



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

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

February 23, 2015

David Rogers

Re: **Notice of Summary Suspension:
Emergency Medical Technician (EMT) Certification # 529485
Investigation Control # 2014-0116V**

Dear Mr. Rogers:

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 December 16, 2014, the Department's Office of Emergency Medical Services (OEMS) received notification that you were charged with theft. 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 confirmed that on or about December 3, 2014, you were arrested and charged under complaint number S2014-000107 with Theft by Unlawful Taking or Disposition under N.J.S.A. 2C:20-3(a).

According to the police report obtained by the OEMS investigator, you were working for Plumsted Township as the Chief of Plumsted Township Emergency Medical Services when you allegedly submitted duplicate receipts for expenditures you made on behalf of the Plumsted Fire Department and Plumsted First Aid Squad in order to

receive double reimbursement from the Township. Specifically, on February 24, 2013, you submitted a request for reimbursement to the First Aid Squad in the sum of \$559.30 for "Awards and Building" materials, as indicated in the memo line of the reimbursement check. In support of the request, you submitted a photocopied picture of a receipt from Lowes Home Improvement dated 2/9/2013 in the amount of \$304.35 with a timestamp of 20:47:17. Thereafter, you were issued a check in the amount of \$559.30, which was subsequently deposited into your personal bank account.

On August 7, 2013, the Fire Department issued you a reimbursement check in the amount of \$377.86. The memo line was blank, but according to the reimbursement form you completed, the money was spent on "Misc. Maintenance and Cleaning Supplies." Attached to the form was a photocopied receipt from Home Depot, dated 7/23/13, in the amount of \$324.41 with a timestamp of 02:55 pm. This check was subsequently deposited into your personal bank account.

Then, on October 16, 2013, you submitted a reimbursement request for \$628.76. With your request, you submitted two photocopied receipts to the Township. One receipt was from Lowes Home Improvement dated 2/9/2013 in the amount of \$304.35 with a time stamp of 20:47:17. The second was from Home Depot dated 7/23/2013 in the amount of \$324.41 with a timestamp of 02:55 pm. A check was issued to you, which was subsequently deposited into your personal account. In the memo line of the reimbursement check that was issued to you, it stated "cleaning supplies/Items to complete the bunk room."

Based upon the above, you were charged with unlawfully obtaining \$628.76 by submitting duplicate receipts for reimbursement to the Township, pursuant to N.J.S.A. 2C:20-3.

In addition to the double billing, you were also charged with billing the First Aid Squad for service rendered on your personal vehicle without authorization. Accordingly to the police report, an invoice from NAPA Auto Parts was made out to "New Egypt First Aid Squad, P.O. Box 368, New Egypt, NJ 08533" on 6/1/2013 for work done on a 2012 GMC Sierra 2500HD ¾ Tom Pickup in the amount of \$104.67. The First Aid Squad has an account with NAPA where the billing is automatically deducted from their account. The police report further states that the investigating police officer reviewed the motor vehicle system and learned that you own a vehicle similar to that described above. In addition, the First Aid Squad advised the investigating police officer that they do not own a similar vehicle and that you were not authorized to have the First Aid Squad pay for personal work done on your vehicle. Based upon the information obtained by the investigating police officer, you were charged with unlawfully billing the First Aid Squad for service performed on your personal vehicle, in violation of N.J.S.A. 2C:20-3.

In addition to the criminal charges pending against you, the OEMS investigator also learned that you tested positive for narcotics while you were on duty as an EMT. Specifically, on November 13, 2013, you were on duty with the Township as an EMT and submitted to a random drug test initiated by the Township. The results showed that

you tested positive for narcotics, namely Oxycodone and Oxymorphone, and you were placed on administrative leave as a result. As such, you were under the influence of narcotics while on duty, in violation of N.J.A.C. 8:40A-10.2(b)(6).

As you are aware, EMTs are placed in a position of trust by the general public. They must work in two person teams to respond effectively to emergencies and must make important medical assessments and carry out appropriate medical interventions at motor vehicle accidents, in people's homes, and at other difficult field locations. In order to be effective, EMTs must exercise good judgment, make appropriate medical decisions swiftly, trust each other and be trusted by police officers, fire fighters, doctors and other professionals. In short, EMTs must be law-abiding, trustworthy, and possess unencumbered decision-making ability.

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." Because you have been charged with a serious crime, the nature of which is indicative of poor judgment and lack of trustworthiness, and were found to be under the influence of narcotics while on duty as an EMT, 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 is immediately suspended and shall remain suspended until such time as the Department has completed its investigation into this matter and the charges against you have been resolved. You may not, under any circumstances, act in the capacity of, or perform the duties of an EMT 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 **2014-0116V** 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 interpreted as 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 Mr. Donald Roberts, at (609) 633-7777.

Sincerely,

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

- c. Christopher R. Rinn, Assistant Commissioner
Donald Roberts, OEMS
James Sweeney, OEMS
Tami Roach, OL&RC

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