



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

CHRISTOPHER R. RINN
Acting Commissioner

December 14, 2017

Mr. William Dovi

**Re: Notice of Proposed Denial of EMT
Certification and Recognition # 515494
Investigation Control #2017-0071C**

Dear Mr. Dovi:

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 (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 et seq.*)

On January 12, 2017, you informed the Department's Office of Emergency Medical Services (OEMS), on your application for certification as an Emergency Medical Technician (EMT), you had been charged, convicted, placed on probation, entered into a pre-trial intervention (PTI) program, or entered into a plea agreement in connection with a violation of law under the laws of any state, the federal government, or any other jurisdiction, other than a non-felony DUI/DWI, local ordinance violation, or minor traffic violation. The Department initiated an investigation into your credentialing background. As part of that investigation OEMS staff contacted you in reference to your credential history. Through the documentation you provided and information obtained by the Department it has been determined that you have multiple charges for simple assault and disorderly persons ranging from September 2015 up to your most recent arrest for simple assault in the jurisdiction of Medford, NJ on July 1, 2017.

N.J.AC 8:40A-7.1(b) provides that: No person shall be certified or recognized as an EMT if he or she has been accepted into a pre-trial intervention, conditional discharge or other diversionary program in this State or any other state or convicted of:

1. Any crime;
2. Any disorderly persons offense; and/or
3. A petty disorderly persons offense involving the possession, utilization, sale and/or distribution of any controlled dangerous substance; representing a risk of harm to the health, safety.

N.J.A.C. 8:40A-10-2(b) states, "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 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;
14. Conviction of a petty disorderly persons offense involving the possession, utilization, sale and/or distribution of any controlled dangerous substance; representing a risk of harm to the health, safety or welfare of patients; and/or involving patient abuse or patient neglect;
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; and/or
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.

EMTs must work in two person teams to respond effectively to emergencies. They must make important medical assessments and carry out appropriate medical interventions at motor vehicle accidents, in people's homes, and at other difficult field locations. In order to be effective, EMTs must trust each other and be trusted by Paramedics, police officers, fire fighters, doctors, and other professionals. EMTs must treat patients of all ages, from infants to the elderly. They must place a high value on the health, safety and welfare of the patients they treat. EMTs are called upon to care for at risk, venerable patients, oftentimes the victims of violence. EMTs who work for licensed providers must adhere to applicable laws and administrative rules. All of these duties require EMTs to be law-abiding citizens of high moral character.

Your criminal history record is inconsistent with the duties of an EMT as described above. Your propensity for violence against those you care for indicates an inability to safeguard the public's welfare. As stated above, it is important for EMTs to be honest and to place a high value on the health, safety and welfare of the patients they care for.

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.

The information before this agency has been carefully considered under the Rehabilitated Convicted Offenders Act. The duties of a certified EMT require an individual of high moral character who places great value on the health, safety and welfare of others. Your crimes were very serious offenses that must be given great weight in the Department's analysis. In the ensuing years you must demonstrate the capability of leading a law-abiding life, and refrain from violent behaviors. If, after two (2) years, you are without further convictions you are welcome to apply for reconsideration. However, the Department shall not be obligated to grant you certification.

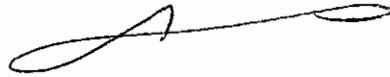
Therefore, as a result of our investigation, please be advised that you will not be able to become certified as an Emergency Medical Technician in New Jersey at this time. Accordingly, you may not, under any circumstances, act in the capacity of, or perform the duties of an EMT in New Jersey under the certification of the National Registry of Emergency Medical Technicians, or the certification of any other state. Be advised that if you act in the capacity of, or perform the duties of an EMT in New Jersey, your actions will constitute impersonation of an EMT, which is in violation of N.J.A.C. 8:40A-10.4 and you shall incur further penalties.

Pursuant to *N.J.S.A. 52:14B-1, et seq.* and *N.J.A.C. 8:40A-10.3(b)*, you may request a hearing before the Office of Administrative Law to contest this Department's decision not to grant your EMT certification. Your request for a hearing on this matter must be submitted in writing and must be accompanied by a response to the findings contained herein. Your request for a hearing must be submitted within 30-days from the date 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: Tami Roach

Please include the control number 2017-0071C on all of your correspondence. **Finally, please note that your failure to submit a request for a hearing within 30-days 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 do not hesitate to contact Candace Gardner, Education Manager, at (609) 633-7777.

Sincerely,



Scot Phelps, JD, MPH, Paramedic
Director

c: Tami Roach, OL&RC
Terry Clancy, OEMS
Candace Gardner, OEMS
National Registry of Emergency Medical Technicians

SENT VIA U.S.P.S. 1st CLASS MAIL AND
CERTIFIED MAIL #
RETURN RECEIPT REQUESTED