



State of New Jersey

DEPARTMENT OF HEALTH
OFFICE OF EMERGENCY MEDICAL SERVICES
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SHEILA Y. OLIVER
Lt. Governor

www.nj.gov/health

JUDITH M. PERSICILLI, RN, BSN, MA
Acting Commissioner

September 30, 2019

Mr. Joao Mateus

**Re: Notice of Proposed Denial of EMT-Instructor Re-entry
EMT-Instructor # 543293
Case # 2019-0105V**

Dear Mr. Mateus:

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 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 personnel. In addition, the Emergency Medical Services Act, N.J.S.A. 26:2K-7 to -69, addresses the Department's authority with regard to training, certification, and activities of 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. See N.J.A.C. 8:40A, Emergency Medical Technicians: Training and Certification.

On July 3, 2017, the Department received a complaint that Course 132308 operated by Less Stress Instructional Services (the Program) had improper instructor-to-student ratios, shortened class periods, and tardy staff members that resulted in delayed class start times as well as limited psychomotor skills and scenarios. On July 18, 2017, the Department's Office of Emergency Medical Services (OEMS) conducted an audit of the EMT initial training course at the Program's Wayne, New Jersey location. OEMS returned on August 1, 2017, and August 30, 2017, to observe instruction as well as review program and student files. The audit revealed serious violations and deficiencies with the EMT education provided by the Program. On September 19, 2017, OEMS notified you as the Program's Director of the numerous deficiencies and requested the Program voluntarily suspend its EMT training program until the Program submitted a corrective action plan to address the deficiencies.

On or about October 15, 2017, you submitted a corrective action plan to OEMS on behalf of the Program. The corrective action plan promised the Program would be in "full compliance" with Department rules and EMT education standards. On December 19, 2017, OEMS met with you and instructor Mary Rongo to review the Program's corrective action plan and make recommendations. Based on the corrective action plan and the December 19, 2017 meeting, OEMS was satisfied that the violations outlined in the September 19, 2017 letter were

corrected and/or remediated and it permitted the Program to resume initial EMT course education. Importantly, throughout the 2017 investigation, you represented to OEMS you were an actively certified EMT-Instructor (EMT-I).

On June 6, 2018, you accessed the Department's OEMS Certification Platform, through the internet at www.njems.us, for the purpose of applying for re-entry of your EMT-I certification. You were presented with the following affirmation statement:

I hereby certify that I have successfully completed the instructor re-entry process as stated in N.J.A.C. 8:40A. I understand that my instructor re-entry documentation may be subject to a random audit by the Office of Emergency Medical Services, and if its determined that I have falsely reported my legal status, licensure status or instructor re-entry documentation as outlined in N.J.A.C. 8:40A, my instructor certification will be revoked. NOTE: ONLY OEMS APPROVED COURSES MAY BE USED FOR INSTRUCTOR RE-ENTRY.

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

On June 26, 2018, you submitted the EMT-I re-entry application to the Department, which indicated your EMT-I certification was expired. This came as a surprise to OEMS, as you had repeatedly represented during the 2017 investigation that you were an actively certified EMT-I. Consistent with its regulatory authority and policy, OEMS opened an investigation into this matter.

As you are aware, N.J.A.C. 8:40A-8.3(a) requires EMT-Is whose certification have been expired for 36 months or less to meet the following requirements for re-entry:

1. Possession of an EMT certification;
2. Service as an EMT-I Aide for at least 50 hours in an EMT education program under the direct supervision of the program coordinator and Lead EMT-I;
3. Accumulation of 15 elective continuing education credit hours;
and
4. Endorsement of the program coordinator.

According to OEMS records, your EMT-I certification expired on June 30, 2017. This means that during the entire 2017 investigation, you were acting as an EMT-I without a valid certification. N.J.A.C. 8:40A-10.4(a) states that no person shall impersonate, refer to himself or herself as, act in the capacity of, or perform the duties of, an EMT-Basic or EMT-I unless he or she is certified or recognized by the Department in accordance with the standards set forth in N.J.A.C. 8:40A. You misrepresented the status of your EMT-I certification to OEMS in 2017 when you mislead investigators to believe you were an actively certified EMT-I. Your actions not only violated Department rules but indicates to OEMS that you cannot be trusted to be forthcoming and honest.

OEMS elected to audit your re-entry application and requested the course sign-in sheets where you purportedly served as an EMT-I Aide. On October 10, 2018, you submitted instructor sign-in sheets for Initial EMT Course 133689, 133724, and 133725. OEMS reviewed the sign-in sheets and found that you taught:

- 8 hours under the supervision of EMT Coordinator Mary Rongo on 4/7/2018;
- 4 hours under the supervision of Lead EMT-I Russel Stuart on 4/21/2018; and
- 4 hours under the supervision of Lead EMT-I Warren Kolendriski on 4/29/2018.

This documentation shows you only taught 16 hours, far below the requirement of 50 hours mandated by N.J.A.C. 8:40A-8.3(a)(2). In fact, OEMS was unable to establish that you taught any hours under the direct supervision of both the EMT Coordinator and Lead EMT-I as required by N.J.A.C. 8:40A-8.3(a)(2).

Furthermore, N.J.A.C. 8:40A-8.3(a)(3) requires EMT-I re-entry applicants to complete 15 elective continuing education credit hours. To date, OEMS has not received documentation from you indicating you have met this requirement. Therefore, the documentation you have submitted to OEMS does not show you have met the minimum requirements set out at N.J.A.C. 8:40A-8.3(a) for EMT-I re-entry certification.

N.J.A.C. 8:40A-10.2(b) provides that the Commissioner or his or her designee, may refuse to renew or issue the certification of an EMT or EMT-I for violation of any of the rules set forth in this chapter. This includes, but is not limited to:

2. Deceptive or fraudulent procurement of certification or recertification credentials and/or documentation;
22. Failure to complete continuing education and performance standards as required by [N.J.A.C. 8:40A]; and
23. Failure to comply with any part of [N.J.A.C. 8:40A], an applicable part of N.J.A.C. 8:40, or N.J.A.C. 8:41, or any applicable law, rule, or regulation.

Additionally, under N.J.A.C. 8:40A-10.4(a)(2)(ii), the Commissioner or his or her designee may refuse to issue or renew any subsequent EMT-I certification to an individual who improperly acts in the capacity of an EMT-I without proper certification from the Department.

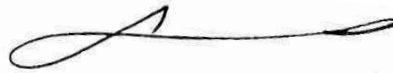
Based on the foregoing, it is the intention of the Department to **DENY** re-entry of your EMT-I certification.

Pursuant to N.J.S.A. 52:14B-1 and N.J.A.C. 8:40A-10-3(b), you are entitled to a hearing before the Office of Administrative Law to contest the Department's decision to deny re-entry of your EMT-I 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. Please include the **Control Number 2019-0105V** 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

Finally, please note that your failure to submit a request for a hearing within 30 days shall be interpreted as an acceptance of this Department's decision, thereby negating any further appeal rights. If you have any questions concerning this matter, please contact Dr. Jo-Bea Sciarrotta, the OEMS Compliance Officer, at (609) 633-7777.

Sincerely,



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

c: Christopher Neuwirth, Assistant Commissioner
OEMS Staff
Tami Roach, OLRC
File

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