



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
Acting Commissioner

October 28, 2019

Eric McLemore

Re: **Notice of Summary Suspension:
Emergency Medical Technician (EMT) Certification # 596385
Investigation Control # 2019-0133V**

Dear Mr. McLemore:

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 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-2(b), health care services include any pre-hospital care rendered by basic life support personnel. In addition, the Emergency Medical Services Act, N.J.S.A. 26:2K-7 et seq., 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, EMTs: Training and Certification.

On September 9, 2019, the Department's Office of Emergency Medical Services (OEMS) received a police notification that you were accused of having inappropriate sexual contact with a patient who was under your care and that your DNA (deoxyribonucleic acid) was found in the patient's undergarments. Consistent with its regulatory authority and OEMS policy, OEMS opened an investigation in response to this notification.

Upon opening the investigation, the OEMS investigator confirmed that you are currently certified as an EMT in New Jersey. The investigator also obtained a copy of the police report surrounding this matter. According to the police report, you were part of the ambulance crew transporting a female patient from Robert Wood Johnson Somerset to the Carrier Clinic on June 28, 2016. The patient was being transported due to a psychiatric illness that left her with poor impulse control and judgment.

Upon arriving at the Carrier Clinic, your partner is reported to have exited the vehicle to tell the staff that the patient was outside. According to the police report, when your partner returned, he was unable to unlock the vehicle and needed to contact the ambulance company's

office to remotely open the doors. According to Carrier Clinic records, you arrived at 12:45 a.m. and transferred care to clinic staff at 1:31 a.m., leaving you alone with the patient for a total of 46 minutes.

Shortly after the patient was transferred, she reported to staff that she was sexually assaulted. She alleged that you and she engaged in sexual contact that included both oral and vaginal penetration. She was taken back to Robert Wood Johnson – Somerset for evaluation and the Montgomery Police Department (MPD) was contacted. During the investigation conducted by the MPD, the patient's undergarments were sent for DNA processing. On September 5, 2019, MPD detectives received notification from the New Jersey State Police Office of Forensic Sciences that your DNA had been found in the undergarments of the patient as indicated by a positive hit through the Combined DNA Index System (CODIS) Database.

On September 24, 2019, you met with OEMS investigators to discuss the above incident. You were advised of the situation and adamantly denied ever having sexual contact with the patient, even though your DNA was later found in her undergarments.

As you are aware, EMTs are placed in a position of trust by the general public. They must work in two-person teams to respond effectively to emergencies and must make important medical assessments and carry out appropriate medical interventions at motor vehicle accidents, in people's homes, and at other difficult field locations. In order to be effective, EMTs must exercise good judgment and be trusted to care for all patients in a safe and effective manner. In short, EMTs must be trustworthy and judicious.

Based upon the foregoing, the Department has determined that your EMT certification must be **summarily suspended**. Pursuant to N.J.A.C. 8:40A-10.2(a), "the Commissioner, or his designee, may summarily suspend a person's EMT and/or EMT Instructor 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." The nature of this matter, and supporting DNA evidence, demonstrate that you engaged in sexual contact with a patient suffering from mental health issues who was under your care. Specifically, you used and exploited the trust, knowledge, and influence derived from your professional status as an EMT to engage in a sexual encounter with a vulnerable patient who was under your care. Such behavior is not only indicative of poor judgment and lack of trustworthiness but also evidences that you pose a threat to vulnerable patients. As such, the Department finds that your continued certification as an EMT constitutes an immediate and serious threat to public health, safety, and welfare. **Therefore, your certification as an EMT is immediately suspended. You may not, under any circumstances, act in the capacity of, or perform the duties of an EMT in New Jersey during this period of suspension.**

In the interim, OEMS will continue to investigate this matter. After OEMS completes its investigation, you will be advised of what action(s), if any, OEMS will take with respect to your EMT certification.

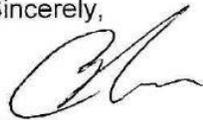
In accordance with N.J.A.C. 8:40A-7.1(f), certification cards are the property of the Department and shall be immediately surrendered upon demand. You are hereby directed to immediately surrender your EMT certification card(s) to the OEMS, either by sending via United States Postal Service First Class Mail, to the address on the first page of this Notice, or via physical delivery to Department of Health, OEMS, 369 South Warren Street, Trenton, NJ, 08611.

Pursuant to N.J.A.C. 8:40A-10.3(a), you may appeal to the Commissioner of the Department of Health for emergency relief to contest this summary suspension. 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. Please include the control number **2019-0133V** 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 thirty (30) days from the date of this Notice shall be deemed an acceptance of this Department's decision to summarily suspend your EMT certification pending completion of its investigation, thereby forfeiting all rights to emergency relief. If you have any questions concerning this matter, please contact Timothy Seplaki at (609) 633-7777.

Sincerely,



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

CC: Scot Phelps, JD, MPH, Paramedic, Director, OEMS
Eric Hicken, OEMS
James Sweeney, OEMS
Tami Roach, OLRC

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