



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

November 7, 2014

Adriane Giorgione

**Re: Notice of Proposed Revocation:
EMT Certification # 542773
Investigation Control # 2014-A018**

Dear Ms. Giorgione:

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.*, authorizes the Department to certify Emergency Medical Technicians (EMTs). In furtherance of the objectives set forth in the statutes, the Department has adopted regulations that govern the training, certification and professional conduct of EMTs and EMT candidates. (See: *N.J.A.C. 8:40A-1.1 Emergency Medical Technicians-Basics: Training and Certification.*)

On April 15, 2014 you accessed the New Jersey Office of Emergency Medical Services' (OEMS) Certification Platform, through the internet at www.njemms.us, for the purposes of recertifying your EMT certification. On your application for EMT recertification, you were presented with the following affirmation statement:

"I affirm that all of the above information is true and correct. I understand that any misrepresentation of fact may be grounds to deny or revoke my NJ EMS certification/endorsement/license. In addition, I hereby certify that I have successfully completed the recertification requirements as stated in the current New Jersey EMS Regulations. I understand that my recertification/re-endorsement documentation may be subject to a random audit by the Office of Emergency Medical Services, and if it is determined that I have falsely reported my legal status, the existence of a criminal background, information concerning any certification, endorsement or licensure status granted by any and/or all jurisdictions at any time, and/or recertification/re-endorsement documentation as outlined in NJ regulation, my EMS certification/endorsement may be revoked.
NOTE: ONLY NJ-OEMS APPROVED COURSES MAY BE USED FOR EMT

RECERTIFICATION."

You checked "I agree" next to that question, creating a time and date stamp in the electronic record. This is further evident because the system will not allow anyone to complete the recertification process unless "I agree" is checked.

As a result of this application submission, you were permitted to recertify your EMT credential for the next five (5) years. The OEMS issued a certification card on April 22, 2014, making your new expiration date June 30, 2019.

On August 20, 2014, you were notified by electronic mail (email) that your file was selected for random audit to determine if you met the requirements for EMT recertification. This communication was sent to the email address you provided the Department in your recertification application and delivery was confirmed by the Department's email server. In that email message it was explained that you were required to produce evidence of having met all recertification requirements within fifteen (15) days of notification. No response to that message was ever received by the Department.

On September 3, 2014, you were notified by email that you failed to provide the required documentation constituting a failure to comply with the agency empowered to enforce the provisions of N.J.A.C. 8:40A-1.1 et seq. Additionally, you were notified that the Department would initiate the permanent revocation of your EMT certification if these matters were not resolved within fifteen (15) days of notification. You responded by email on this date claiming this was the first communication you received and would be providing the documentation as requested. In response to that email message the Department investigator confirmed that all documents must be received before September 18, 2014 to avoid Departmental action.

On September 7, 2014, the Department received an email message from you requesting an extension of the September 18, 2014 deadline because you had lost documents in Super Storm Sandy. The next day the Department replied pointing out that you had been aware of the requirements for recertification since submitting your application on April 15, 2014 and that you must meet the September 18, 2014 cutoff date.

On September 17, 2014, the Department received an email from you requesting a telephone conversation with investigators. In the subsequent conversation on September 18, 2014 with investigator Michael Mooney you indicated that you were aware that you did not meet the requirements for EMT recertification at the time you made application. Specifically, you admitted you failed to complete the twenty-four (24) core continuing education units (CEUs) required at NJAC 8:40A-7.5(a)2. At that time, you were offered an opportunity to enter into a settlement agreement with the Department to resolve these matters and avoid permanent revocation of your EMT certification. You were given seven (7) days to consider your option and accept or reject the settlement agreement. By September 23, 2014, the Department still had not

received any indication from you regarding the proposed settlement agreement.

On September 24, 2014, you were sent a letter explaining that you had been chosen at random for audit of your EMT recertification application and that the Department had contacted you as indicated above. The letter also explained that you failed to provide the required documentation as indicated in previous communications and that the Department would initiate the permanent revocation of your EMT certification if these matters were not resolved. The correspondence was sent via United State Postal Service (USPS) certified mail, as well as USPS 1st Class mail. The USPS reports that a notice of certified mail was left at your residence on September 29, 2014. On October 14, 2014, the Tuckerton Post Office returned the letter as unclaimed. For your reference, the parcel sent USPS 1st Class mail has not been returned to the OEMS as undeliverable. As such, the Department is asserting the "Mailbox Rule" which states that the law recognizes that mail properly addressed, stamped and posted was received by the party to whom it was addressed. Based upon the foregoing statement, you have been notified that your file was selected for an audit. You are now reminded that this correspondence allotted fifteen (15) days for you to provide documentation that you have met all requirements to recertify your EMT credential.

