State of New Jersey
DEPARTMENT OF HEALTH AND SENIOR SERVICES
OFFICE OF EMERGENCY MEDICAL SERVICES
PO BOX 360
TRENTON, N.J. 08625-0360

JON S. CORZINE
Governor

www.nj.gov/health

FRED M. JACOBS, M.D., J.D.
Commissioner

August 7, 2007

Ms. Lisa Becher
11 Roosevelt Blvd.
Berlin, NJ 08009

Re: **Notice of Proposed Suspension:**
Emergency Medical Technician-Basic Certification
Investigation Control # 07-C-013

Dear Ms. Becher:

The New Jersey Department of Health and Senior Services 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 paramedical and ambulance services. In furtherance of the objectives set forth in the statute, the Department of Health and Senior Services has adopted regulations that govern the training and certification of the Emergency Medical Technician-Basics (EMT-B's) who staff those services. See, N.J.A.C. 8:40A-1.1, et seq.

On January 25, 2007, the Office of Emergency Medical Services (OEMS) received a report of an unusual occurrence. Specifically, Randall J. McCargar, Emergency Medical Services Chief for the Cherry Hill Fire Department, reported to OEMS that on January 20, 2007, you had assaulted a patient by throwing a suction catheter which struck him in the groin, after the patient grabbed Paramedic Student Steve Napoli's arm. OEMS initiated an investigation in response to the complaint.

On April 18, 2007 you and your attorney, Mr. Allen Nickerson, met with staff of the Office of Emergency Medical Services in Trenton, New Jersey. You stated that while transporting a patient with a reported altered mental status to the hospital, you noted that the patient was grabbing at the arm of the paramedic student. You ordered the patient to stop.

You took a Yankauer suction catheter (a hard plastic suction tool approximately 10 inches in length) and struck the patient in the right thigh area stating, "We're going to handle this the Washington Township Way." You could not offer a definitive reason as to why you struck the patient, nor could you explain what you meant by the statement. You did, however, express remorse to OEMS staff for your actions. The Department has determined the actions demonstrated by you constitute patient abuse.

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

1. Demonstrated incompetence or inability to provide adequate services;

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;

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

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

Therefore, in accordance with the provisions of N.J.A.C. 8:40A-10.2(b), it is the intention of this Department to suspend your EMT-B certification for a period of 180 days, thereby rendering you ineligible to practice as an EMT-Basic within the State of New Jersey during this period. In addition, following the period of suspension, you shall be placed in a probationary status for a period of one year during which you will be closely monitored to assure your compliance with the regulations. Your suspension shall begin 30 days from the date of this notice.

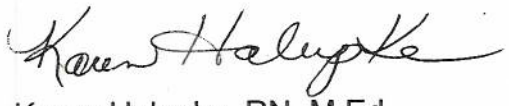
Pursuant to N.J.S.A. 52:14B-1, et seq. and N.J.A.C. 8:40A-10.2(b), you are entitled to a hearing before the Office of Administrative Law to contest this proposed suspension. Your request for a hearing on this matter must be submitted in writing and must be accompanied by a response to the charges contained herein. In the event that you request a hearing, you shall retain your EMT-Basic certification until such time as the hearing has been concluded and a final decision has been rendered.

Your request for a hearing must be submitted within 30 days from the date of this Notice and should be forwarded to:

New Jersey Department of Health & Senior Services
Office of Legal & Regulatory Affairs
P.O. Box 360, Room 805
Trenton, NJ 08625-0360
Attn: Ms. Michele Stark

Please include control number 07-C-013 on all of your correspondence. **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 do not hesitate to contact Mr. Samuel Stewart, OEMS Regulatory Officer, at (609) 633-7777.

Sincerely,



Karen Halupke, RN, M.Ed.
Director
Office of Emergency Medical Services

c: David W. Gruber, Senior Assistant Commissioner,
Health Infrastructure Preparedness and Emergency Response
Joseph Tricarico, Jr., Assistant Commissioner,
Health Infrastructure Preparedness Bureau
Michele Stark, OLRA
Samuel Stewart, Esq., OEMS
Antonio Suarez, OEMS
Donald Roberts, OEMS
William Duffy, OEMS
Tim Seplaki, OEMS
Allen Nickerson, Esq.
Barbara Downey, Executive Director
Stat Medical Transport

SENT VIA REGULAR U.S. MAIL
AND CERTIFIED MAIL # 7005 1820 0003 1168 7478
RETURN RECEIPT REQUESTED