



State of New Jersey

DEPARTMENT OF HEALTH
OFFICE OF EMERGENCY MEDICAL SERVICES
PO BOX 360
TRENTON, N.J. 08625-0360

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

www.nj.gov/health

SHEREEF M. ELNAHAL, MD, MBA
Commissioner

April 8, 2019

Michael Johnson

Re: Notices of Proposed Revocation
EMT Certification # 588961
Investigation Control # 2018-0029C

Dear Mr. Johnson:

The New Jersey Department of Health (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 to -26, 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 Basic Life Support (BLS) personnel. In addition, the Emergency Medical Services Act, N.J.S.A. 26:2K-7 to -69, 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.

On February 11, 2019, the Department's Office of Emergency Medical Services (OEMS) was notified that the New Jersey Division of Consumer Affairs Board of Nursing (BON) suspended your nursing license on January 31, 2017, after you plead guilty to one violation of N.J.S.A. 2C:14-9(b)(Third Degree Invasion of Privacy) and one violation of N.J.S.A. 2C:5-1(Third Degree Attempted Invasion of Privacy). Consistent with its regulatory authority and policies, OEMS opened an investigation in response to this notification.

Through its investigation, OEMS confirmed that you are currently certified as an EMT in New Jersey. Investigators obtained and reviewed the BON Final Order of Discipline issued against you as well as the Somerset County Superior Court Judgment of Conviction entered against you on July 29, 2016. These documents indicate that, while living with your girlfriend, her sister (K.C.), and her mother, you hid cameras in multiple bathrooms and K.C.'s bedroom. K.C. found one of the cameras and the Bridgewater Police Department initiated a criminal investigation. During that investigation you consented to a search of your laptop computer and the memory cards used by the cameras. The search found a folder directory titled "woowoo" which contained multiple audio and video recordings of multiple individuals, including videos of K.C. naked in the bathroom and having sexual relations with her boyfriend.

As you are aware, EMTs work in unsupervised, two-person teams to respond effectively to emergencies. You should also be aware that neither member of the team works in a supervisory

capacity. Rather, one team member drives the vehicle and the other is alone in the back of the ambulance providing emergency medical care to the patient. Additionally, the provision of emergency care requires an EMT to have close, hands-on contact with vulnerable patients ranging from infants to senior citizens and may require the rendering of care to patients who are in a state of duress. As such, EMTs have a duty to protect and uphold a patient's right to privacy. In short, to be effective, EMTs must exercise good judgment, be trustworthy, and provide medical treatment to patients in a dignified and respectful manner.

Based upon the foregoing, the Department has determined that your EMT certification should be revoked. N.J.A.C. 8:40A-10.2(b) provides that, "the Commissioner, or his or her designee, may issue a formal warning, impose a monetary penalty, place on probation, suspend, revoke and/or refuse to issue or renew the certification of any EMT 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; and
24. Any action deemed by the Department to pose a threat to public health, safety or welfare.

The nature of your criminal convictions is not only indicative of poor judgment and lack of trustworthiness but also evidences that you pose a threat to vulnerable patients. Indeed, your criminal actions were of a voyeuristic nature and you intentionally violated the privacy of those closest to you for your own gratification. Such behaviors and actions are incompatible with the duties of an EMT. **Therefore, as a result of our investigation and in accordance with these findings, the Department intends to revoke your certification as an Emergency Medical Technician. In addition, you will not be recognized as having Emergency Medical Technician privileges in New Jersey.**

Pursuant to N.J.S.A. 52:14B-11 and N.J.A.C. 8:40A-10.3(b), you are entitled to a hearing before the Office of Administrative Law to contest the Department's decision to revoke your EMT 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. In the event you request a hearing, the proposed revocation of your EMT certification will be held in abeyance and you shall retain your EMT certification until such time as the hearing has been concluded and a final decision has been rendered. Please include the control number **2018-0029C** 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 a hearing within 30 days from the date of this notice shall be interpreted as an acceptance of this Department's decision to revoke your EMT certification, thereby negating any further appeal rights and converting this action into a final agency decision.

If you have any questions concerning this matter, please contact Dr. Jo-Bea Sciarrotta at (609) 633-7777.

Sincerely,

Christopher Neuwirth, MA, MEP, CBCP, CEM
Assistant Commissioner
PHILEP Division

c: Scot Phelps, Director OEMS
Candace Gardner, OEMS
Tami Roach, OLRC
Terry Clancy, OEMS
File

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