report by including the names of the other crew members on the patient care chart and by fabricating the incident number.

The second incident, which occurred on January 1, 2006, when you reported that your daughter had fallen and injured herself while at home. You stated that you met your husband and injured daughter in front of the hospital entrance in their personal vehicle and got out of the Dover Township ambulance in which you were working on. You then proceeded to examine your daughter, and placed her in the ambulance to drive around to the ER entrance. You wrote a patient care report for this incident as well.

OEMS interviewed your fellow colleagues, Audrey Garabics, Rob Marion, and Bob Blank. According to a sworn statement provided to the Ocean County Prosecutor's office, Mr. Marion stated the signature present on the patient care chart dated November 20, 2005, was not his. Both Ms. Garabics and Mr. Marion deny they received any directive on November 20, 2005, from their supervisor to transport you. Mr. Bob Blank, your partner during your daughter's injury, stated that at no point was your daughter transported in the ambulance.

On January 5, 2008 our office received documentation from AFLAC that you submitted two claims (Claim # 036602330 for 10/20/05 and 925702570 for 01/20/2006) for ambulance services. AFLAC subsequently paid you \$100.00 for each claim. Investigations by both Dover Township Police and AFLAC concluded that no such ambulance services were provided.

In your interview you agreed to a criminal background check through the New Jersey State Police using the SBI-212B form. You were provided the form and asked to return it to the Department with the appropriate processing fees. To date, OEMS has not received this form. In addition, OEMS has made many attempts to contact you through your attorney, but he is unable to contact you as well.

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:

9. Willful preparation or filing of false medical reports, or the inducement of others to do so;
12. Conviction of any crime;
13. Conviction of any disorderly person's offense;
15. Entry into a pre-trial intervention, conditional discharge, or other diversionary program;
17. Willful obstruction of any investigation and/or representative of the Department of other agency empowered to enforce the provisions of this chapter or any applicable law, rule and/or regulation;
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-011 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, RN, 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, Operations Manager, OEMS
Chris Ryan, Investigator, OEMS

SENT VIA REGULAR U.S. MAIL AND
CERTIFIED MAIL # 7107-0100-0100-0100-0100
RETURN RECEIPT REQUESTED