



State of New Jersey
DEPARTMENT OF HEALTH

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

November 5, 2020

Sarah Aponte



Re: **Notice of Proposed Revocation:
EMT Certification (EMS ID # 563209)
Investigation Control #2020-0007V**

Dear Ms. Aponte:

The New Jersey Department of Health (the 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 (BLS) 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-1.1 et seq.).

As you are already aware, the Office of Emergency Medical Services (OEMS) initiated an investigation into an incident that occurred on January 23, 2020 where it was alleged that you assaulted a patient under your care. Based upon information obtained during the investigation, OEMS determined that your continued certified as an EMT constituted an immediate and serious threat to the health, safety and welfare of the public. As such, on February 21, 2020, OEMS summarily suspended your EMT certification pending the completion of its investigation into this matter.

OEMS has now completed its investigation, which included a review of incident reports, patient care reports and surveillance video capturing the incident, and for the reasons outlined below, has determined that your EMT certification should be revoked. The investigation revealed the following:

On November 16, 2019, you were assigned to the BLS Unit that responded to an assignment at Bally's Atlantic City Hotel and Casino in Atlantic City, New Jersey. Security camera footage revealed an uncooperative, screaming male (herein referred to as the patient) sitting on the floor with his hands cuffed behind his back. The patient had an obvious head injury as noted by the blood stains on his shirt. Additionally, it appeared that, upon your arrival, one of the security

guards indicated, by pointing to his own head, that the patient had a head injury. While standing behind the patient, and without provocation or threat, your partner proceeded to step on the handcuffs between the patient's hands. This caused the patient to react aggressively towards your partner, screaming to "get the fuck off [his] hands!" As a result of this response, your partner proceeded to grab the patient by his head and throat and forced him to the floor. The patient can be heard screaming for help. The patient then responded by bringing his right knee up towards your partner's face in, what appeared to be, a way of protecting himself from being assaulted. This resulted in a fierce response by your partner who then struck the patient several times with, what appeared to be a closed fist, in the face area. Your partner repositioned his knee to the upper part of the patient's chest and screamed at the patient twice asking him if he was done. Your partner then struck the patient one more time and called him a "fucking asshole." As this was taking place, you stood there and stepped on the patient's knee with your right foot. At no time did you make any attempt to stop your partner from acting so aggressively. Instead, you continued to aggravate the situation by yelling at the patient to "shut up".

Once you and your partner placed the patient on the stretcher, with his hands still cuffed behind him, your partner applied unnecessary pressure with his knee to the patient's lower leg. Shortly thereafter, you struck the patient in the groin with your elbow and held it there in an apparent attempt to stop the patient from moving. The patient screamed in pain, telling you to get off of him. Your partner could be heard laughing and joking about it on the video when this occurred. You then struck the patient several more times in the groin as your partner finished securing the patient's legs. The patient was then covered with a blanket and wheeled through the casino and out to the awaiting ambulance. The patient was placed into the back and the ambulance drove out of site of the camera. To reiterate, the patient was handcuffed during the entire interaction caught on video. At no time did he pose a threat to your safety or were you in danger.

Pursuant to N.J.A.C. 8:40A-10.2(b), the Commissioner, or his or her designee, may revoke the certification of an EMT for violation of any of the rules set forth in the rule chapter, including but not limited to:

1. Demonstrated incompetence or inability to provide adequate services;
3. Negligent practice;
5. Abuse or abandonment of a patient;
24. Any other action deemed by the Department to pose a threat to the public, health, safety or welfare.

As you are aware, EMTs 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 to have close, hands-on contact with vulnerable patients ranging from infants to senior citizens. 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 short, to be effective, EMTs must be law-abiding and must be trusted to care for all patients in an appropriate, safe manner.

The above recitation of events demonstrates your inability to provide adequate services to a patient as well as abuse of a patient who was under your care. Your actions against and assault of a patient also demonstrates that you have poor judgment and a lack of trustworthiness and that you pose a threat to the public health, safety and welfare. Specifically, your actions were of an aggressive nature and you took advantage of a person who could not defend himself. Indeed, such behaviors and actions are incompatible with the duties of an EMT, constitute abuse of a patient, and pose a threat to vulnerable patients. Such behavior cannot be tolerated. **Therefore, as a result of this investigation, it is the intention of the Department to revoke your EMT certification.**

Pursuant to N.J.S.A. 52:14B-11 and N.J.A.C. 8:40A-10.3(b), you may request a hearing before the Office of Administrative Law to contest this Department's decision to revoke 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. **As for your EMT certification, you are reminded that you remain under a summary suspension and, as a result, are PROHIBITED from acting in the capacity of an EMT.** If you wish to request a hearing, please include the control number **2020-0007V** 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 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 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, Inspections and Enforcement

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