



State of New Jersey

DEPARTMENT OF HEALTH AND SENIOR SERVICES

OFFICE OF EMERGENCY MEDICAL SERVICES

PO BOX 360

TRENTON, N.J. 08625-0360

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

www.nj.gov/health

POONAM ALAIGH, MD, MSHCPM, FACP
Acting Commissioner

March 2, 2011

Dominick Charowsky

**Re: Notice of Summary Suspension:
EMT-Basic Certification # 555206
Investigation Control # 2011-061**

Dear Mr. Charowsky:

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., Emergency Medical Services Act* 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 February 9, 2011, the Department's Office of Emergency Medical Services (OEMS) received a news article from www.NJ.com, dated January 28, 2011. The article alleged that you were arrested for distribution of child pornography. Accordingly, the OEMS opened an investigation in response to the information contained in the news article.

Further investigation revealed that on January 28, 2011, an arrest warrant was executed by the Hunterdon County Prosecutor's Office, in cooperation with the Clinton Township Police Department, resulting in your arrest. The complaint alleges that your home desktop computer contained images and videos of children engaging in prohibited sexual acts, or in the simulation of such acts. Furthermore, the complaint alleges that you distributed images and videos of children engaging in prohibited sexual acts, or in the simulation of such acts. As a result of these allegations, you were charged with two

counts of *Endangering the Welfare of a Child* in violation of *N.J.S.A. 2C:24-4b(5)(a)*, and *N.J.S.A. 2C:24-4b(5)(b)*.

You are aware that EMT-Basics work in unsupervised two person teams to respond effectively to emergencies. The nature of this work requires these individuals to make important medical assessments and carry out appropriate pre-hospital interventions at motor vehicle accidents, in people's homes and at other difficult field locations. In order to be effective, EMT-Basics must unconditionally trust each other and be incontestably trusted by EMT-Paramedics, police officers, fire fighters, doctors and other professionals. Because EMT-Basics treat vulnerable patients of all ages, from infants to the elderly, they are required to place a high value on the health, safety and welfare of the patients they treat.

You are also aware that EMT-Basics oftentimes are called upon to perform physical exams and depending upon the circumstances, may be required to remove the patient's clothing in order to properly visualize and assess the presenting condition and treat the injuries. However, patients presenting with traumatic injury must always be properly exposed to assure that all injuries are clearly identified and treated accordingly. Consequently, EMT-Basics are placed in a position of authority and influence over vulnerable and/or frightened individuals, which means these factors implicitly demand that the EMT-Basic be trustworthy.

N.J.A.C. 8:40A-10.2(a) states: "The Commissioner, or his/her designee, may summarily suspend a person's EMT-Basic and/or EMT-Instructor certification when, in his/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.**

Be advised, 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. Be further advised that if you act in the capacity of, or perform the duties of an EMT-Basic in New Jersey during this period of suspension, your actions will constitute impersonation of an EMT-Basic, in violation of *N.J.A.C. 8:40A-10.4* and shall incur further penalties.

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(s) to the OEMS, either by U.S. mail to the address on the first page of this Notice, or by physical delivery to the Department of Health and Senior Services, OEMS, John Fitch Way, Market and Warren Streets, 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 may appeal to the Commissioner of the Department of Health and Senior Services for a 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 may apply for injunctive relief in the Superior Court of New Jersey. Your request for a hearing regarding this matter must be submitted in writing and must be accompanied by a response to the charges contained herein. Please include control number **2011-061** on your correspondence, and forward your request to:

New Jersey Department of Health & Senior Services
Office of Legal & Regulatory Compliance
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 Dr. Jo-Bea Sciarrotta, OEMS Compliance Officer, at (609) 633-7777.

Sincerely,

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

c. Christopher Rinn, Assistant Commissioner
Christopher Ryan, OEMS
Michele Stark, OL&RCompliance

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