



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

HEATHER HOWARD
Commissioner

December 3, 2009

John Ackley

Re: **Notice of Summary Suspension:
EMT-Basic Certification # 520824
Investigation Control # 09-C-39**

Dear Mr. Ackley:

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. These laws establish a scheme that permits certain individuals, once certified, to perform basic life support (BLS) services. In furtherance of the objectives set forth in the statutes, the Department of Health and Senior Services (the Department) has adopted regulations that govern the training, certification and professional conduct of EMT-Basics. See N.J.A.C. 8:40A-1.1, et seq.

On October 18, 2009, the Office of Emergency Medical Services (OEMS) received an *Asbury Park Press* news article stating you were arrested for assaulting more than one child younger than 13 years of age. The OEMS opened an investigation in response to this information.

According to documentation obtained by the OEMS from the Jackson Township Police Department, you were arrested on November 11, 2009 for allegedly committing aggravated sexual assault, and allegedly having child pornography in your possession. Consequently, the Jackson Township Police Department signed Complaint-Warrant #

W-2009-000815-1511 and W-2009-000816-1511, charging you with two counts of aggravated sexual assault of a minor in violation of N.J.S.A. 2C:14-2A(1), possession of child pornography in violation of N.J.S.A. 2C:24-4B(5)(b) and endangering the welfare of a child in violation of N.J.S.A. 2C:24-4A.

N.J.A.C. 8:40A-10.2(a) states that, "The Commissioner, or his or her designee, may summarily suspend a person's EMT-Basic 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."

Because of the seriousness of the crimes with which you have been charged, the Department finds that your continued certification as an EMT-Basic constitutes an immediate and serious threat to the health, safety, and welfare of the public.

Therefore, your certification as an EMT-Basic is immediately suspended and shall remain suspended indefinitely. 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-Basic certification card to the OEMS, either by U.S. mail to the address on the first page of this Notice or by physical delivery to Department of Health and Senior Services, OEMS, John Fitch Way, Market and Warren Streets, 6th Floor, Trenton, NJ, 08611. 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 what action(s), if any, will be taken with respect to your EMT-Basic certification.

Pursuant to N.J.A.C. 8:40A-10.3(a), you have the right to appeal to the Commissioner of Health and Senior Services for an emergent 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 request for an emergent 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 **09-C-039** 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: Ms. Michele Stark

Finally, please note that failure to submit a request for a hearing within 30 days from the date of this Notice 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 Mr. Samuel Stewart, OEMS Regulatory Officer, at (609) 633-7777.

Sincerely,



Karen Halupke, RN, M. Ed.

Director

Emergency Medical Services

- c. David W. Gruber, Senior Assistant Commissioner
- Joseph Tricarico, Jr., Assistant Commissioner
- Samuel Stewart, OEMS Regulatory Officer
- Donald Roberts, OEMS
- ✓ Chris Ryan, OEMS
- Michele Stark, OL&RA
- National Registry of EMTs

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