



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

May 2, 2019

Cesar Fallas

Re: **Notice of Summary Suspension:
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 to -69, 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 to -26, 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 (EMTs) and Paramedics. See N.J.A.C. 8:40A and N.J.A.C. 8:41A.

The Department's Office of Emergency Medical Services (OEMS) recently received notification 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 her. 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 you are aware, EMTs and Paramedics (hereby referenced as providers) in New Jersey work in unsupervised, two-person teams in order to respond effectively to emergencies. The provision of emergency care requires providers to have close, hands-on contact with vulnerable patients ranging from infants to senior citizens. Indeed, providers 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, providers 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, providers 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. You may not, under any circumstances, act in the capacity of, or perform the duties of an EMT or 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 and Paramedic certification.

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 **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
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 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,

Christopher Neuwirth, MA, MEP, CBCP, CEM
Assistant Commissioner
PHILEP Division

- c. Scot Phelps, JD, MPH, Paramedic, Director, OEMS
Jo-Bea Sciarrotta, OEMS
James Sweeney, OEMS
Tami Roach, OLRC

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