

May 1, 2000

Mr. Preston C. Foray, Jr.

Re: Notice of Summary Suspension of EMT Certification
Investigation Control #00-C-066

Dear Mr. Foray:

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 Technicians (EMTs), such as yourself, who staff those paramedical and ambulance services. See, N.J.A.C. 8:40A-1.1, et seq.

On April 28, 2000, staff of this Department's Office of Emergency Medical Services (OEMS) became aware of your alleged involvement in the recent kidnapping and murder of Mr. Paul Jeffrey Gale. It is my understanding that you have been charged with being an accessory after the fact in the kidnapping of Mr. Gale and that you have been released on \$1 million bond.

As the agency responsible for certifying EMTs, it is this Department's obligation to ensure the health and safety of the public with whom you may come into contact. If there is any justifiable reason for this Department to believe that your continued certification as an EMT is no longer in the public's best interest, it is our obligation to initiate proceedings for the suspension and/or revocation of that certification. Specifically, N.J.A.C. 8:40A-9.5(c), in relevant part, states:

The Commissioner or his or her designee may summarily suspend an EMT certification when the continued certification of an individual poses an immediate threat to the health, safety or welfare of the public.

Based on the knowledge and information we have at this time, I believe that in accordance with the intent of N.J.A.C. 8:40A-9.5(c), there is sufficient cause to warrant a summary suspension of your EMT certification at this time. Therefore, please be advised that your certification as an EMT is immediately and summarily suspended pending the outcome of our investigation into this matter. Please be advised that by copy of this letter, we are also notifying Community First Aid Squad of this summary suspension. You may not, under any circumstances, act in the capacity of or perform the duties of an EMT

during this period of suspension with Community First Aid Squad or any other squad that operates within the State of New Jersey.

Pursuant to N.J.A.C. 8:40A-9.5(c), you are entitled to appeal to the Commissioner of Health and Senior Services for an expedited hearing before the Office of Administrative Law to contest this summary suspension. If the summary suspension is upheld at the Office of Administrative Law, you have the right to apply for injunctive relief in the Superior Court of New Jersey.

Your appeal for an expedited 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 noted above (i.e., #00-C-066) on your correspondence, and forward your request to:

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

If you have any questions concerning this matter, please do not hesitate to contact Mr. James Mondoro, Case Investigator, OEMS at (609) 633-7777.

Sincerely,
Gerard C. Muench, Jr., MPA, MICP
Director
Office of Emergency Medical Services

c: Community First Aid Squad
Mrs. Slimm, L&RA
Ms. Barreto, DAG
Ms. Halupke, OEMS
Mr. Dinetz, OEMS
Mr. Mondoro, OEMS
Ms. Saunders, OEMS

CERTIFIED MAIL #
RETURN RECEIPT REQUESTED