



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

JUDITH M. PERSICILLI, RN, BSN, MA
Commissioner

October 22, 2020

Cesar Fallas

Re: **Notice of Proposed Revocation:
EMT and Paramedic Certifications # 3764 (EMS ID# 591941)
Investigation Control # 2019-0083V**

Dear Mr. Fallas:

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 of Health has adopted regulations that govern the training, certification and professional conduct of Emergency Medical Technicians (EMT) and Mobile Intensive Care Paramedics (MICP). (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) was notified on April 29, 2019 that you were charged with sexual assault of a minor in Bergen County, New Jersey. Consistent with regulatory authority and the 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 in New Jersey. The investigator also confirmed that on or about April 26, 2019, you were charged with the following under complaint number W-2019-000182:

1. Endangering the welfare of a minor under your care, in violation of N.J.S.A. 2C:24-4(a)(1);
2. Endangering the welfare of a minor for which you had a duty to care, in violation of N.J.S.A. 2C:24-4(b)4;
3. Sexual assault, in violation of N.J.S.A. 2C:14-2(b);
4. Two counts of aggravated sexual assault, in violation of N.J.S.A. 2C:14-2(a)(1).

Specifically, you allegedly sexually assaulted and endangered the welfare of a minor, under the age of 13 years old, during the period of June 1, 2015 to June 30, 2018. During this time, it is alleged that you touched the intimate parts of the victim, had the victim perform oral sex acts on you, and you performed oral sex acts on the victim. In addition, from December 1, 2018 to April 24, 2019, it is alleged that you purposely and knowingly photographed and/or videotaped the victim while nude and performing sexual acts, or the simulation thereof.

As a result of these charges, your EMT and Paramedic certifications were summarily suspended on May 2, 2019. Since then, investigators have learned you pled guilty on November 22, 2019 to aggravated sexual assault of a victim less than 13 years of age and endangering the welfare of a minor by allowing the minor to engage in pornography. You were sentenced to 25 years in prison on March 6, 2020.

Pursuant to N.J.A.C. 8:41A-5.2(b), 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 MICP for violation of any of the rules set forth in this chapter. This shall include, but is not limited to:

12. Conviction of any crime.

As you are aware, EMTs and paramedics work in unsupervised, two-person teams in order 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. The provision of emergency care requires an EMT/paramedic to have close, hands-on contact with vulnerable patients ranging from infants to senior citizens. Even more, EMTs and paramedics must exercise good judgment, trust each other and be trusted by the public, police officers, fire fighters, doctors and other professionals. In short, to be effective, EMTs and paramedics must be law-abiding and must be trusted to care for all patients in an appropriate, safe manner.

Your actions against a minor demonstrate that you not only have poor judgment and a lack of trustworthiness, but that you pose a threat to the public health, safety and

welfare. Specifically, your actions were of an aggressive and predatory nature and you took advantage of a minor who could not defend themselves. Such behaviors and actions are incompatible with the duties of an EMT or MICP and pose a threat to vulnerable patients. **Therefore, as a result of this investigation, it is the intention of the Department to revoke your EMT and paramedic certifications.**

Pursuant to N.J.S.A. 52:14B-11 and N.J.A.C. 8:41A-5.3(b), you may request a hearing before the Office of Administrative Law to contest this Department's decision to revoke your EMT and paramedic 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. **As for your EMT and paramedic certifications, you are reminded that you remain under a summary suspension and, as a result, are PROHIBITED from acting in the capacity of an EMT or paramedic.** If you wish to request a hearing, please include the control number **2019-0083V** 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

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 revoke your EMT and paramedic certifications, 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 Eric Hicken, Chief of Licensing, Inspections and Enforcement, at (609) 633-7777 or via email at Eric.Hicken@doh.nj.gov.

Sincerely,

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

c. Eric Hicken, Chief of Licensing, Inspection and Enforcement
James Sweeney, Investigator

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