

**June 4, 2012**

**Mr. James J. Daly**

**Re: Notice of Summary Suspension:  
EMT-Basic Certification # 567124  
Investigation Control # 2012-267**

Dear Mr. Daly:

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.*, the *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 admission care rendered by basic life support (BLS) personnel. In addition, *N.J.S.A. 26:2K-7 et seq.*, the *Emergency Medical Services Act*, 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 May 10, 2012, the Department's Office of Emergency Medical Services (OEMS) received a news article from the Trentonian, dated May 9, 2012, which alleged you were arrested for theft from your employer, Beverly-Edgewater Park EMS (BEPEMS). Accordingly, the OEMS opened an investigation in response to the information contained in the news article.

Further investigation revealed that under Complaint Warrants # W-2012-0302-00036, W-2012-0302-000037, W-2012-0324-000203 and W-2012-0324-000204, issued by the Burlington County Prosecutor's Office, you were charged with one (1) count of Hindering Apprehension in the second degree, one (1) count of Theft in the third degree, one (1) count of Theft in the fourth degree, one (1) count of Witness Tampering in the third degree, one (1) count of Obstruction in the fourth degree, and a disorderly person's offense of Unsworn

Falsification in violation of *N.J.S.A. 2C:20-4A, 2C:28-5A(1), 2C:5-1A(1), 2C:29-3B(3), and 2C:29-1B.*

All of criminal charges resulted from your actions while working as the EMS Chief for BEPEMS. Specifically the complaints allege that you used \$450.00 of BEPEMS' funds to fuel your personal vehicle and you gave yourself an unauthorized salary increase to \$68,500.00 when your contract indicated a salary of \$53,560.00. The complaints further allege that you presented fraudulent documentation to the Burlington County Prosecutor's Office in an attempt to show you had authorization for your actions, when in fact you had none.

As you know, EMT-Basics work in unsupervised two-person teams to respond effectively to emergencies. The nature of this work requires that these individuals make important medical assessments and carry out appropriate pre-hospital interventions at motor vehicle accidents, in people's homes and at other difficult field locations. In order to be effective, EMT-Basics must unconditionally trust each other and be incontestably trusted by EMT-Paramedics, police officers, fire fighters, doctors and other professionals. Because EMT-Basics treat vulnerable patients of all ages, from infants to the elderly, they are required to place a high value on the health, safety and welfare of the patients they treat.

At the time the alleged acts were committed you were the EMS Chief responsible for day to day operations, including payroll for your EMS agency. In this position, you knew, or should have known that you were entrusted with the daily operations and financial stability of your organization. As such, your actions were in complete opposition to your fiduciary responsibilities to the BEPEMS.

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

Because of the seriousness of the crimes with which you have been charged, the Department finds that your continued certification as an EMT-Basic constitutes an immediate and serious threat to the health, safety, and welfare of the public. **Therefore, your certification as an EMT-Basic is immediately suspended and shall remain suspended indefinitely.**

Be aware that 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. Also, be aware 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. 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 the Department of Health and Senior Services, OEMS, John Fitch Way, 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. 8:40A-10.3(a)*, you may appeal to the Commissioner of the Department 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 may apply for injunctive relief in New Jersey Superior Court. Your request for an administrative hearing regarding this matter must be submitted in writing and must be accompanied by a response to the charges contained herein. Please include control number **2012-267** on your correspondence, and forward your request 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

**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 Dr. Jo-Bea Sciarrotta, OEMS Compliance Officer, at (609) 633-7777.

Sincerely,

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

c. Christopher Rinn, Assistant Commissioner  
Christopher Ryan, OEMS  
Michele Stark, OL&RC  
Beverly Edgewater Park EMS  
Medi Taxi and Transport

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