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

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

SHEREEF M. ELNAHAL, MD, MBA
Commissioner

January 16, 2019

Michael Ruskowski
89 Washington Ave
Carteret, NJ 07008

Re: Notice of Proposed Denial of EMT Renewal
EMT # 579092
Investigation Control # 2017-0076C

Dear Mr. Ruskowski:

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 (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 EMT's and EMT candidates. (See: N.J.A.C. 8:40A-1.1 et seq.)

On June 20, 2017, you accessed the New Jersey Office of Emergency Medical Services' (OEMS) Certification Platform, through the internet at www.njems.us, for the purposes of recertifying your EMT certification. On your EMT certification application, you indicated that you have a criminal history and that you have been charged, convicted, placed on probation, entered into a pre-trial intervention (PTI) program, and/or entered into a plea bargain in connection with a violation of the laws of a state, the federal government, or any other jurisdiction, for an offense other than a minor traffic violation since your last certification cycle.

According to N.J.A.C. 8:40A-7.1(b)…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 or welfare of patients; and/or involving patient abuse or patient neglect.

While you submitted a recertification application, a certification credential was not mailed to you because you reported a legal history.

On July 13, 2017, you were sent an email notification informing you that you needed to complete the legal investigation process. The email utilized for this notification was verified by you on June 20, 2017, as a part of the recertification process through your www.njems.us profile. In this email, you were given instructions and informed that you must comply with the legal investigation by completing a background check. The Department did not receive any correspondence or verbal acknowledgment of your attempted compliance with the background check.

On March 12, 2018, a letter was sent to you via United States Postal Service (USPS) First class mail and USPS certified and regular mail. The USPS reports that a notice of certified mail was received at your residence on March 17, 2018. Additionally, the parcel sent USPS First class mail was not returned to OEMS as undeliverable.

By June 12, 2018, the Department had not received any correspondence or verbal acknowledgement of your attempted compliance with the legal investigation. As a result, an Office of Emergency Medical Services (OEMS) investigator telephoned you on June 12, 2018. 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 requesting compliance with the legal investigation process. This email provided you with a June 18, 2018 deadline for compliance and notification of the Department's intent to deny your certification if you did not comply with the background investigation.

As of July 13, 2018, the Department did not receive any correspondence or verbal acknowledgement of your attempted compliance with the legal investigation. On July 13, 2018, a final attempt was made to contact you via telephone, where there was no answer or ability to leave a voicemail message.

To date you failed to comply with any of the Department's requests for information. Be aware, your refusal to respond to the Department's requests and to cooperate with its investigation constitutes failure to comply with the agency empowered to enforce the provisions of the aforementioned N.J.A.C. 8:40A.

According to N.J.A.C. 8:40A-7.1:

> (a) No person shall act in the capacity of an EMT in any form or manner until certified or recognized by the Department, in accordance with the standards set forth in this chapter.
>
> (b) Absent the granting of a waiver, as provided below, no person shall be certified or recognized as an EMT if he or she has been accepted into a pretrial intervention, condition discharge or other diversionary program in this State or any other state or convicted of:
>
> 1. Any crime, 2. Any disorderly person; 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 or welfare of patients; and/ or patient neglect;

(h) Once certified it shall be the responsibility of the EMT to immediately notify OEMS, in writing of:

1. Conviction of any crime or offense or acceptance into a pretrial intervention, conditional discharge or other diversionary program in this or any other state listed in (b)1 through 3; above; and/or

N.J.A.C. 8:40A-10.2(b) provides that, "The 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-trail 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 you failed to cooperate with OEMS' investigation into your criminal history and are purposefully concealing your criminal background. 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 and you shall retain your EMT certification until such time as the hearing has been concluded and a final decision has been rendered. Please include the control number **2017-0076C** 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

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 Dr. Jo-Bea Sciarrotta at (609) 633-7777.

Sincerely,

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

c: Christopher Neuwirth, Assistant Commissioner
Candace Gardner, OEMS
Tami Roach, OLRC
NREMT
File

SENT VIA REGULAR U.S. MAIL AND CERTIFIED MAIL # 7012 2210 0000 7409 8364
RETURN RECEIPT REQUESTED