



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. PERSICILLI, RN, BSN, MA
Commissioner

February 4, 2021

Mr. Robert Callahan

**Re: Notice of Proposed Denial of EMT Renewal
EMT Certification (EMS ID # 611225)
Investigation Control # 2019-0054C**

Dear Mr. Callahan:

The New Jersey Department of Health (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 to -27, 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-2(b), health care services include any pre-hospital care rendered by Basic Life Support (BLS) personnel. In addition, the Emergency Medical Services Act, N.J.S.A. 26:2K-7 to -69, 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 et. seq.)

On July 2, 2019, you accessed the Department's Office of Emergency Medical Services (OEMS) Certification Platform, through the internet at njems.njlincs.net, for the purpose of recertifying your EMT certification. On your EMT recertification application, you indicated that your nursing license was the subject of discipline by the licensing board. Specifically, you reported that your nursing license was suspended for negligence and you had not previously been cleared by OEMS. Consistent with its regulatory authority and policies, OEMS opened an investigation in response to this notification.

Through its investigation, Investigators obtained and reviewed the New Jersey Board of Nursing (BON) Consent Order signed by you on May 14, 2018. This document indicates that you were working the night shift in a hospital emergency room on January 20, 2016. You were assigned to care for patient SM, who was on a stretcher in the hall near the nurse's station. You did not appear to provide SM with any care between 12:05 a.m. and 5:45 a.m. During that time, video surveillance video showed SM placed in four-point restraints by other hospital staff after he got off the stretcher and fell. You left SM and your assigned area unattended several times throughout the shift. Additionally, the surveillance video showed SM sitting near the nurse's station with his eyes closed. When SM was found unresponsive, you documented in the medical chart that you attempted to arouse SM and took his vital signs on multiple occasions throughout the shift. However, there was no video surveillance to corroborate your documentation.

The BON consent order states, “[t]he Board finds that Respondent [Mr. Cahallan] failed to assess, evaluate, monitor, and care for patient SM for several hours. The Board therefore finds that Respondent engaged in gross negligence which damaged or endangered the life and health of the patient pursuant to N.J.S.A. 45:1-21(c). Additionally, by documenting vital signs that were not taken, the Board finds that Respondent engaged in the use or employment of deception and misrepresentation pursuant to N.J.S.A. 45:1-21(b) and professional misconduct pursuant to N.J.S.A. 45:1-21(e).” As part of this order your license to practice nursing was suspended for five years. The BON confirmed that your license to practice nursing remains suspended.

As you are aware, EMTs work in unsupervised, two-person teams to respond effectively to emergencies. You should also be aware that neither member of the team works in a supervisory capacity. Rather, one team member drives the vehicle and the other is alone in the back of the ambulance providing emergency medical care to the patient. Furthermore, EMTs must accurately document all patient care and assessments on a patient care report in a timely manner. The purpose of a patient care report is to provide an accurate record of the patient complaint, presentation, assessment, treatment, and outcome. This record becomes part of the patient’s permanent medical record and contains valuable information to assist other practitioners within the healthcare continuum to determine the most appropriate management of the patient’s illness or injury. Failure to provide accurate information and documentation will mislead other practitioners in the care of the patient, which places the patient’s health, safety, and welfare at risk. As such, EMTs have a duty to provide appropriate care to patients and accurately document this care. Thus, to be effective, EMTs must exercise good judgment, be trustworthy, and provide quality medical treatment to patients and accurately document such treatment.

N.J.A.C. 8:40A-10.2(b) provides that the Commissioner or his or her designee, may refuse to renew or issue the certification of an EMT or EMT-Instructor for violation of any of the rules set forth in this chapter. This includes, but is not limited to:

1. Demonstrate incompetence or inability to provide adequate services;
3. Negligent practice;
9. Willful preparation or filing of false medical reports, or the inducement of other to do so;
19. Suspension or revocation of EMT-Basic or EMT-Paramedic certification, or any similar or advanced medical certification or license issued by the State of New Jersey or any other state, agency, authority or governmental entity; and
24. Any other action deemed by the Department to pose a threat to public health, safety or welfare.”

Your license to practice nursing was suspended because you failed to render care to a patient who was under your care and then falsified the patient’s medical record to reflect care that was never provided. As stated above, EMTs must be incontestably trusted by their partners, police officers, firefighters, and hospital personnel to effectively discharge their duties as an emergency medical service provider, including that the EMT is providing appropriate care to a patient and truthfully reporting what care was rendered to the patient. Your above described actions evidence your inability to provide adequate services to patients, negligent practice and

willful falsification of a medical record. Such behaviors are indicative of poor judgment and lack of trustworthiness and are inconsistent with the duties of an EMT. Consequently, the Department finds that allowing you to renew your EMT certification poses a threat to the health, safety, and welfare of the public. **Therefore, as a result of our investigation and in accordance with these findings, the Department intends to deny the renewal of your Emergency Medical Technician certification. In addition, you will not be recognized as having Emergency Medical Technician privileges in New Jersey.**

You may apply for reinstatement of your EMT certification two years from the date of this letter. To be eligible for reinstatement you must:

1. Complete a continuing education course in Ethics and Documentation and provide the Department with a certificate of completion from the course provider.
 - a. These classes can be taken through the New Jersey (NJ) Board of Nursing (BON) or an agency authorized by the NJ BON or the OEMS for EMS credit.
2. Complete an EMT re-entry application using the Departments online credentialing platform at www.njems.us. After completing the online application OEMS will initiate an investigation into your background.
3. Complete a background investigation.
4. Provide three (3) professional reference letters and a letter from your current employer, if applicable.

Once a complete file has been received, the Department will review your re-entry request and provide you with written correspondence outlining your eligibility. If the Department determines you meet the above eligibility requirements for EMT re-entry, you must follow the below steps to regain your certification:

1. Successful completion of OEMS approved EMT Refresher courses A, B, and C.
2. Successful completion of the National Registry of Emergency Medical Technicians (NREMT) EMT certification examination. You will need to go to www.nremt.org to create an account and apply for the NREMT examination.

To register for the EMT refresher courses:

1. Log into your account at www.njems.us.
2. Click on "Class Schedules".
3. Locate and register for OEMS approved Refresher courses A, B, and C.

If you successfully complete the steps above, then you will be issued a New Jersey EMT certification.

Pursuant to N.J.S.A. 52:14B-11 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 the renewal of your EMT certification. Your request for a hearing on this matter must be submitted

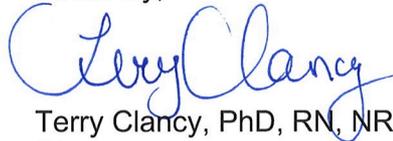
in writing and must be accompanied by a response to the charges contained herein. In the event that you request a hearing, the denial shall be held in abeyance until such time as the hearing has been concluded and a final decision rendered. Please include the control number **2019-0054C** on your correspondence, and forward your request to:

New Jersey Department of Health
Office of Legal & Regulatory Compliance
P.O. Box 360, 8th Floor
Trenton, NJ 08625-0360

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 the 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 Investigator Zak Raab at (609) 633-7777 or via email at zachary.raab@doh.nj.gov.

Sincerely,



Terry Clancy, PhD, RN, NRP
Director
Office of Emergency Medical Services

c: Candace Gardner, Chief, Clinical Education & Licensure, OEMS
Zak Raab, Investigator, OEMS
File

SENT VIA REGULAR U.S. MAIL AND CERTIFIED MAIL # 7011 1570 0003 3735 0454
RETURN RECEIPT REQUESTED