



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 30, 2019

Maryellen P. Devlin

**Re: Notice of Summary Suspension:
EMT Certification # 634919
Investigation Control # 2019-0044V**

Dear Ms. Devlin:

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 13, 2019, the Department's Office of Emergency Medical Services (OEMS) was notified that you were terminated from your place of employment for professional misconduct, which resulted in the permanent revocation of your nursing license. Consistent with regulatory authority and OEMS policy, the OEMS opened an investigation in response to this notification.

Upon opening the investigation, the OEMS confirmed that you are currently certified as an Emergency Medical Technician (EMT) in New Jersey. Investigators obtained and reviewed the Consent Order dated June 4, 2018, entered between you and the State of New Jersey, Department of Law & Public Safety, Division of Consumer Affairs, Board of Nursing. The Order memorializes an incident involving you and an elderly patient at a behavioral health hospital that occurred on July 24, 2017. Video surveillance from the hospital showed you shoved a patient twice. The second shove knocked the patient backwards, causing the patient to fall and hit his head on the ground. In fact, the shove was so forceful the patient was knocked out of his shoes.

Per the Consent Order, you voluntarily agreed to the surrender your nursing license with the Board of Nursing, and waived your right to a hearing.

As you are aware, EMTs must work in two-person teams to respond effectively to emergencies and must make important medical assessments and carry out appropriate medical interventions in difficult field locations for patients young and old, combative and docile. In order to effectively care for all patients, EMTs must exercise good judgment and treat patients with dignity and respect. Indeed, shoving an elderly patient is never an appropriate response to a situation and is deemed patient abuse, which is a prohibited act under N.J.A.C. 8:40A-10.2(b)(5).

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 certification when, in his or her opinion, the continued certification of that person poses an immediate or serious threat to public health, safety or welfare.” Here, while working as a nurse, you shoved an elderly patient and caused the patient to strike his head. Such actions constitute patient abuse. Because the investigation to date has revealed that you abused an elderly patient, which demonstrates extremely poor judgement and a disregard for a patient’s dignity and well-being, 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. 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.** Be further advised that if you act in the capacity of or perform duties of an EMT in New Jersey during this period of suspension, your actions will constitute impersonation of an EMT 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 to Department staff upon demand. As such, you are hereby directed to immediately surrender your EMT certification card to OEMS, either by U.S. mail to the address in the first page of this notice, or by physical delivery to New Jersey Department of Health, Office of Emergency Medical Services, John Fitch Plaza Market & Warren Streets, Trenton, NJ 08625.

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 of 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 charge contained herein. Please include the control number **2019-0044V** 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 summarily suspend your EMT certification pending completion of an investigation, thereby forfeiting all rights to emergency relief 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
Terry Clancy, OEMS
Tami Roach, OLRC

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