



State of New Jersey
DEPARTMENT OF HEALTH
OFFICE OF EMERGENCY MEDICAL SERVICES
PO BOX 360
TRENTON, N.J. 08625-0360

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

www.nj.gov/health

MARY E. O'DOWD, M.P.H.
Commissioner

September 6, 2013

Wayne Ross

Re: **Notice of Summary Suspension:
EMT Instructor Certification # 534159
Investigation Control # 2013-420**

Dear Mr. Ross:

The New Jersey Department of Health (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 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 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-Instructors (EMT-Instructor). 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-Instructor and EMT-Instructor candidates. (See: *N.J.A.C. 8:40A-1.1 Emergency Medical Technicians-Basics: Training and Certification.*)

The Department's Office of Emergency Medical Services (OEMS) received notification that you were charged with theft on August 30, 2013 while working in the capacity of a councilman and as a member of the Hardyston Township Volunteer First Aid Squad. Specifically, you were charged with using an American Express credit card from the Hardyston Township Volunteer First Aid Squad to make \$27,585.01 in personal purchases between 2008 and 2013.

As a matter of policy, the OEMS opened an investigation in response to the notification. Thereafter, OEMS investigators contacted the Sussex County Prosecutor's Office. A representative from the Prosecutor's Office confirmed that on August 30,

2013, you were arrested and charged with the following under warrant number W2013-000134-1911:

1. Official Misconduct in the second degree which is in violation of 2C:30-2A.
2. Theft by unlawful taking or disposition of movable property in the third degree, which is in violation of 2C:20-3A.

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

The Commissioner, or his or her designee, may summarily suspend a person's EMT-Basic and/or EMT-Instructor 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.

Because of the seriousness of the crimes with which you have been charged, the Department finds that your continued certification as an EMT-Instructor constitutes an immediate and serious threat to public health, safety, and welfare. **Therefore, your certification as an EMT-Instructor 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-Instructor in New Jersey during this period of suspension.**

Be aware that you may not under any circumstances act in the capacity of, or perform the duties of an EMT-Basic or an EMT-Instructor 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 or an EMT-Instructor in New Jersey during this period of suspension, your actions will constitute impersonation of an EMT-Basic and/or an EMT-Instructor 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-Instructor certification card(s) to the OEMS, either by sending via United States Postal Service First Class Mail, to the address on the first page of this Notice, or via physical delivery to Department of Health, 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-Instructor certification.

Pursuant to *N.J.A.C. 8:40A-10.3(a)*, you may appeal to the Commissioner of the Department Health 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 the Superior Court of New Jersey.

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. Please include the control number **2013-420** on your correspondence, and forward your request to:

New Jersey Department of Health
Office of Legal & Regulatory Compliance
P.O. Box 360, Room 805
Trenton, NJ 08625-0360
Attn: Ms. Tami Roach

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 Mr. Donald Roberts, at (609) 633-7777.

Sincerely,

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

- c. Christopher R. Rinn, Assistant Commissioner
Donald Roberts, OEMS
James Sweeney, OEMS
Tami Roach, OL&RA

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