



State of New Jersey

DEPARTMENT OF HEALTH AND SENIOR SERVICES

OFFICE OF EMERGENCY MEDICAL SERVICES

PO BOX 360

TRENTON, N.J. 08625-0360

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

www.nj.gov/health

POONAM ALAIGH, MD, MSHCPM, FACP
Commissioner

May 28, 2010

Kenneth DeMarco

Re: **Notice of Summary Suspension:**

EMT-Basic Certification # 515260
Investigation Control # 10-C-045

Dear Mr. DeMarco:

The New Jersey Department of Health and Senior Services (the 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-2b, health care services include any pre-hospital care rendered by basic life support (BLS) personnel. The Emergency Medical Services Act, N.J.S.A. 26:2K-7, et seq., authorizes the Department to certify Emergency Medical Technician-Basics (EMT-Bs). In furtherance of the objectives set forth in the statutes, the Department has adopted regulations that govern the training, certification and professional conduct of EMT-Bs and EMT-B candidates. See N.J.A.C. 8:40A-1.1, et seq.

On April 16, 2010 the Department received a complaint reporting that you plead guilty to a "sexual crime" in Warren County, NJ. As a result of this complaint a routine investigation was initiated by the Department. The investigation revealed that you were indicted on February 3, 2010 on the charge of Criminal Sexual Contact (2C:14-3B). On March 15, 2010 you plead guilty to Criminal Sexual Contact (2C:14-3B) in the 4th degree. The Department contacted the Warren County Prosecutor's office. In cooperation with Assistant Warren County Prosecutor Kevin Brotzman, you were offered the opportunity to voluntarily surrender your Emergency Medical Technician – Basic (EMT-B) certification as part of your plea agreement. On May 25, 2010 the Department was notified by Mr. Brotzman that you, through your attorney, have refused to voluntarily surrender your EMT-B certification.

The Department finds that your continued certification as an EMT-B constitutes an immediate and serious threat to the health, safety, and welfare of the public because of the seriousness of the crime to which you plead guilty.

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.”

Therefore, your certification as an Emergency Medical Technician – Basic (EMT-B) 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-B 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-B certification card(s) to the OEMS, either by U.S. mail to the address on the first page of this Notice or by physical delivery to Department of Health and Senior Services, OEMS, John Fitch Way, Market and Warren Streets, 6th Floor, Trenton, NJ, O8611. 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 what action(s), if any, will be taken with respect to your EMT-B 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 10-C-045 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 contact Mr. William Duffy, at (609) 633-7777.

Sincerely,

Karen Halupke, RN, M.Ed.
Director
Emergency Medical Services

- c. David W. Gruber, Senior Assistant Commissioner
William Duffy, State EMS Coordinator

Michael Mooney, OEMS
Michele Stark, OL&RA

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