

June 5, 2008

Mr. Clyde Banks

**Re: Notice of Proposed Revocation of EMT-Basic and EMT-Basic
Instructor Certifications
Investigation Control # 08-C-021**

Dear Mr. Banks:

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) and Emergency Medical Technician-Basic Instructors (EMT-B(Is)). See N.J.A.C. 8:40A-1.1, et seq.

On March 7, 2008, the Department's Office of Emergency Medical Services (OEMS) received a complaint about a Core 13 EMT-Basic refresher course that you held at the Lodi Volunteer Ambulance Squad, in Lodi, New Jersey. Specifically, on February 9th and 10th 2008, you and Mr. Michael Bruno, EMT-Basic, conducted what was supposed to be a three (3) day, twenty-four (24) hour Core 13 EMT-Basic refresher course. You had previously registered with the OEMS to teach the course on Friday, February 8th, Saturday, February 9th, and Sunday, February 10th. During the course of interviews of your students, OEMS staff members learned that this course was only held on Saturday, February 9th and Sunday, February 10th. You did not hold class on the required course day of Friday, February 8th. Moreover, you told your students to tell the 'State' or if 'Anyone asks' that the course was held for eight (8) hours on Friday, February 8th. Finally, you did not conduct the course for a full 24 hours. At best,

you provided your students with a total of seven (7) hours of instruction. On Saturday and Sunday, the course consisted of lecture only without the required practical skills instruction or a final written test. You told your students that they would 'make-up' the time lost by not having Friday's class on both the Saturday and Sunday. This 'make-up' time never occurred on either day, nor did you ever re-schedule another day to provide the missing hours of instruction. However, you did bill the Emergency Medical Technician Training Fund for 24 hours of reimbursement at a rate of \$120.00 per student.

On June 4, 2008 you were interviewed by OEMS investigators in Trenton, New Jersey. You agreed to tell OEMS investigators the truth about the Core 13 course that you held in February at Lodi Volunteer Ambulance Squad. You told the investigators that you conducted a three (3) day, twenty-four (24) hour Core 13 course that was held on February 8th, 9th, and 10th. You also stated that you performed and covered all of the required practical skill stations throughout all three (3) days. You stated that you and Mr. Bruno were the only two (2) instructors for this course, even though you registered and taught twenty-eight (28) students. This course clearly did not meet the required 1:6 instructor to student ratio, or the 1:10 instructor to student ratio for practical skills sessions taught with the assistance of an EMT-Instructor Aide. Furthermore, Mr. Bruno is not a certified EMT-Basic Instructor in New Jersey. You failed to meet the minimum required time and content topics for a Core 13 EMT-Basic refresher course and willfully attempted to deceive this Department by not stating the truth to OEMS investigators about this course.

N.J.A.C. 8:40A-9.3(b) states that, "Each application shall include:

5. Documentation that Core 13 practical skills sessions shall have an EMT-Instructor to student ratio of 1:6, or a ratio of 1:10 if the EMT-Instructor is assisted by an EMT-Instructor Aide;"

N.J.A.C. 8:40A-9.4(a) states that, "Each continuing education session shall be sufficiently staffed so as to provide for the instruction of students in the program materials."

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:

1. Demonstrated incompetence or inability to provide adequate services;
2. Deceptive or fraudulent procurement of certification or recertification credentials and/or documentation;

17. Willful obstruction of any investigation and/or representative of the Department or other agency empowered to enforce the provisions of this chapter or any applicable law, rule and/or regulation;

22. Failure to complete continuing education and performance standards as required by this chapter;

23. Failure to comply with any part of this chapter, any applicable part of N.J.A.C. 8:40 or N.J.A.C. 8:41, or any applicable law, rule and/or regulation; and/or

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 and as an Emergency Medical Technician-Basic Instructor. 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-021 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.**

