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

SHEREEF M. ELNAHAL, MD, MBA
Commissioner

June 4, 2018

Richard Almanza
60 East Barbour Street
Haledon, NJ 07508

Re: Summary Suspension Notice – Audit
EMT # 600702
Investigation Control # 2017-0326R

Dear Mr. Almanza:

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-2b, 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.

On July 28, 2017, you accessed the Department's Office of Emergency Medical Services' (OEMS) Certification Platform, through the internet at www.njems.us, for the purpose of recertifying your EMT certification. On your EMT recertification application, you were presented with the following affirmation statement:

> I affirm that all of the above information is true and correct. I understand that any misrepresentation of fact may be grounds to deny or revoke my NJ EMS certification/endorsement/license. In addition, I hereby certify that I have successfully completed the recertification requirements as stated in the current New Jersey EMS Regulations. I understand that my recertification/re-endorsement documentation may be subject to a random audit by the Office of Emergency Medical Services, and if it is determined that I have falsely reported my legal status, the existence of a criminal background, information concerning any certification, endorsement or licensure status granted by any and/or all jurisdictions at any time, and/or recertification/re-endorsement documentation as outlined in NJ regulation,

my EMS certification/endorsement may be revoked. NOTE: ONLY NJ-OEMS APPROVED COURSES MAY BE USED FOR EMT RECERTIFICATION.

You checked "I agree" next to that question, creating a time and date stamp in the electronic record. By checking "I agree", you were permitted to submit your recertification application to OEMS.

After receiving your recertification application, OEMS recertified your EMT credential for three (3) years. Specifically, OEMS issued you an EMT certification card on July 28, 2017, with a new expiration date of June 30, 2020.

On September 12, 2017, you were sent an email notification informing you that your EMT recertification was randomly selected for an audit to confirm that you met the criteria for recertification set forth at N.J.A.C. 8:40A-7.5. The email utilized for this notification was verified by you on July 28, 2017 as part of the recertification process through your www.njems.us profile. In this email, you were informed that you were selected to participate in a randomized audit and you were provided detailed instructions on how to complete the audit process. The email gave you fifteen (15) business days to submit the required documentation to OEMS verifying that you met the requirements for EMT recertification.

After fifteen (15) business days, the Department did not receive any correspondence or verbal acknowledgement of your attempted compliance with the audit process. As a result, a second notification was sent to you on October 25, 2017, which provided you with an additional five (5) business days to provide OEMS with documentation that you met all requirements to recertify your EMT credential. The correspondence was sent to you via email, United States Postal Service (USPS) First Class Mail and USPS Certified Mail. The USPS reports that a notice of certified mail was left at your residence on October 30, 2017, but on November 15, 2017, the post office returned the letter as unclaimed. However, the parcel sent USPS First Class mail was not returned to OEMS as undeliverable.

By December 18, 2017, you did not comply with OEMS's audit request. As a result, an OEMS investigator telephoned you on December 18, 2017 at 1:17 p.m. and left a voicemail requesting a return phone call and compliance with the audit with a deadline of December 22, 2017.

As of December 22, 2017, the Department did not receive any correspondence or verbal acknowledgement that you would comply with the audit process. Thus, on January 8, 2018, OEMS sent you another letter notifying you of its intent to take enforcement action against your certification if you failed to comply with the audit request. The correspondence was sent via United States Postal Service First Class Mail and United States Postal Service (USPS) Certified Mail. The USPS reports that a notice of certified mail was left at your residence on January 13, 2018, but on January 30, 2018, the post office returned the letter as unclaimed. However, the parcel sent USPS First Class Mail was not returned to OEMS as undeliverable.

To date, you have not responded to the Department's audit request, which is viewed as a refusal to cooperate with its audit request.

