

November 22, 2010

Susanne Dier

Re: **Notice of Proposed Revocation:
EMT-Basic Certification # 505941
Investigation Control # 2010-340**

Dear Ms. Dier:

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.*, 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 or about July 26, 2010, the Department's Office of Emergency Medical Services (OEMS) received an anonymous complaint alleging you had a criminal record which you did not disclose to the Department. As a matter of policy, 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, OEMS staff made numerous attempts to contact you in reference to the criminal history record review process.

To date, you have failed to cooperate with the Department's mandatory investigation. Historically, on July 28, 2010, you were sent a communication dated August 2, 2010, requesting you to appear before Department investigators within thirty (30) days to provide information you may have in this regard. This correspondence was sent via United States Postal Service (USPS) 1st Class mail. A duplicate copy was sent via USPS Certified Mail -- Return Receipt Requested. The OEMS received the Return Receipt, which indicated you signed receipt of the correspondence on July 30, 2010, at

12:28 hours. To date, the Department has never received a response from you regarding that communication.

Thereafter, on September 15, 2010, you were sent another communication expressing the Department's intent to revoke your certification if you did not respond within thirty (30) days. This correspondence was also sent via USPS 1st Class Mail along with another copy sent Certified Mail – Return Receipt Requested . Be aware, the USPS attempted to deliver the Certified Mail on September 18, 2010, at 11:45 hours; thereafter the letter went unclaimed and was returned to the Department on October 7, 2010. However, the corresponding copy of the same communication sent via USPS 1st Class Mail has not been returned to the Department stamped undeliverable. Again, the Department is asserting the presumption that you have received this correspondence.

Thereafter, on October 19, 2010, you were sent another communication expressing the Department's intent to revoke your certification if you did not respond within thirty (30) days. Like all previous correspondence, this letter was sent via USPS 1st Class Mail along with a copy sent via Certified Mail – Return Receipt Requested. Be aware, the USPS attempted to deliver the Certified letter on October 22, 2010, at 15:23 hours. However, that parcel was refused and was subsequently returned to the Department on October 29, 2010. Be further advised, the corresponding copy of the same communication sent USPS 1st Class Mail has not been returned to the Department stamped undeliverable. Again, the Department is asserting the presumption that you have received this correspondence.

Moreover, OEMS investigators have made numerous attempts to contact you by telephone and mail service, based upon the information you entered into the Learning Management System when you applied for your EMT-B certification. Regrettably, all of the OEMS' attempts to contact you have been unsuccessful. Accordingly, your refusal to respond timely 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 *N.J.A.C. 8:40A*, discussed herein above.

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-B 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;
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* 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 revoke your 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 **2009-340** 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 EMT

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