

October 28, 2010

John Walz

**Re: Notice of Proposed Revocation:
EMT-Basic Certification # 558813
Investigation Control # 2010-198**

Dear Mr. Walz:

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-Bs 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 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 the criminal history record review process, you were sent a Request for Criminal History Record Information for a Noncriminal Justice Purpose (SBI 212B) form. This letter is to inform you of the results of the Department's review of your criminal history record.

The SBI 212B form was processed by the New Jersey State Police. Your criminal history in New Jersey reveals a conviction in March of 1989, for Sexual Assault, in violation of *N.J.S.A. 2C:14-2*, and Aggravated Criminal Sexual Contact in violation of *N.J.S.A. 2C:14-3A*, for which you were sentenced to confinement in a state correctional facility. In addition, your record reveals a conviction in January of 2005, for Providing Alcohol to Minors in violation of *N.J.S.A. 2C:33-17*.

Department records indicate that you were certified as an EMT-B on November 30, 1981, and have maintained your certification without interruption since. Prior to your most recent re-certification application, OEMS had no record of ever receiving written notification of your criminal record.

N.J.A.C. 8:40A-7.1 states:

(h) Once certified, it shall be the responsibility of the EMT-Basic to immediately notify OEMS, in writing, of:

1. Conviction of any crime or offense or acceptance into a pre-trial intervention, conditional discharge or other diversionary program in this or any other state...

N.J.A.C. 8:40A-10.2 states:

(b) 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:

12. Conviction of any crime;

13. Conviction of any disorderly persons offense;

15. Entry into a pre-trial intervention, conditional discharge, or other diversionary program;

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

24. Any other action deemed by the Department to pose a threat to the public health, safety or welfare.

The *Rehabilitated Convicted Offenders Act*, found at *N.J.S.A. 2A:168A-1 et seq.*, provides that a person shall not be disqualified from licensure or certification by any licensing authority because of any conviction for a crime, unless the conviction relates adversely to the occupation, trade, vocation, profession or business for which the license or certificate is sought. Accordingly, the Department has considered your application for certification pursuant to the guidelines set forth in the *Rehabilitated Convicted Offenders Act*.

EMT-Basics are expected to be of high moral character and are often placed in a position of influence over minor children at risk. Your criminal history record is significantly inconsistent with the duties of an EMT-Basic. You were convicted of sexual assault and providing alcohol to minors in your care. Such an offense indicates a lack of respect for personal boundaries and the welfare of persons in your care. Furthermore, you failed to provide notification to the Department at the time of your conviction. Your conviction and subsequent failure to notify the Department are dramatically inconsistent with the duties of an EMT-Basic.

This agency finds no special circumstances or social conditions that explain or mitigate your conduct. This agency finds that as a legal adult, you were old enough to understand and appreciate the wrongful nature of your conduct.

In consideration of the aforementioned, this agency has determined that you have violated *N.J.A.C. 8:40A-10.2(b)2, 12, 15, 21, 23 and 24*. **Therefore, as a result of this investigation, please be advised that the Department intends to revoke your Emergency Medical Technician-Basic certification.**

Pursuant to *N.J.S.A. 52:14B-1 et seq.*, and *N.J.A.C. 8:40A-10.3(b)1*, you are entitled to a hearing before the Office of Administrative Law to contest this proposed agency action. If you request a hearing, this agency action shall be held in abeyance until such time as a hearing has been conducted and a final decision has been rendered. 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 mailing 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 control number **2010-316** on all of your correspondence. **Finally, please note that this agency action shall become effective 30 days after this Notice has been mailed to you unless you request a hearing. Failure to submit a written hearing request within such 30-day period shall result in forfeiture of your rights to a hearing.** If you have any questions concerning this matter, please do not hesitate to contact Mr. Jo-Bea Sciarrotta, OEMS Compliance Officer, at (609) 633-7777.

Sincerely,

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

c. Jo-Bea Sciarrotta, Compliance Officer
Michael Mooney, OEMS
Michele Stark, OL&RA
National Registry

SENT VIA REGULAR U.S. MAIL AND
CERTIFIED MAIL # 7008 1140 0001 5588 9517
RETURN RECEIPT REQUESTED