

November 22, 2010

Michael Decker

**Re: Notice of Proposed Revocation:
EMT-Basic Certification # 584444
Investigation Control # 2010-261**

Dear Mr. Decker:

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 assure 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., Emergency Medical Services Act*, authorizes the Department to certify Emergency Medical Technician-Basics (EMT-Bs). 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-Bs and EMT-B candidates. (See *N.J.A.C. 8:40A-1.1 et seq.*)

On June 18, 2010, the Department received communications from the Pennsylvania Bureau of Emergency Medical Services (PA-BEMS) as part of a certification confirmation regarding your request for EMT-Basic reciprocity from New Jersey to Pennsylvania. It was revealed to the Department that you reported a criminal background to the PA-BEMS on your reciprocity application. A review of Department documents revealed that you had never disclosed this to the Office of Emergency Medical Services (OEMS), as required under *N.J.A.C. 8:40A-1.1 et seq.* Consequently, the Department initiated an investigation into this matter.

The OEMS investigation confirmed that you are currently a New Jersey certified EMT-Basic and have been since September 2009. However, on your application for certification submitted the very same month, you answered “**NO**” to the OEMS Learning Management System (LMS) question that reads:

“Have you ever been charged, convicted, placed on probation, entered into a pre-trial intervention (PTI) program or entered into a plea bargain in connection with a violation of law under the laws of any state, the federal government, or any other jurisdiction, other than a minor traffic violation?”

You also marked the affirmation box indicating that this “information is true and correct”, and that you understood that “any misrepresentation of fact may be grounds to deny or revoke EMS certification”.

As a result of the Department’s investigation, the OEMS discovered that on April 4, 2004, you were arrested by Mount Laurel Police for Possession of Marijuana/Hashish in violation of *N.J.S.A. 2C:35-10A(4)*. On April 20, 2004 you appeared in Mount Laurel Municipal Court and were found guilty of Possession of Marijuana/Hashish in violation of *N.J.S.A. 2C:35-10A(4)*. Accordingly, you were fined by the court and your driver’s license was suspended for six (6) months.

In correspondence dated August 2, 2010, the Department ordered you to appear before OEMS investigators, within thirty (30) days, to provide information regarding an ongoing investigation concerning the protection of public health, safety, and welfare. The correspondence was sent via United States Postal Service (USPS) First Class Mail along with a duplicate copy sent via Certified Mail -- Return Receipt Requested. The Certified Mail copy was returned unclaimed on August 18, 2010. However, the correspondence sent to you via USPS First Class Mail was never returned to the Department, thereby allowing the OEMS to assert the presumption that mail properly addressed, stamped and posted has been received by the party to whom it was addressed.

In correspondence dated September 15, 2010, the Department issued you a final warning of intent to take action to revoke your EMT-Basic certification if you failed to respond to the Department within thirty (30) days. The correspondence was sent via United States Postal Service (USPS) First Class Mail along with a duplicate copy sent via Certified Mail. The USPS confirms that the Certified Mail Return Receipt Requested copy was delivered to your address at 15:51 hours on September 18, 2010. Additionally, the correspondence sent to you via USPS First Class Mail was never returned to the Department, thereby allowing the OEMS to assert the presumption that mail properly addressed, stamped and posted has been received by the party to whom it was addressed.

N.J.A.C. 8:40A-10.2 states: (b) 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:

2. Deceptive or fraudulent procurement of certification or recertification credentials and/or documentation

12. Conviction of any crime;

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;”

21. Making material misrepresentations or providing false information on the NREMT-Basic Certification Examination and/or application for EMT-Basic, EMT-Instructor or EMT-Paramedic certification or recertification;

In consideration of all the foregoing, this agency has determined that you have violated *N.J.A.C. 8:40A-10.2(b)*2, 12, 15, 17 and 21.

Therefore, as a result of your failure to report your criminal record and 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* 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 **2010-261** 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: Christopher Rinn, Assistant Commissioner
Donald Roberts, OEMS
Jo-Bea Sciarrotta, OEMS
Michael Mooney, OEMS
Michelle Stark, OLRA
National Registry of EMTs
Timothy Roth, PA-BEMS

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