



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

April 7, 2021

Mr. James Piro

Re: **Notice of Proposed Revocation of EMT and Paramedic Certification**
EMS ID # 562457
Investigation Control # 2020-0107V

Dear Mr. Piro:

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, N.J.S.A. 26:2K-7 to -69 authorizes the Department to certify Emergency Medical Technicians (EMTs) and Paramedics. In furtherance of these statutory objectives, the Department adopted regulations that govern the training, certification and professional conduct of EMTs and Paramedics. See N.J.A.C. 8:40A and N.J.A.C. 8:41A.

On September 4, 2020, the Department's Office of Emergency Medical Services (OEMS) received notification from your employer, Robert Wood Johnson Barnabas Health (RWJBH), that you allegedly assaulted a patient who was under your care on July 4, 2020, while you were serving as the Acting Tour Chief in Jersey City, New Jersey. Consistent with its regulatory authority and OEMS policy, the OEMS opened an investigation in response to this notification.

Upon opening the investigation, the OEMS investigator confirmed that you have been certified as a Paramedic since July 26, 2012 and as an EMT since August 24, 2006. The OEMS then reviewed and analyzed the July 4, 2020 incident report provided by RWJBH, the witness interviews conducted by RWJBH and the witness statements.

According to the RWJBH report, you responded to a call for assistance made by a Basic Life Support (BLS) unit and an Advanced Life Support unit when they encountered a patient who was combative, uncooperative and thrashing around. The patient was restrained in the ambulance by other health care providers for transport to

the hospital. While the ambulance was en route to the hospital, witnesses reported the patient's hands came free and he began thrashing around. The ambulance stopped, and multiple witnesses stated you entered the ambulance with Station Supervisor John Bonvenca and EMT James Han. The three of you began striking the patient repeatedly with closed fists. Multiple witnesses stated you then directed them to lie or file vague statements to cover up the assault. When the patient arrived at the hospital, he presented to hospital staff with swelling of the forehead, and his right eye was swollen shut.

When RWJBH initially interviewed you about the incident, you denied that anyone hit the patient and suggested that the patient had sustained the injuries from a fall, which was the original reason for the EMS response. However, during a second interview, you admitted Mr. Bonvenca had struck the patient several times and kneed the patient in the face. You also admitted you had struck the patient in the chest, but claimed it happened to hold the patient down. However, before your second interview, there is no indication you made any effort to report the assault.

At this point in the investigation, the OEMS determined that you were an immediate and serious risk to the public health, safety and welfare. Consequently, the OEMS summarily suspended your EMT and Paramedic certifications on October 26, 2020. You appealed your summary suspension, but the Commissioner of the Department of Health upheld the suspension in a final agency decision issued on March 25, 2021.

After issuing you a summary suspension, the OEMS continued with its investigation into this matter. Specifically, the OEMS investigators interviewed multiple witnesses to the event, who were EMTs and Paramedics. During those interviews, multiple witnesses stated that while the patient was secured to the stretcher in the BLS ambulance, Station Supervisor John Bonvenca, EMT James Han, and you struck the patient with closed fists multiple times in the face. These actions caused multiple apparent injuries to the patient's face, including swelling to the forehead and right eye, which was not present before the assault. The witnesses also reported that the patient became unresponsive during the assault and the only reason the violent attack stopped was because another clinician in the ambulance told you that was "enough" when the patient became unresponsive. When you stopped striking the patient with your closed fists, witnesses reported that you then used a lapel microphone from a portable radio to hit the patient in the head. Witness interviews also revealed that at no time before or during this event did they fear for their safety or well-being. Additionally, neither the patient's actions nor the environment they were operating made them feel the scene was unsafe. Thus, at no time did the EMT and Paramedic witnesses believe their personal safety was in jeopardy warranting them to retreat from the scene, as required under N.J.A.C. 8:40-4.11(a) and N.J.A.C. 8:41-3.5(c)(1). Furthermore, multiple witnesses reported that you ordered and intimidated them to not report these actions and threatened to not provide them with assistance in the future when they initiated radio calls for help if they reported the actions of Station Supervisor John Bonvenca, EMT James Han, and yourself.

The OEMS also obtained police body camera footage from the scene as well as police body camera footage from when a police officer interviewed the patient at the hospital regarding the altercation. The body camera footage from the scene shows you exiting the ambulance, turning back to face the patient and saying "you F*****." The footage from the patient interview shows the patient explaining to the police officer that he pretended to pass out as a way to stop the beating and that while he was pretending to be unresponsive he overheard the vulgar language you directed at him that was captured on the video from the scene.

As you are aware, EMTs and Paramedics (hereinafter clinicians) must make important medical assessments and carry out appropriate medical interventions in difficult field locations for patients young and old, combative and docile. To effectively care for all patients, clinicians must exercise good judgment and treat patients with dignity and respect. Indeed, striking a patient is never an appropriate response to a situation and is deemed abuse of a patient, a prohibited act under N.J.A.C. 8:40A-10.2(b)(5) and N.J.A.C. 8:41A-5.2(b)(5). Additionally, making verbal threats against any person while acting in the capacity of an EMT and/or Paramedic is a prohibited act under N.J.A.C. 8:40A-10.2(b)(20) and N.J.A.C. 8:41A-5.2(b)(19).

N.J.A.C. 8:40A-10.2(b) provides that "[t]he 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 EMT or EMT-Instructor for violation of any of the rules set forth in this chapter. This includes, but is not limited to:

5. Abuse or abandonment of a patient;
20. Making verbal and/or physical threats against any person while acting in the capacity of an EMT-Basic;
24. Any other action deemed by the Department to pose a threat to the public health, safety or welfare."

See also N.J.A.C. 8:41A-5.2(b)(5), (19) and (26) (providing for the revocation of a Paramedic certification for the same reasons outlined in N.J.A.C. 8:40A-10.2(b)(5), (20) and (24)).

Based upon the foregoing, the Department has determined that your EMT and Paramedic certifications must be **revoked**. The above actions demonstrate that you not only have poor judgement and a lack of trustworthiness, but that you pose a serious threat to vulnerable patients. Indeed, patient abuse is an offense that cannot be tolerated. Moreover, threatening fellow clinicians to avoid having your abusive behavior reported to your employer is unacceptable and places patients at greater risk for abuse. In short, your behaviors and actions are incompatible with the duties of an EMT and Paramedic. **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, N.J.A.C. 8:41A-5.3(b) and N.J.A.C. 8:40A-10.3(b), you may request a hearing before the New Jersey Office of Administrative Law to contest this Department's decision to revoke your EMT and Paramedic certifications. 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 **2020-0107V** on your correspondence, and forward your request to:

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

Failure to submit a written request for 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, Licensing, Inspections and Enforcement, OEMS
Candace Gardner, Chief, Clinical Education and Licensure, OEMS
Zak Raab, Investigator, OEMS

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