



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

JUDITH M. PERSICILLI, RN, BSN, MA
Commissioner

April 7, 2021

Mr. James Han

Re: **Notice of Proposed Revocation of EMT
EMS ID # 609446
Investigation Control # 2020-0108V**

Dear Mr. Han:

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 -27, 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 (BLS) personnel. In addition, N.J.S.A. 26:2K-7 to -69 authorizes the Department to certify Emergency Medical Technicians (EMTs). In furtherance of these statutory objectives, the Department adopted regulations that govern the training, certification and professional conduct of EMTs. See N.J.A.C. 8:40A.

On September 4, 2020, the Department's Office of Emergency Medical Services (OEMS) received notification from your employer, Robert Wood Johnson Barnabas Health (RWJBH), that you allegedly assaulted a patient who was under your care on July 4, 2020, while you were serving as an EMT in Jersey City, New Jersey. Consistent with its 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 have been certified as an EMT since February 4, 2014. The OEMS then reviewed and analyzed the July 4, 2020 incident report provided by RWJBH, the witness interviews conducted by RWJBH and the witness statements.

According to the RWJBH report, you were assigned to BLS Unit #328 on the morning of July 4, 2020, in Jersey City, New Jersey. Your unit was called to assist another BLS unit and an Advanced Life Support (ALS) unit who had encountered a patient who was combative, uncooperative, and thrashing around. The patient was

restrained in the ambulance by other health care providers for transport to the hospital. While the ambulance was en route to the hospital, witnesses reported the patient's hands came free and he began thrashing around. The ambulance stopped, and multiple witnesses stated you entered the ambulance with Acting Tour Chief James Piro and Station Supervisor John Bonvenca. The three of you began striking the patient repeatedly with closed fists. When the patient arrived at the hospital, he presented to hospital staff with swelling of the forehead, and his right eye was swollen shut. You subsequently wrote an incident report that stated the patient became combative in the ambulance and struck you in the face while you attempted to restrain him. You made no mention of the assault on the patient.

When RWJBH initially interviewed you about the incident, you denied hitting the patient. However, during a second interview, you admitted you struck the patient with a closed fist approximately four (4) to six (6) times, and you only stopped because your glasses were knocked off your face and you could not see well. You also admitted Acting Tour Chief James Piro and Supervisor John Bonvenca punched the patient several times. However, before your second interview, there was no indication you made any effort to report the assault.

At this point in the investigation, the OEMS determined that you were an immediate and serious risk to the public health, safety and welfare. Consequently, the OEMS summarily suspended your EMT certification on October 26, 2020.

After issuing you a summary suspension, the OEMS continued with its investigation into this matter. Specifically, the OEMS investigators interviewed multiple witnesses to the event, who were EMTs and Paramedics. During the interviews, each witness was able to directly visualize the events in the ambulance. Witnesses stated that while the patient was secured to the stretcher in the ambulance, Acting Tour Chief James Piro, Station Supervisor John Bonvenca, and you struck the patient with closed fists multiple times in the face. These actions caused multiple injuries to the patient, including swelling to the forehead and right eye, which was not present before the assault. The witnesses also reported that the patient became unresponsive during the assault and the only reason the violent attack stopped was because another clinician in the ambulance told you that was "enough" when the patient became unresponsive. Witness interviews also revealed that at no time before or during this event did they fear for their safety or well-being. Additionally, neither the patient's actions nor the environment they were operating made them feel the scene was unsafe. Thus, at no time did the EMT and Paramedic witnesses believe their personal safety was in jeopardy warranting them to retreat from the scene, as required under N.J.A.C. 8:40-4.11(a) and N.J.A.C. 8:41-3.5(c)(1).

The OEMS also obtained police body camera footage from the scene as well as police body camera footage from when a police officer interviewed the patient at the hospital regarding the altercation. The body camera footage from the scene shows Acting Tour Chief James Piro exiting the ambulance, turning back to face the patient and saying "you F*****." The footage from the patient interview shows the patient

explaining to the police officer that he pretended to pass out as a way to stop the beating and that while he was pretending to be unresponsive he overheard the vulgar language that James Piro directed at him.

As you are aware, EMTs must make important medical assessments and carry out appropriate medical interventions in difficult field locations for patients young and old, combative and docile. To effectively care for all patients, EMTs must exercise good judgment and treat patients with dignity and respect. They are entrusted by the public to be there in times of need. Thus, EMTs must trust each other and be trusted by police officers, firefighters, doctors, and other professionals. Indeed, striking a patient is never an appropriate response to a situation and is deemed abuse of a patient, a prohibited act under N.J.A.C. 8:40A-10.2(b)5.

N.J.A.C. 8:40A-10.2(b) provides that, “[t]he Commissioner, or his or 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 or EMT-Instructor for violation of any of the rules set forth in this chapter. This includes, but is not limited to:

- 5. Abuse or abandonment of a patient;

- 24. Any other action deemed by the Department to pose a threat to the public health, safety or welfare.”

Based upon the foregoing, the Department has determined that your EMT certification must be **revoked**. The above actions demonstrate that you not only have poor judgement and a lack of trustworthiness, but that you pose a threat to vulnerable patients. Indeed, patient abuse is an offense that cannot be tolerated. In short, your behaviors and actions are incompatible with the duties of an EMT. **Therefore, as a result of this investigation, it is the intention of the Department to revoke your EMT certification.**

Pursuant to N.J.A.C. 8:40A-10.3(b), you may request a hearing before the New Jersey Office of Administrative Law to contest this 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. **As for your EMT certification, you are reminded that you remain under a summary suspension and, as a result, are PROHIBITED from acting in the capacity of an EMT.** If you wish to request a hearing, please include control number **2020-0108V** on your correspondence, and forward your request to:

New Jersey Department of Health
Office of Legal & Regulatory Compliance
P.O. Box 360
Trenton, NJ 08625-0360

Failure to submit a written request for 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 Eric Hicken, Chief of Licensing, Inspections and Enforcement at (609) 633-7777 or via email at Eric.Hicken@doh.nj.gov.

Sincerely,



Terry Clancy, PhD, RN, NRP
Director
Office of Emergency Medical Services

- c. Eric Hicken, Chief, Licensing, Inspections and Enforcement, OEMS
Candace Gardner, Chief, Clinical Education and Licensure, OEMS
Zak Raab, Investigator, OEMS

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