



State of New Jersey

DEPARTMENT OF HEALTH AND SENIOR SERVICES

PO BOX 360
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www.nj.gov/health

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

MARY E. O'DOWD, M.P.H.
Commissioner

July 8, 2011

ERICK PEREZ

Re: **Notice of Proposed Revocation:
EMT-Basic Certification # 580675
Investigation Control # 2011-017**

Dear Mr. PEREZ:

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 recertification, 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 policy matter, 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, on January 10, 2011, you were sent a communication explaining the need to complete a criminal background check, and provided the necessary forms and instructions to complete this process. In those instructions it explained that you needed to return the

SBI 212B Request for Criminal History Record Information for a Noncriminal Justice Purpose document and required paperwork to the Department within thirty (30) days. The correspondence was sent via United State Postal Service (USPS) registered mail with return receipt requested, as well as USPS 1st Class mail. You signed receipt of the parcel on January 15, 2011. For your reference, the parcel sent USPS 1st Class mail was not returned to the OEMS as undeliverable. OEMS never received any response to that communication.

As a result of your failure to cooperate with this criminal investigation, on February 18, 2011 you were sent a communication expressing the Department's intent to revoke your certification if you did not respond within thirty (30) days. The correspondence was sent via United State Postal Service (USPS) Registered mail as well as USPS 1st Class mail. USPS returned the parcel as undeliverable after attempting to deliver it three (3) times between February 19 & 26, 2011. For your reference, the parcel sent USPS 1st Class mail was not returned to the OEMS as undeliverable.

On April 4, 2011, OEMS received only your SBI212B form, which was sent immediately to New Jersey State Police (NJSP) for processing. No other requested paperwork was received. NJSP returned the SBI212B to OEMS on April 15, 2011. That form indicated that you had been found guilty of Simple Assault on September 17, 2008, in violation of 2C:12-1A(1). Accordingly, you were sentenced to serve one (1) year of probation.

OEMS staff contacted you by phone on May 3, 2011 and explained the need for copies of related court records such as the Judgment of Conviction and Disposition from Probation. During that conversation, you promised the investigator that you would return copies of all requested papers. To date, no such paperwork has been received by OEMS. Be aware, your refusal to respond to the Department's requests, combined with your lack of cooperation with this investigation constitutes failure to comply with the agency empowered to enforce the provisions of the aforementioned administrative rule, *N.J.A.C. 8:40A*.

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-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 certification within the State of New Jersey.

Pursuant to *N.J.S.A.* 52:14B-1 *et seq.* and *N.J.A.C.* 8:40A-10.3(b), you may request a hearing before the Office of Administrative Law to contest this Department’s decision to revoke your 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 **2011-017** 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: Christopher Rinn, 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