



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

November 20, 2017

Kenneth Mason Jr.

Re: **Notice of Summary Suspension:
EMT, Paramedic Certifications and Flight Paramedic Endorsement # 2337
(EMS ID # 512579)
Investigation Control # 2017-0123V**

Dear Mr. Mason:

The New Jersey Department of Health (Department) is vested with the responsibility of carrying out the provisions of N.J.S.A. 26:2K-7, et seq., which govern the provision of advanced life support services within the State of New Jersey, and 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 paramedic and ambulance services. These laws establish a scheme that permits certain individuals, once certified, to perform basic life support and/or advanced life support services. In furtherance of the objectives set forth in the statutes, the Department has adopted regulations that govern the training, certification and professional conduct of Emergency Medical Technicians (EMT)s and Paramedics. See N.J.A.C. 8:40A-1.1, et seq. and N.J.A.C. 8:41A-1.1, et seq.

The Department's Office of Emergency Medical Services (OEMS) recently received notification that you were charged with indecent assault of a minor by the Commonwealth of Pennsylvania, County of Chester. Consistent with regulatory authority and OEMS policy, the OEMS opened an investigation in response to this notification.

Upon opening the investigation, the OEMS investigator confirmed that you are currently certified by the Department as an EMT and a Paramedic and that you hold an OEMS endorsement as a Flight Paramedic. The investigator also confirmed that on or about October 3, 2017, you were charged with the following under complaint number 2017-221489:

1. One count of corruption of a minor, in violation of 18 Pa.C.S. 6301(a);
2. One count of indecent assault while the person is unconscious or unaware, in violation of 18 Pa.C.S. 3126(a)(4); and

3. One count of indecent assault without consent of the other, in violation of 18 Pa.C.S. 3126 (a)(1).

Specifically, the complaint alleges that the minor victim was interested in becoming a Paramedic and was participating in a ride-along program with Penn Medicine Chester County Hospital (Penn Medicine) to learn about the profession. A ride-along is described in the complaint as an arrangement for a civilian to spend a shift in the passenger seat of an emergency vehicle observing the work day of a Paramedic. The complaint further states that you were employed by Penn Medicine as a Paramedic. On August 8, 2017, the minor victim was scheduled to ride-along with you on your 11:00 p.m. to 7:00 a.m. shift. The complaint alleges that while on duty, in the early morning hours of August 9, 2017, you took the victim to a secluded area. While the victim slept, you sexually assaulted him by rubbing his genitals through his pants. The complaint further states that the victim was afraid that if he/she said anything, you would harm him/her.

As you are aware, EMTs in New Jersey work in unsupervised, two-person teams in order to respond effectively to emergencies. The provision of emergency care requires EMTs to have close, hands-on contact with vulnerable patients ranging from infants to senior citizens. Indeed, EMTs are not afforded the option of picking and choosing their patients -- they must be ready and able to render care to all patients, regardless of age, when they respond to an emergency call. Even more, EMTs must exercise good judgment, trust each other and be trusted by the public, police officers, fire fighters, doctors and other professionals in order to be effective. In short, EMTs must be law-abiding and must be trusted to care for all patients in an appropriate, safe manner.

Based upon the foregoing, the Department has determined that your EMT and Paramedic certifications must be **summarily suspended**. Pursuant to N.J.A.C. 8:41A-5.2(a), “[t]he Commissioner, or his or her designee, may summarily suspend a person’s Paramedic 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.” See also N.J.A.C. 8:40A-10.2 (stating that an individual’s EMT certification may be summarily suspended if the person poses a serious or immediate threat to public safety, welfare or health). Because you have been charged with serious crimes, the nature of which are not only indicative of poor judgment and lack of trustworthiness but also evidence that you pose a threat to vulnerable, minor patients, the Department finds that your continued certification as an EMT and Paramedic constitutes an immediate and serious threat to public health, safety, and welfare.

Therefore, your certifications as an EMT and Paramedic are immediately suspended and shall remain suspended until such time as the Department has completed its investigation into this matter and the charges against you have been resolved. And, because your Paramedic certification is summarily suspended, your endorsement as a Flight Paramedic is also suspended. See N.J.A.C. 8:41-1.3 (defining a Flight Paramedic as an individual who is certified by the Department as a Paramedic and has successfully completed specialized training in air medical care).

You may not, under any circumstances, act in the capacity of, or perform the duties of an EMT, Paramedic or Flight Paramedic in New Jersey during this period of suspension.

In accordance with N.J.A.C. 8:41A-4.1(f)(2) and 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 and Paramedic certification cards 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 by 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 and monitor the progression of your criminal case. After OEMS completes its investigation and the charges lodged against you have been resolved, you will be advised of what action(s), if any, OEMS will take with respect to your EMT certification, Paramedic certification and Flight Paramedic endorsement.

Pursuant to N.J.A.C. 8:41A-5.2(a), N.J.A.C. 8:40A-10.3(a) and N.J.A.C. 1:1-12.6, you have the right to appeal to the Commissioner of the Department of Health for emergency relief to contest this summary suspension. A request for emergency relief shall be submitted in writing and shall be accompanied by a response to the charges contained in this Notice. Please include the control number **2017-0123V** 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 emergency relief within 30 days from the date of this Notice shall be interpreted as an acceptance of this Department's decision to summarily suspend your certifications as an EMT and Paramedic and your Flight Paramedic endorsement pending completion of its investigation, thereby forfeiting all rights to emergency relief. 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, Emergency Medical Services

- c. Christopher R. Rinn, Assistant Commissioner
Jo-Bea Sciarrotta, OEMS
James Sweeney, OEMS
Tami Roach, OLRC

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