



State of New Jersey

DEPARTMENT OF HEALTH
OFFICE OF EMERGENCY MEDICAL SERVICES
PO BOX 360
TRENTON, N.J. 08625-0360

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

www.nj.gov/health

CATHLEEN D. BENNETT
Commissioner

March 16, 2017

Donald Libonati

Re: **Notice of Summary Suspension:
Emergency Medical Technician (EMT) Certification # 599631
Investigation Control # 2017-0034V**

Dear Mr. Libonati:

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., 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, Emergency Medical Technicians: Training and Certification.

On February 27, 2017, the Department's Office of Emergency Medical Services (OEMS) received notification that you were charged with cruelty and neglect of a minor. Consistent with regulatory authority and OEMS policy, the OEMS opened an investigation in response to this notification.

Upon opening the investigation, the OEMS investigator confirmed that you are currently certified as an EMT. In addition, the investigator obtained criminal history information, which provides that you were arrested in August 2016, under complaint number S-2016-000226, and charged with the following:

1. Cruelty and neglect of a child, pursuant to N.J.S.A. 9:6-1 and N.J.S.A. 9:6-3. The charge was based upon the allegation that you assumed the responsibility of a four-year-old juvenile and, while under your care, you caused the child harm. Specifically, it was alleged that you grabbed the child and threw him onto a bed causing

bruises to the child's shoulder. You then struck the child on the left side of his face with an open hand, causing injuries to the left side of his face and ear.

The investigation further revealed that you were convicted of the above charge on December 9, 2016, in Bergen County Superior Court and sentenced on January 6, 2017 to two years probation and forfeiture of any publicly held position, either paid or volunteer.

As you are aware, EMTs work in unsupervised, two-person teams in order to respond effectively to emergencies. You should also be aware that neither member of the team works in a supervisory capacity. Rather, one team member drives the vehicle and the other is alone in the back of the ambulance providing emergency medical care to the patient. The provision of emergency care requires an EMT to have close, hands-on contact with vulnerable patients ranging from infants to senior citizens. Even more, EMTs are placed in a position of trust by the public, police officers, fire fighters, doctors and other professionals in order to be effective. In short, EMTs must be law-abiding and must be trusted to care for all patients in an appropriate, safe manner.

Furthermore, N.J.A.C. 8:40A-7.1(h) states, "[o]nce certified, it shall be the responsibility of the EMT-Basic to immediately notify OEMS, in writing, of the:

1. Conviction of any crime or offense or acceptance into a pre-trial intervention, conditional discharge or other diversionary program in this or any other state listed in (b)1 through 3, above;"

To date, you have failed to notify OEMS of your conviction. Thus, you have concealed your conviction from OEMS.

Based upon 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." Your conviction for abuse of a minor demonstrates poor judgement, lack of self-control and untrustworthiness as well as establishes that you pose a threat to patients, especially vulnerable patients. And, your failure to notify OEMS of your conviction further calls into question your trustworthiness and forth righteousness. 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-Basic is immediately suspended and shall remain suspended until such time as the Department has completed its investigation into this matter. You may not, under any circumstances, act in the capacity of, or perform the duties of an EMT-Basic in New Jersey during this period of suspension.**

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 upon demand. You are hereby directed to immediately surrender your EMT certification card(s) to the OEMS, either by sending via United States Postal Service First Class Mail, to the address on the first page of this Notice, or via physical delivery to Department of Health, OEMS, John Fitch Way, Market and Warren Streets, Trenton, NJ, 08611.

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 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 **2017-0034V** 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 emergency relief within 30 days from the date of this Notice shall be deemed 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. If you have any questions concerning this matter, please contact Timothy Seplaki at (609) 633-7777.

Sincerely,

Nancy Kelly-Goodstein, M.A.S.
Acting Director
Emergency Medical Services

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