



State of New Jersey
DEPARTMENT OF HEALTH

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www.nj.gov/health

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

JUDITH M. PERSICHILLI, RN, BSN, MA
Commissioner

September 22, 2020

Deborah McClintock

Re: **Notice of Proposed Suspension**
Investigation Control #2020-0026V

Dear Ms. McClintock:

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 personnel. In addition, the Emergency Medical Services Act, N.J.S.A. 26:2K-7 et seq., addresses the Department's authority with regard to training, certifications 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 November 4, 2019, the Department's Office of Emergency Medical Services (OEMS) began an investigation into an EMT-Instructor application for C.S., which was endorsed by you on October 9, 2019 as the EMT-Instructor Program Coordinator for Virtua Health at Rowan College of Burlington County EMT Training Program (Virtua Health). The application had several inconsistencies, which prompted OEMS to question the validity and authenticity of the application. Consistent with regulatory authority and OEMS policy, OEMS opened an investigation into this matter due to the discrepancies found on the application.

Upon opening the investigation, the OEMS investigators confirmed that you are currently certified as an EMT-Instructor. Investigators also requested several documents from Virtua Health, including payroll records and instructor sign-in sheets. On January

24, 2020, investigators interviewed you regarding the application submitted by C.S. with your endorsement. During that interview, you also confirmed that you were the EMT Program Coordinator for Virtua Health.

On March 6, 2020, you again interviewed with OEMS investigators regarding payroll records and instructor sign-in sheets from 2015 – 2019 and to further validate documents reviewed by investigators. During that interview you confirmed that payroll records were utilized to pay employees and that sign-in sheets were utilized to verify the number of hours taught by EMT-Instructor aides and EMT-Instructors.

As a program coordinator, you were responsible for tracking and validating EMT-Instructor Aide teaching hours so that they could attain certification as EMT-Instructors, pursuant to N.J.A.C. 8:40A-8.1(c), and tracking and validating EMT-Instructor teaching hours so they could be recertified as instructors by OEMS, pursuant to N.J.A.C. 8:40A-8.2(a). Specifically, in order to be certified as an EMT-Instructor, N.J.A.C. 8:40A-8.1(c) requires an EMT-Instructor aide to complete “120 hours of instruction under the direct supervision of a program coordinator and Lead EMT-Instructor. Supervised instruction shall cover all areas of the program curriculum for EMT-Basic training.” Additionally, the program coordinator must attest, in writing, that the EMT-Instructor aide provided satisfactory instruction under his or her supervision. Ibid. Under N.J.A.C. 8:40A-8.2(a), an EMT-Instructor must provide “active instruction in an EMT-Basic training program of at least 100 hours during a period of 36 consecutive months” to gain recertification. And, the program coordinator must attest, in writing, to the course site with which the EMT-Instructor is affiliated and forward documentation to OEMS regarding the performance of the EMT-Instruction before the instructor can gain recertification.

The investigation revealed that you failed to discharge these responsibilities by failing to maintain adequate documentation to track and validate the teaching hours for EMT-Instructor aides and EMT-Instructors seeking certification and recertification, respectively. Such failures came to light from the OEMS investigators’ review of the EMT-Instructor aides’ and EMT-instructor’s sign-in sheets that you used to track and validate their teaching hours. Specifically, the sign-in sheets showed the following deficiencies:

Course ID	Year	Training Record Attendance Sheet Notes
129384	2015	No sign out times for instructors for the course beginning on 5/15/15 to 7/1/15.
128854	2015	No sign out times for instructors for the course beginning on 1/22/15 to 5/9/15. At times there are no sign in times. Of note, class orientation sign in sheet on 1/22/15 had no sign in or sign out times.
129650	2015	No sign out times for instructors for the course beginning on 9/3/15 to 12/19/15. At times there are no sign in times.

128853	2015	No sign out times for instructors for the course beginning on 1/29/15 to 5/9/15.
129649	2015	No sign out times for instructors for the course beginning on 9/12/15 to 12/19/15.
129650	2015	No sign out times for instructors for the course beginning on 9/3/15 to 12/19/15.
130273	2016	No sign out times for instructors for the course beginning on 1/30/16 to 5/7/16.
131371	2016	No sign out times for instructors for the course beginning on 9/7/16 to 12/2/16. Additionally, dates are missing on sign in sheets.
130272	2016	No sign out times for instructors for the course beginning on 1/28/16 to 5/7/16.
130977	2016	No sign out times for instructors for the course beginning on 5/16/16 to 6/29/16. Additionally, dates are missing on sign in sheets.
131372	2016	No sign out times for instructors for the course beginning on 9/7/16 to 12/5/16. Additionally, dates are missing on sign in sheets.
131327- Exceptional	2016	No sign out times for instructors for the course beginning on 9/19/16 to 12/12/16. Additionally, sign in times are missing on multiple days.
131691	2017	No sign out times for instructors for the course beginning on 1/20/17 to 4/26/17. Additionally, multiple dates are missing on sign in sheets.
131692	2017	No sign out times for instructors for the course beginning on 1/21/17 to 4/29/17. Additionally, multiple dates are missing on sign in sheets.
132845	2017	No sign out times for instructors for the course beginning on 9/9/17 to 12/16/17. Additionally, multiple dates are missing on sign in sheets.
132187	2017	No sign out times for instructors for the course beginning on 5/22/17 to 7/7/17. Additionally, multiple dates are missing on sign in sheets.
132844	2017	No sign out times for instructors for the course beginning on 8/31/17 to 12/18/17. Additionally, multiple dates are missing on sign in sheets.
131724- Exceptional	2017	No sign out times for instructors for the course beginning on 1/23/17 to 4/5/17. Additionally, sign in times are missing on sign in sheets.

