

June 28, 2012

Mr. CHRIS MENDYK

**Re: Notice of Proposed Revocation:  
EMT-Basic Certification # 533747  
Investigation Control # 2009-260**

Dear Mr. Mendyk:

The New Jersey Department of Health and Senior Services (the Department) is vested with the responsibility of carrying out the provisions of N.J.S.A. 26:2H-1 *et seq.*, *Health Care Facilities Planning Act*, 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 addition, 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 *Emergency Medical Technicians-Basics: Training and Certification.*)

On your application for EMT-B recertification, you indicated to the Department's 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 another jurisdiction, for an offense other than a minor traffic violation. As a policy matter, in accordance with N.J.A.C. 8:40A-6.2(c), the Department initiated an investigation into your criminal background.

As part of that investigation, on July 1, 2009, you were sent a communication explaining the need to complete a criminal background check, and you were provided the necessary forms and instructions to complete this process. In those instructions it explained that you needed to return the *SBI 212B Request for Criminal History Record*

*Information for a Noncriminal Justice Purpose* document and required paperwork to the Department within thirty (30) days. The correspondence was sent via United States Postal Service (USPS) registered mail with return receipt requested, as well as USPS 1<sup>st</sup> Class mail. You signed the return receipt for the parcel on July 6, 2009. For your reference, the parcel sent USPS 1<sup>st</sup> Class mail was not returned to the OEMS as undeliverable. However, despite receiving the OEMS correspondence you failed to follow through and complete the required documentation and return it to the OEMS.

As a result of your failure to cooperate with this criminal investigation, on November 3, 2010, you were sent a communication expressing the Department's intent to revoke your certification if you did not respond within thirty (30) days. The correspondence was sent via United State Postal Service (USPS) Registered mail. USPS delivered the parcel at 12:48 PM on November 6, 2010. No response was ever received from you.

To date, you have failed to respond to all Department requests to provide the information needed to fully investigate this matter. Be aware, your refusal to respond to the Department's requests, combined with your lack of cooperation with this investigation constitutes failure to comply with the agency empowered to enforce the provisions of the aforementioned administrative rule, 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 certification 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 may request a hearing before the Office of Administrative Law to contest this Department's decision to revoke your 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 Compliance  
P.O. Box 360, Room 805  
Trenton, NJ 08625-0360  
Attn: Ms. Michele Stark

Please include the control number **2009-260** 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 Dr. Jo-Bea Sciarrotta, OEMS Compliance Officer, at (609) 633-7777.

Sincerely,

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

c: Christopher Rinn, Assistant Commissioner  
Donald Roberts, OEMS  
Michael Mooney, OEMS  
Michelle Stark, OLRA

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