

August 31, 2010

Mr. Charles Coleman

**Re: Notice of Proposed Revocation:  
EMT-Basic Certification # 549622  
Investigation Control # 2009-039**

Dear Mr. Coleman:

The New Jersey Department of Health and Senior Services (the Department) 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. N.J.S.A. 26:2K-7, et seq., authorizes the Department to certify Emergency Medical Technician-Basics (EMT-B). In furtherance of the objectives set forth in the statutes, the Department has adopted regulations that govern the training, certification and professional conduct of EMT-B and EMT-B candidates. (See N.J.A.C. 8:40A-1.1, et seq.)

On your application for EMT-B re-certification dated December 12, 2008, you indicated to the New Jersey Department of Health and Senior Services Office of Emergency Medical Services (OEMS) that you have a criminal history and that you have been charged, convicted, placed on probation, entered into a pre-trial intervention (PTI) program, and/or entered into a plea bargain in connection with a violation of the laws of a state, the federal government, or any other jurisdiction, for an offense other than a minor traffic violation.

The Department initiated an investigation into your criminal background in accordance with N.J.A.C. 8:40A-6.2(c). As part of that investigation, OEMS staff contacted you in reference to the criminal history record review process and sent you multiple copies of the document entitled *Request for Criminal History Record Information for a Noncriminal Justice Purpose (SBI 212B)* along with instructions to

return all information necessary to conduct the investigation. To date you have failed to provide the necessary information and documentation needed to complete the Department's investigation.

You were sent requests for criminal record information on December 12, 2008, February 19, 2009, and June 23, 2009. On May 17, 2010, you were sent a communication expressing the Department's intent to revoke your certification if you did not respond within thirty (30) days. You called our office and spoke with an investigator on May 20, 2010. In that conversation you requested another criminal records request form and promised to return it without delay. As a result you were sent another request for criminal records on May 20, 2010. On July 30, 2010 you were sent a final notice expressing the Department's intent to revoke your certification, which was refused and returned after three attempts at delivery by the United State Post Office. On August 24, 2010, you received a phone call from a Department investigator. The investigator explained the Department's intent to revoke your EMT-Basic certification for failure to cooperate with the investigation. You stated that you had the form and would return it the next day. Thus far, you have failed to comply with any of the Department's requests for information. Be aware, your refusal to respond to the Department's requests and to cooperate with its investigation constitutes failure to comply with the agency empowered to enforce the provisions of the aforementioned N.J.A.C. 8:40A.

N.J.A.C. 8:40A-10.2(b) provides that, "The Commissioner, or his/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 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 or other agency empowered to enforce the provisions of this chapter or any applicable law, rule and/or regulation.
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 or regulation "

**Therefore, as a result of your failure to cooperate with the Department's investigation, it is the intention of this Department to revoke your EMT-Basic certification, thereby rendering you ineligible to practice as an EMT- Basic within the State of 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 not to grant you EMT-Basic certification. 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 2009-039 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 contact Ms. Jo-Bea Sciarrotta, OEMS Compliance Officer, at (609) 633-7777.

Sincerely,

Karen Halupke, RN, M.Ed.  
Director  
Office of Emergency Medical Services

c: David Gruber, Senior Assistant Commissioner  
Michelle Stark, OLRA  
Jo-Bea Sciarrotta, Esq., OEMS  
Donald Roberts, OEMS  
Michael Mooney, OEMS

SENT VIA REGULAR US MAIL AND  
CERTIFIED MAIL #  
RETURN RECEIPT REQUESTED