132465- Exceptional	2017	No sign out times for instructors for the course beginning on 6/20/17 to 8/21/17.
132778- Exceptional	2017	No sign out times for instructors for the course beginning on 9/6/17 to 11/29/17.
134501- Exceptional	2018	No sign out times for instructors for the course beginning on 9/5/18 to 12/12/18. Additionally, sign in times are missing on sign in sheets.
133460- Exceptional	2018	No sign out times for instructors for the course beginning on 1/22/18 to 5/2/18. Additionally, multiple sign in times and instructor signatures are missing on sign in sheets.
134377- Exceptional	2018	No sign out times for instructors for the course beginning on 6/26/18 to 8/21/18 .
133459	2018	No sign out times for instructors for the course beginning on 1/20/18 to 5/7/18. Additionally, multiple dates are missing on sign in sheets.
134195	2018	No sign out times for instructors for the course beginning on 7/6/18 to 8/22/18.
133458	2018	No sign out times for instructors for the course beginning on 1/22/18 to 5/7/18. Additionally, multiple dates are missing on sign in sheets.
134195	2018	No sign out times for instructors for the course beginning on 7/6/18 to 8/22/18. Additionally, sign in times are missing on sign in sheets.
133458	2018	No sign out times for instructors for the course beginning on 1/22/18 to 7/2/18. Additionally, multiple dates and sign in times are missing on sign in sheets.
134482	2018	No sign out times for instructors for the course beginning on 9/1/18 to 7/2/18. Additionally, multiple dates are missing on sign in sheets.
136245- Exceptional	2019	No sign out times for instructors for the course beginning on 9/14/19 to 12/11/19 .
135132- Exceptional	2019	No sign out times for instructors for the course beginning on 1/23/19 to 4/17/19. Additionally, multiple sign in times and instructor signatures are missing on sign in sheets.
134959	2019	No sign out times for instructors for the course beginning on 1/19/19 to 5/19/19. Additionally, multiple dates, sign in times and instructor signatures are missing on sign in sheets.

136016	2019	No sign out times for instructors for the course beginning on 7/10/19 to 8/26/19. Additionally, multiple dates, sign in times and instructor signatures are missing on sign in sheets.
134960	2019	No sign out times for instructors for the course beginning on 1/26/19 to 5/11/19. Additionally, dates and sign in times are missing on sign in sheets.
135791	2019	No sign out times for instructors for the course beginning on 5/17/19 to 7/8/19. Additionally, dates are missing on sign in sheets.
136084	2019	No sign out times for instructors for the course beginning on 8/29/19 to 12/16/19. Additionally, sign in times and dates are missing on sign in sheets. Furthermore, some days have no information on the day of class.

For the above courses, you endorsed at least 19 EMT Instructors and 5 EMT-Instructor aides for recertification and certification, respectively. However, the above findings demonstrate that you could not have validated the number of hours the instructors and aides taught due to the lack of dates and sign-in and sign-out times on the attendance sheets. Thus, there was no way you could have confirmed that the aides and instructors completed the minimum number of teaching hours they needed before you endorsed them for certification or recertification.

Furthermore, N.J.A.C. 8:40A-4.2 requires you, as the program coordinator, to maintain responsibility for quality assurance over the records maintained by the EMT-Instructors and EMT- Instructor aides. The above evidences that you failed to discharge this duty as the attendance sheets are wholly lacking critical information, namely sign-in and sign-out times and dates, that is necessary for determining whether the aide or instructor qualified for certification/recertification.

Based upon the foregoing, OEMS has determined that your certification as an EMT-Instructor should be suspended for one year. Specifically, the above findings establish that you failed to comply with N.J.A.C. 8:40A-4.2, N.J.A.C. 8:40A-8.1 and 8.2 when you were the EMT-Instructor program coordinator for Virtua Health by failing to ensure programmatic oversight and verification of instructor hours.

Pursuant to N.J.A.C. 8:40A-10.2(b), “[t]he Commissioner, or his or her designee, may . . . suspend, revoke and/or refuse to issue or renew the certification of an EMT-Basic or EMT Instructor certification for violation of any of the rules set forth in this chapter”. This shall include, but is not limited to:

25. Failure to comply with any part of this chapter, any applicable part of N.J.A.C. 8:40 or 8:41, or any applicable law, rule/or regulation; and/or

26. Any other action deemed by the Department to pose a threat to public health, safety or welfare.

The above violations demonstrate a disregard for the Department's EMT training regulations. The violations also pose a threat to the public's health, safety and welfare because you failed to ensure that the instructors and aides of the Virtua Health EMT Program had adequate oversight and sufficient experience to train EMT students to provide high quality emergency medical care to the critically sick and injured patients of this State. Accordingly, **the Department proposes to suspend your certification as a New Jersey EMT-Instructor for one year.**

Pursuant to N.J.S.A. 52:14B-1 et seq. and N.J.A.C. 8:40A-10.3, you may request a hearing before the Office of Administrative Law to contest the Department's decision to suspend your EMT-Instructor 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. Your request for a hearing must be submitted within 30 days from the date of this Notice. Please include the control number #2020-0026V-McClintock 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

In the event that you request a hearing, the suspension shall be held in abeyance until such time as the hearing has been concluded and a final decision has been rendered. **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 and rendering the suspension final.** If you have any questions concerning this matter, please contact Mr. Daniel Kazar, Investigator, Education & Licensure, at (609) 633-7777.

Sincerely,



Terry Clancy, PhD, RN, NRP
Director
Office of Emergency Medical Services

c: Daniel Kazar, Investigator
Office of Legal & Regulatory Compliance

SENT VIA REGULAR US MAIL AND
CERTIFIED MAIL #
RETURN RECEIPT REQUESTED