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State of New Jersey
DEPARTMENT OF HEALTH AND SENIOR SERVICES

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

JON S. CORZINE
Governor

www.nj.gov/health

FRED M. JACOBS, M.D., J.D.
Commissioner

August 2, 2007

Mr. William Acker

RECEIVED
LEGAL & REGULATORY AFFAIRS

Re: **Notice of Summary Suspension:**
EMT-Basic Certification
Investigation Control # 07-C-021

7/31/2007

STATE DEPT. OF HEALTH
& SENIOR SERVICES

Dear Mr. Acker:

The New Jersey Department of Health and Senior Services 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-2b, health care services include any pre-hospital care rendered by paramedical and ambulance services. These laws establish a scheme that permits certain individuals, once certified, to perform basic life support (BLS) services. In furtherance of the objectives set forth in the statutes, the Department of Health and Senior Services (the Department) has adopted regulations that govern the training, certification and professional conduct of EMT-Basics. See N.J.A.C. 8:40A-1.1, et seq.

On or about July 24, 2007 the Department's Office of Emergency Medical Services (OEMS) received a complaint that you have been indicted for knowingly possessing or knowingly viewing material which depicts a child engaging in or simulating a prohibited sexual act. The OEMS initiated an investigation in response to the complaint.

OEMS staff confirmed the indictment on August 1, 2007. On July 13, 2007 the Monmouth County Grand Jury issued Indictment No. 07-07-1570, charging that on or between January 25, 2006 and February 19, 2006, in or about the Borough of Fair Haven, you did commit the crime of Endangering the Welfare of a Child by knowingly possessing or knowingly viewing materials depicting a child engaging in a prohibited

sexual act, or simulating such an act, including on the Internet, in violation of N.J.S.A. 2C:24-4(b)5(b).

N.J.A.C. 8:40A-10.2(a) states that, "The Commissioner, or his or her designee, may summarily suspend a person's EMT-Basic 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 of the seriousness of the crime with which you been charged and the compelling need to protect the public from emergency medical services providers who may harm or abuse children, the Department finds that your continued certification as an EMT-Basic constitutes an immediate and serious threat to the health, safety, and welfare of the public. **Therefore, your certification as an EMT-Basic is immediately suspended and shall remain suspended indefinitely.** You may not, under any circumstances, act in the capacity of or perform the duties of an EMT-Basic 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-Basic certification card to OEMS, either by U.S. mail to the address on the first page of this Notice or by physical delivery to OEMS at Capital Center, 50 E. State Street, 6th Floor, Trenton, N.J. You will be notified when OEMS has completed its investigation into this matter, at which time you will be advised what action(s), if any, will be taken with respect to your EMT-Basic certification.

Pursuant to N.J.A.C. 8:40A-10.3(a), you have the right to appeal to the Commissioner of Health and Senior Services for an emergent hearing before the Office of Administrative Law to contest this summary suspension. If the summary suspension is upheld at the Office of Administrative Law, you have the right to apply for injunctive relief in the Superior Court of New Jersey. Your request for an emergent 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 07-C-021 on your correspondence, and forward your request to:

New Jersey Department of Health & Senior Services
Office of Legal & Regulatory Affairs
P.O. Box 360, Room 805
Trenton, NJ 08625-0360
Attn: Ms. Michele Stark

Finally, please note that failure to submit a request for a hearing within 30 days from the date of this Notice shall be interpreted as an acceptance of this Department's decision, thereby negating any further appeal rights. If you have any

questions concerning this matter, please do not hesitate to contact Mr. Samuel Stewart, OEMS Regulatory Officer, at (609) 633-7777.

Sincerely,

Karen Halupke, RN, M. Ed.
Director

By:



Samuel Stewart, Esq.
Regulatory Officer

- c: David Gruber, Senior Assistant Commissioner
- Joseph Tricarico, Assistant Commissioner
- Samuel Stewart, Regulatory Officer
- Donald Roberts, System Operations Manager
- Jason Pidcock, Complaint Coordinator
- ✓ Michele Stark, OL&RA
- National Registry of EMTs
- Office of the Monmouth County Prosecutor

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