

September 22, 2010

Akira Shishido

**Re: Notice of Proposed Revocation:
EMT-Basic Certification # 542649
Investigation Control # 2008-379**

Dear Mr. Shishido:

The New Jersey Department of Health and Senior Services (the Department) is vested with the responsibility of carrying out the provisions of *N.J.S.A. 26:2H-1 et seq., Health Care Facilities Planning Act*, which was enacted, in part, to assure 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, *N.J.S.A. 26:2K-7 et seq.*, authorizes the Department to certify Emergency Medical Technician-Basics (EMT-B). In furtherance of the objectives set forth in the statutes, the Department has adopted regulations that govern the training, certification and professional conduct of EMT-B and EMT-B candidates. (See: *N.J.A.C. 8:40A-1.1 Emergency Medical Technicians-Basics: Training and Certification.*)

On your application for EMT-B certification, you indicated to the Department's Office of Emergency Medical Services (OEMS) that you have a criminal history and that you have been charged, convicted, placed on probation, entered into a pre-trial intervention (PTI) program, and/or entered into a plea bargain in connection with a violation of the laws of a state, the federal government, or another jurisdiction, for an offense other than a minor traffic violation. As a matter of policy, in accordance with *N.J.A.C. 8:40A-6.2(c)*, the Department initiated an investigation into your criminal background. As part of that investigation, OEMS staff made numerous attempts to contact you in reference to the criminal history record review process. Furthermore, you were sent multiple copies of *SBI 212B Request for Criminal History Record Information for a Noncriminal Justice Purpose* document, along with instructions to return all information necessary to conduct the investigation.

To date, you have failed to provide the necessary information and documentation needed to complete the Department's mandatory investigation. Historically, on May 17, 2010, you were sent a communication expressing the Department's intent to revoke your certification if you did not respond within thirty (30) days. The letter was sent via United State Postal Service (USPS) 1st Class mail, and was not returned to the Department as undeliverable. Accordingly, the Department is asserting the presumption that it was received by you, because the law recognizes that mail, properly addressed, stamped and posted, has been received by the party to whom it was addressed.

Thereafter, on August 5, 2010, you were sent another communication expressing the Department's intent to revoke your certification if you did not respond within thirty (30) days. This letter was sent via USPS 1st Class mail, return receipt requested. Be aware, the USPS made three attempts to deliver it; however, it was refused all three times and returned to the Department as undeliverable. However, the corresponding copy of the same communication, sent USPS 1st class mail, without a return receipt requested, has not been returned to the Department as undeliverable. Again, the Department is asserting the presumption that you have received this correspondence.

Moreover, OEMS investigators have made numerous attempts to contact you by telephone, mail service and e-mail, based upon the information you entered into the Learning Management System when you applied for your EMT-B certification. Regrettably, all of OEMS' attempts to contact you have been unsuccessful. Accordingly, your refusal to respond timely to the Department's requests and to cooperate with its investigation constitutes failure to comply with the agency empowered to enforce the provisions of the *N.J.A.C. 8:40A*, discussed herein above.

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

12. Conviction of any crime;
13. Conviction of any disorderly person's offense;
15. Entry into a pre-trial intervention, conditional discharge, or other diversionary program;
17. Willful obstruction of any investigation and/or representative of the Department or other agency empowered to enforce the provisions of this chapter or any applicable law, rule and/or regulation.

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 or regulation.”

Therefore, as a result of your failure to cooperate with the Department’s investigation, it is the intention of this Department to revoke your EMT-Basic certification, thereby rendering you ineligible to practice as an EMT- Basic within the State of New Jersey.

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 this Department’s decision not to grant you EMT-Basic 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 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 the control number **2008-379** 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 contact Ms. Jo-Bea Sciarrotta, OEMS Compliance Officer, at (609) 633-7777.

Sincerely,

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

c: David Gruber, Senior Assistant Commissioner
Donald Roberts, OEMS
Jo-Bea Sciarrotta, OEMS
Michael Mooney, OEMS
Michelle Stark, OLRA

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