



State of New Jersey

DEPARTMENT OF HEALTH AND SENIOR SERVICES

OFFICE OF EMERGENCY MEDICAL SERVICES

PO BOX 360

TRENTON, N.J. 08625-0360

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

www.nj.gov/health

POONAM ALAIGH, MD, MSHCPM, FACP
Commissioner

December 13, 2010

Charles Bennett Jr.

**Re: Notice of Summary Suspension:
EMT-Basic Certification # 544388
Investigation Control # 2010-498**

Dear Mr. Bennett:

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 October 22, 2010, the Department's Office of Emergency Medical Services (OEMS) received notification from the Cumberland County Prosecutor's Office of a patient death while in the care of emergency medical service providers. Accordingly, the Department initiated an investigation into the matter.

The Department investigation revealed that on July 31, 2010, you were working for Millville Rescue Squad as a field supervisor. On that day, you responded to 406 E. Broad St., in Millville, New Jersey. A Patient Care Report (PCR) was generated, on which you were listed as an additional crewmember to ambulance 9813A. The PCR further indicates that, while combative, the patient was placed in restraints prone (face down) on the portable (Reeves) litter, carried down a flight of stairs, placed on a wheeled stretcher, and moved to the waiting ambulance. Upon placing the patient in the ambulance it was discovered that the patient had suffered cardiac arrest.

On November 18, 2010, the Department was contacted by the Cumberland County Prosecutors Office and informed that the Cumberland County Medical Examiner issued a report, wherein it identifies the cause of death as positional asphyxia.

N.J.A.C. 8:40-4.10(c) states: "Physical behavioral restraints shall not be of a type, or utilized in a manner, that causes undue physical discomfort, harm or pain to a patient. Hard restraints, such as handcuffs, are specifically prohibited unless a law enforcement officer accompanies the patient. A patient placed in any type of restraint shall be closely monitored to ensure that his or her airway is not compromised in any way. In no circumstance shall a patient be placed prone (that is, face-down) on a stretcher while in restraints".

N.J.A.C. 8:40A-10.2(a) states: "The Commissioner, or his or her designee, may summarily suspend a person's EMT-Paramedic certification when, in his or her opinion, the continued certification of that person poses an immediate or serious threat to the public health, safety or welfare".

Therefore, your certification as an EMT-Basic is immediately suspended and shall remain suspended indefinitely. You may not, under any circumstances, act in the capacity of, or perform the duties of an EMT-Basic in New Jersey during this period of suspension. Be further advised that if you act in the capacity of, or perform the duties of an EMT-Basic in New Jersey during this period of suspension, your actions will constitute impersonation of an EMT-Basic in violation of *N.J.A.C. 8:40A-10.4*, and shall incur further penalties.

In accordance with *N.J.A.C. 8:40A-7.1(f)*, certification cards are the property of the Department and shall be immediately surrendered upon demand. As such, you are hereby directed to immediately surrender your EMT-Basic certification card(s) to the OEMS, either by U.S. mail to the address on the first page of this Notice, or by physical delivery to Department of Health and Senior Services, OEMS, John Fitch Plaza, Market and Warren Streets, Trenton, NJ, 08611.

In the interim, the OEMS will continue to investigate this matter. You will be notified when the OEMS has completed its investigation, at which time you will be advised of what action(s), if any, will be taken with respect to your EMT-Basic certification.

Pursuant to *N.J.A.C. 8:41A-5.3(a)*, you have the right to appeal to the Commissioner of Health and Senior Services for a hearing before the Office of Administrative Law to contest this summary suspension. If the summary suspension is upheld at the Office of Administrative Law, you have the right to apply for injunctive relief in the Superior Court of New Jersey. Your request for a hearing in this matter must be submitted in writing and must be accompanied by a response to the charges contained herein. Please include the control number **2010-498** on your correspondence, and forward your request 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

Finally, please note that failure to submit a request for a hearing within 30-days from the date of this Notice 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, Compliance Officer at (609) 633-7777.

Sincerely,

Karen Halupke

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

- c. Christopher Rinn, Assistant Commissioner
Jo-Bea Sciarrotta, Compliance Officer
Michael Mooney, OEMS
Christopher Ryan, OEMS
Michele Stark, OL&RA
National Registry of EMTs
Kevin Yeager, Operations Director – Millville Rescue Squad

SENT VIA REGULAR U.S. MAIL AND
CERTIFIED MAIL #
RETURN RECEIPT REQUESTED