On October 1, 2014, Department investigator Michael Mooney was able to contact you by telephone. You indicated that you would be willing to accept this settlement and promised to voluntarily surrender your current EMT certification by October 6, 2014 in order to initiate the process of rehabilitation outlined in the proposed settlement agreement. The Department never received your voluntary surrender.

On October 8, 2014, you were sent an email explaining your notice of voluntary surrender was never received. No reply to that email was ever received and all subsequent attempts to communicate with you have been unsuccessful.

N.J.A.C. 8:40A-7.5(a) states: "The requirements for recertification as an EMT-Basic shall be as follows:

1. Possession of EMT-Basic and CPR certifications; and
2. Successful completion of approved continuing education units, consisting of 24 core credit hours and 24 elective credit hours. The 24 core credit hours shall include two credit hours from each of the 12 core sessions identified at *N.J.A.C. 8:40A-9.5(a)1i* or completion of an approved Core 13 program."

In a review of available Department records, it has been determined that while you did have a valid EMT certification, no proof exists that you had a valid CPR certification. The record also indicates that you completed thirty-seven (37) elective CEUs. Additionally, records reflect that you completed zero (0) of the twenty-four (24) required core CEUs. This demonstrates that you did not meet the requirements for EMT recertification at the time you requested recertification although affirmed that you have successfully completed the recertification requirements as stated in the current New

Jersey EMS Regulations.

The Department's investigation established that you did not meet the requirements for recertification of your EMT credential at the time you made the request. The Department's investigation also established that you made conscious efforts to avoid detection by refusing to respond to, or work together with the Department, an agency empowered to enforce the regulations, despite many attempts by the investigators to gain your cooperation. Accordingly, the Department believes you purposely used deception to fraudulently procure your EMT recertification.

You are reminded that EMTs work in an unsupervised environment, providing care in people's homes, at the scene of motor vehicle accidents and in other difficult field locations. EMTs are expected to be of high moral character and are often placed in a position of influence over individuals who are ill and/or injured, frightened and vulnerable. By the nature of the work, EMTs must be incontestably trusted by their partners, police officers, firefighters and hospital personnel. As such, your conduct in this matter is significantly inconsistent with the duties of an EMT. By intentionally using deception to fraudulently procure your EMT recertification and refusing to cooperate with the agency empowered to enforce the regulations, in an attempt to avoid detection, the Department believes allowing you to continue in the role of an EMT poses a threat to the health, safety and welfare of the public.

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:

2. Deceptive or fraudulent procurement of certification or recertification credentials and/or documentation;

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 and/or regulation

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

Additionally, by checking "I agree" with the affirmation statement, discussed herein above, you indicated that you "understand that my recertification/re-endorsement

documentation may be subject to a random audit by the Office of Emergency Medical Services, and if it is determined that I have falsely reported my legal status, the existence of a criminal background, information concerning any certification, endorsement or licensure status granted by any and/or all jurisdictions at any time, and/or recertification/re-endorsement documentation as outlined in NJ regulation, my EMS certification/endorsement may be revoked."

Be advised, 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, 17, 23 and 24*. **Accordingly, as a result of this investigation, please be advised that the Department intends to revoke your Emergency Medical Technician certification.**

Pursuant to *N.J.S.A. 52:14B-1 et seq.*, and *N.J.A.C. 8:40A-10.3(b)1*, you may request 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
Office of Legal & Regulatory Compliance
P.O. Box 360, Room 805
Trenton, NJ 08625-0360
Attn: Ms. Tami Roach

Please include control number **2014-A018** 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 Dr. Jo-Bea Sciarrotta, OEMS Compliance Officer, at (609) 633-7777.

Nancy Kelly-Goodstein, MAS
Acting Director
Emergency Medical Services

- c. Candace Gardner, OEMS
National Registry of EMTs
Tami Roach, OL&RA

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