



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

January 27, 2020

Daniel Tote

Re: **Notice of Summary Suspension:
Emergency Medical Technician (EMT) Certification # 528955
Investigation Control # 2019-0182V**

Dear Mr. Tote:

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 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, EMTs: Training and Certification.

On December 16, 2019, the Department's Office of Emergency Medical Services (OEMS) received a notification that you were criminally charged with aggravated assault. Consistent with its regulatory authority and OEMS policy, 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 New Jersey. Further, the investigator confirmed that you were charged with the following under Complaint No. W-2019-005212 in the City of Trenton, New Jersey:

1. One count of aggravated assault, in violation of N.J.S.A. 2C:12-1(b).

Specifically, the complaint alleged that on or about December 14, 2019, you entered into a physical altercation with an individual. During the interaction, you applied pressure to the victim's neck causing the victim to lose consciousness for an unknown period of time and leaving visible signs of injury to the victim's neck area.

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, trust each other and be trusted by police officers, fire fighters, doctors and other professionals. In short, EMTs must be law-abiding and trustworthy.

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 not only indicative of poor judgment and lack of trustworthiness but also evidences that you pose a threat to vulnerable patients, 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. 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 the interim, OEMS will continue to investigate this matter and monitor the progression of your criminal case. After OEMS completes its investigation and the charges against you have been resolved, you will be advised of what action(s), if any, OEMS will take with respect to your EMT certification.

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.

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 charges contained herein. Please include the control number **2019-0182V** 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 thirty (30) days from the date of this Notice shall be deemed an acceptance of this Department's decision to summarily suspend your EMT certification pending completion of its investigation, thereby forfeiting all rights to emergency relief. If you have any questions concerning this matter, please contact James Sweeney at (609) 633-7777.

Sincerely,



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

CC: Scot Phelps, JD, MPH, Paramedic, Director, OEMS
Eric Hicken, OEMS
James Sweeney, OEMS
Tami Roach, OLRC

SENT VIA REGULAR U.S. MAIL AND
CERTIFIED MAIL # 1000 1000 1000 1000
RETURN RECEIPT REQUESTED