



State of New Jersey

DEPARTMENT OF HEALTH

OFFICE OF EMERGENCY MEDICAL SERVICES

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www.nj.gov/health

PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

KAITLAN BASTON, MD, MSc, DFASAM
Acting Commissioner

November 21, 2023

Abdulaakhir Yasin

**Re: Notice of Proposed Denial of License
Investigation Control # 23-0020**

Dear Mr. Yasin:

The New Jersey Department of Health (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 hospitals 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 pre-hospital basic life support ambulance services. Additionally, N.J.S.A. 26:2H-5 grants the Commissioner of Health the power to inquire into health care services and to conduct periodic inspections and investigations with respect to the fitness and adequacy of the equipment and personnel employed by those services. In furtherance of each of the aforementioned statutory objectives, the Department adopted regulations that govern the licensure and inspection of basic life support ambulance (BLS) and Mobility Assistance Vehicle (MAV) service providers and their vehicles. (See: N.J.A.C. 8:40-1.1 et seq.)

On December 12, 2022, you applied to the Department's Office of Emergency Medical Services for licensure to operate a MAV service in New Jersey. In that application, you indicated that you have a criminal history and will be the sole owner of the company. As such, you were sent information on completing a Criminal History Record Information for a Noncriminal Justice Purpose as per N.J.A.C. 8:40-2.1(a)7.

Upon receipt of your background check, OEMS confirmed that on or about September 23, 2005, you were convicted of the crime of Robbery in the First Degree, in violation of N.J.S.A. 2C:15-1. On May 6, 2013, you were also convicted of obstructing the administration of law, in violation of N.J.S.A. 2C:29-1(b), which you committed while serving your prison sentence for your robbery conviction. Additionally, you provided OEMS with a personal statement and personal reference letters in support of your rehabilitation.

Pursuant to N.J.A.C. 8:40-2-2, OEMS may refuse to issue a license if the applicant was convicted of a crime. To determine whether the applicant should be awarded a license, the OEMS must review the individual's criminal background against the requirements of the Rehabilitation of Convicted Offenders Act (Act), N.J.S.A. 2A:168A-1 et seq. Under the Act, the OEMS may deny an individual application if the individual was convicted of a crime or disorderly person offense that "relates adversely to the occupation, trade, vocation, profession or business for which the license or certificate is sought." N.J.S.A. 2A:168A-2. To determine whether the applicant's criminal background relates adversely to the duties and responsibilities of a MAV service license, the Act requires the OEMS to explore several factors, namely:

- a. The nature and duties of the occupation, trade, vocation, profession or business, a license or certificate for which the person is applying;
- b. Nature and seriousness of the crime;
- c. Circumstances under which the crime occurred;
- d. Date of the crime;
- e. Age of the person when the crime was committed;
- f. Whether the crime was an isolated or repeated incident;
- g. Social conditions which may have contributed to the crime; and
- h. Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of persons who have or have had the applicant under their supervision.

[Id.]

Reviewing the facts of this matter against the above criteria, OEMS has determined that your criminal conviction relates adversely to the provision of MAV services. As background to your conviction, on or about July 14, 2002, you, along with several other associates, went to the Clinton Manor Motel and robbed the front desk clerk. While the robbery was in process, one of your associates shot the front desk clerk with a shotgun. The front desk clerk later died at the hospital as a result of his gunshot wounds. Several days after fleeing the scene of the crime, you told your brother-in-law that you and your fellow associates robbed the motel, and a fellow associate further stated that the clerk had to be killed because he saw your faces. As a result of your actions, you were convicted on December 2, 2005, for robbery, and you were sentenced to 14 years in state prison, where you were required to serve 85% of the maximum term prior to release.

While in prison, you committed yet another offense. Specifically, on May 6, 2013, you pleaded guilty to obstructing the administration of law while in prison, in violation of N.J.S.A. 2C:29-1(b). On September 13, 2013, you were sentenced to one year in prison for this.

After being released from prison, you were ordered to serve 5 years of supervised parole. You were released from the supervision of the Division of Parole on July 12, 2019. As such, you have been without supervision for approximately 4 years.

Regarding the nature and seriousness of your crime, your conviction was for a serious crime that directly impacts the provision of emergency medical care. Specifically, a MAV service license holder must be trusted to oversee employees caring for some of the most vulnerable members of our society, the sick, elderly, and infirm. These employees will have access to the patient's wallets, medications, jewelry, and other valuables that may be on their person or in their homes or vehicles. These employees will additionally need to obtain confidential personal information regarding their patients, such as the patient's date of birth and health insurance information, to enter this information on a patient care report. The MAV service license holder has access to financial and protected personal identifying information on service recipients and must ensure that it is safeguarded and not misused by others under their supervision. A MAV service license holder's failure to safeguard access to such items and information will place the patient at risk for fraud and abuse. Your convictions for robbery and obstruction negatively affects your ability to ensure the safety of patients under your employee's care.

Regarding whether age contributed to your crime, you were approximately 21 years old when you committed the robbery and approximately 33 years old when you pleaded guilty to obstruction while in prison. As an adult, you were clearly old enough to understand and appreciate the nature and consequences of your actions. Thus, youthful indiscretion was not a factor in the crimes.

Similarly, social conditions did not factor into your criminal behavior. In your personal statement, you state that you were shocked and confused and left the location to assist with covering up what happened. However, the police reports and conviction sheet for your crime tell a different story – that you were a willing participant in the robbery of the motel. Thus, no significant social conditions contributed to the crime.

While you did submit a personal statement, as well as professional references in support of your rehabilitation, the remaining factors, as outlined above, weigh heavily against you owning and operating a MAV service at the present time.

For the same reasons outlined above, the Department also finds, under N.J.S.A. 45:1-21.5, that your conviction has a substantial relationship to the duties of an owner of a MAV service and, due to the nature of your conviction, your license for a MAV service would be inconsistent with the public's health, safety, and welfare. **Therefore, the Department proposes to deny your application for a MAV service license.**

Notwithstanding the above, you may reapply for licensure for a MAV service license five years from the date of this letter, provided you remain arrest and conviction free, provide additional references in support of your rehabilitation and a letter from your parole or probation office.

Pursuant to N.J.S.A. 45:1-21.5 and N.J.A.C. 8:40-7.3(b)2, you are entitled to a hearing before the Office of Administrative Law to contest the Department's decision to deny your application for a MAV service license. 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 **23-0020** 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 a hearing within 30 days from the date of this notice shall be interpreted as an acceptance of this Department's decision to deny your application for initial 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 Daniel Kazar at (609) 633-7777 or via email at Daniel.Kazar@doh.nj.gov.

Sincerely,



Candace Gardner, Paramedic
Director
Office of Emergency Medical Services

c: Daniel Kazar, Chief, Clinical Education & Licensure, OEMS
Zachary Raab, Investigator, OEMS
File

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