



State of New Jersey

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

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

www.nj.gov/health

JUDITH M. PERSICHILLI, RN, BSN, MA
Commissioner

February 10, 2020

Ms. Laura Mogrovejo

**Re: Notice of Proposed Denial of EMT Renewal
EMT# 598806
Investigation Control # 2017-0074C**

Dear Ms. Mogrovejo:

The New Jersey Department of Health (the Department) is vested with the responsibility of carrying out the provisions of the Health Care Facilities Planning Act, N.J.S.A. 26:2H-1 et seq., 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 (EMT). 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 June 30, 2017, you accessed the New Jersey Office of Emergency Medical Services' (OEMS) Certification Platform through the internet at www.njems.us, for the purpose of recertifying your EMT certification. On your EMT certification application, you indicated that you had a criminal history, but your conviction was expunged. You did not reveal what the conviction was for or when you were convicted.

Because you indicated that you have a criminal history, on September 18, 2018, you were sent an email notification informing you that you needed to complete OEMS's criminal investigation process. The email utilized for this notification was verified by you on June 30, 2017, as part of the recertification process through your www.njems.us profile. In this email, OEMS provided the following instructions:

It has come to the attention of the Office of Emergency Medical Services (OEMS) that you have a legal matter that has not been previously investigated by this office... To continue with your EMS certification, you must complete an authorized background check conducted by the New Jersey State Police. The "New Jersey Universal Fingerprint Form" needed to accomplish this is attached...

In addition: You must provide copies of all legal documents from the jurisdiction in which the events took place: this may include such things as Disciplinary Actions, Settlements, Charges, Indictments, Judgements of Conviction, Plea Agreements, and Disposition of Probation/Parole/PTI/CD/ARD documents. Lastly include a personal statement with a complete explanation of all circumstances associated with each charge. Send only an original, signed and notarized statement.

By January 30, 2019, the Department had not received any correspondence or verbal acknowledgement of your attempt to comply with the criminal background investigation. As a result, an OEMS investigator telephoned you. You did not answer the telephone and there was no mechanism to leave a message. The investigator followed the phone call up with another email as well as a letter that was sent via United States Postal Service (USPS) First class mail and USPS certified mail requesting your compliance with the background investigation process. The email and letter provided you with a February 6, 2019 deadline for compliance and notification of the Department's intent to deny your certification if you did not comply with the background investigation. The USPS reports that a notice of certified mail was received at your residence on February 4, 2019. The parcel sent USPS First class mail was not returned to OEMS as undeliverable.

Pursuant to N.J.A.C. 8:40-7.1(b) and (c), when an individual seeking certification as an EMT has a criminal record, OEMS reviews the individual's criminal background against the requirements of the Rehabilitation of Convicted Offenders Act (Act), N.J.S.A. 2A:168A-1 et seq., to determine whether the individual should be granted an EMT certification. Under the Act, OEMS may deny an individual an EMT certification if the individual was convicted of a crime or disorderly person offense that "relates adversely to the occupation, trade, vocation, profession or business for which the license or certificate is sought." N.J.S.A. 2A:168A-2. To determine whether an EMT candidate's criminal background relates adversely to the duties and responsibilities of an EMT, the Act requires OEMS to explore several factors, namely:

- a. The nature and duties of the occupation, trade, vocation, profession or business, a license or certificate for which the person is applying;
- b. Nature and seriousness of the crime;
- c. Circumstances under which the crime occurred;
- d. Date of the crime;
- e. Age of the person when the crime was committed;
- f. Whether the crime was an isolated or repeated incident;
- g. Social conditions which may have contributed to the crime; [and]

- h. Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of persons who have or have had the applicant under their supervision.

[N.J.S.A. 2A:168A-2].

In the present matter, you indicated on your EMT renewal application that you had a criminal conviction, which prompted OEMS to begin the analysis set forth under the Act to determine whether your criminal history relates adversely to the duties of an EMT. Specifically, OEMS began the analysis by requesting that you comply with a fingerprint supported criminal background check and submit information regarding your criminal history. Unfortunately, you failed to respond to OEMS's multiple requests for information, which prevents OEMS from conducting its review under the Act to determine whether you can safely render emergency medical care as an EMT.

N.J.A.C. 8:40A-10-2(b) provides that, "[t]he Commissioner, or his or her designee, may refuse to issue or renew the certification of any EMT...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 offense;
- 14. Conviction of a petty disorderly person's 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 patient neglect;
- 15. Entry into a pre-trial intervention program, conditional discharge, or other diversionary program;
- 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 public health, safety and welfare."

Based on the foregoing, OEMS finds that your failure to cooperate with its investigation into your criminal history constitutes an obstruction of an OEMS investigation. Additionally, you failed to respond to OEMS's requests for information regarding your criminal record, which it needed to determine whether your criminal history relates

adversely to the duties of an EMT. Absent the requested information, the Department is unable to determine that you can safely render emergency medical care to vulnerable patients and will not pose a threat to the public's health, safety and welfare. Accordingly, it is the intention of the Department to deny renewal of your EMT certification, thereby rendering you ineligible to practice as an EMT in the State of New Jersey.

Pursuant to N.J.S.A. 52:14B-1, et seq. and N.J.A.C. 8:40A-10.3(b), you are entitled to a hearing before the Office of Administrative Law to contest the Department's decision to deny renewal of 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 charges contained herein. In the event you request a hearing, the proposed denial of your EMT recertification will be held in abeyance until a final decision has been rendered. Please include the control number **2017-0074C** on your correspondence, and forward your request to:

New Jersey Department of Health
Office of Legal and Regulatory Compliance
P.O Box 360, Room 805
Trenton, NJ 08325-0360

Failure to submit a written request for a hearing within 30 days from the date of this notice shall be interpreted as an acceptance of this Department's decision to deny renewal of your EMT certification, thereby negating any further appeal rights and converting this action into a final agency decision.

If you have any questions concerning this matter, please contact Candace Gardner at (609) 633-7777.

Sincerely,

Scot Phelps, JD, MPH, Paramedic
Director
Office of Emergency Medical Services

c: Christopher Neuwirth, Assistant Commissioner
Candace Gardner, OEMS
Terry Clancy, OEMS
Michael Tallant, OEMS
National Registry of Emergency Medical Technicians

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