Because you failed to respond to OEMS's repeated audit requests, OEMS opened an investigation to determine whether you qualified for EMT recertification. Pursuant to N.J.A.C. 8:40A-7.5(a), in order for an EMT to gain recertification, her or she must:

1. Possess EMT and CPR certifications; and

2. Successfully complete approved continuing education units, consisting of 24 core credit hours and 24 elective credit hours.

From its investigation, OEMS was unable to establish that you possessed a valid CPR certification, successfully completed 24 core credit hours, and successfully completed 24 elective credit hours at the time of your recertification. As such, OEMS finds that you failed to meet the requirements for EMT recertification, even though you affirmed that you had "successfully completed the recertification requirements" set forth in OEMS's rules at the time you applied for recertification.

OEMS also finds that you made conscious efforts to avoid having OEMS detect your lack of a valid CPR certification, 24 elective continuing education credit hours, and 24 core credit hours by refusing to respond to or work with OEMS, despite many attempts by the investigators to gain your cooperation. Accordingly, the Department finds that you fraudulently procured your EMT certification by attesting that you were in compliance with OEMS's EMT recertification requirements when, in fact, you were not.

Based on 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." Here, you not only failed to have the necessary prerequisites for EMT recertification, but you also submitted a false attestation to OEMS regarding your recertification qualifications and intentionally ignored OEMS's demands for an audit of your qualifications to avoid having your lack of recertification qualifications detected. Without question, an EMT who lacks a valid CPR certification, validation of competency and continuing education poses a significant threat to emergency medical patients in need of care. Moreover, to be effective, EMTs must exercise good judgement, trust each other and be trusted by police officers, fire fighters, doctors and other professionals. Your false attestation and efforts to avoid exposure of your deficient credentials demonstrates that you lack trustworthiness, which renders you a serious risk to patients as you lack a characteristic that is necessary for the provision of effective emergency medical care. Accordingly, 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 and will remain suspended until you present OEMS with**

proof that you successfully completed 24 elective continuing education credit hours and 24 cored credit hours between July 1, 2012 and June 30, 2017 for courses approved by the Department as well as proof that you possessed a valid CPR certification card at the time of your recertification. 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. Be further advised that if you act in the capacity of, or perform duties of an EMT in New Jersey during this period of suspension, your actions will constitute impersonation of an EMT in violation of N.J.A.C. 8:40A-10.4 and shall incur further penalties.

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 to Department staff upon demand. As such, you are hereby directed to immediately surrender your EMT certification card to OEMS, either by U.S. mail to the address in the first page of this Notice, or by physical delivery to New Jersey Department of Health, Office of Emergency Medical Services, John Fitch Plaza Market & Warren Streets, Trenton, NJ 08625.

In the interim, the OEMS will continue to investigate this matter. You will be notified when the OEMS has completed its investigation, at which time you will be advised of what action(s), if any, will be taken with respect to your EMT certification.

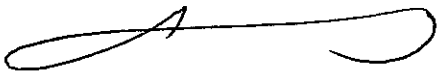
Pursuant to N.J.A.C. 8:40A-10.3(a), you may appeal to the Commissioner of the Department of Health for emergency relief to contest this summary suspension. Your request for a hearing on this matter must be submitted in writing and must be accompanied by a response to the charges contained herein. Please include the control number 2017-0326R 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 a hearing within 30 days from the date of this notice shall be interpreted as an acceptance of this Department's decision to summarily suspend your EMT certification pending completion of an investigation, thereby forfeiting all rights to emergency relief and converting this action into a final agency decision.

If you have any questions concerning this matter, please contact Dr. Jo-Bea Sciarrotta at (609) 633-7777.

Sincerely,



Scot Phelps, JD, MPH, Paramedic
Director
Office of Emergency Medical Services

c: Shereen Semple, Acting Assistant Commissioner
Candace Gardner, OEMS
Tami Roach, OLRC

SENT VIA REGULAR U.S. MAIL AND CERTIFIED MAIL # 7012 2210 0000 7409 6223
RETURN RECEIPT REQUESTED