



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

July 14, 2021

Edward Larre
[REDACTED]
[REDACTED]

Re: **Notice of Proposed Suspension and Probation**
EMS ID # 545804
Investigation Control # 2021-0083V

Dear Mr. Larre:

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) and Paramedics. In furtherance of these statutory objectives, the Department adopted regulations that govern the training, certification, and professional conduct of EMTs and Paramedics. See N.J.A.C. 8:40A and N.J.A.C. 8:41A.

On March 4, 2021, the Department's Office of Emergency Medical Services (OEMS) received a complaint that you took a photograph of a deceased patient that you cared for on June 25, 2020 and sent it to the complainant. Consistent with its regulatory authority and OEMS policy, the OEMS opened an investigation in response to this complaint.

Upon opening the investigation, Department investigators verified you have been certified as a Paramedic since December 7, 2006 and an EMT since March 30, 2004. Thereafter, the investigators interviewed the complainant and examined the complainant's phone. The examination revealed a text message with the picture of a deceased individual. The complainant advised the investigators that the cellular phone number from which the photograph was sent was your phone number. The complainant also provided the investigators with a copy of the photograph.

The investigators also reviewed Patient Care Reports for patients you treated on June 25, 2020. This review established that you encountered one patient that was deceased and pronounced dead. The Department investigators then compared the

photograph obtained from the complainant to the photographs taken by the Medical Examiner's Office of the deceased patient you encountered on June 25, 2020. The photographs showed the same person.

On April 30, 2021, you were interviewed by Department investigators. During the interview, you admitted to working the day of June 25, 2020 and coming in contact with the patient in question. You also admitted that the cellular phone number the photograph was sent from was indeed your cellular phone number. However, you claimed you did not remember taking the photograph. Additionally, you stated you never take pictures of deceased patients.

Department investigators also obtained an email from your employer that was sent between you and your supervisor on April 16, 2021, regarding whether you have taken pictures of deceased patients. In this email you stated, "I have taken photos of difficult calls and/or pronouncements in order to make them available to Medial Control if need be." This statement contradicts what you told Department investigators during your interview on April 30, 2021.

The Department investigators also confirmed that the complainant was not a healthcare provider of the patient or someone otherwise authorized to receive the patient's health information.

As you are aware, EMTs and Paramedics (hereinafter clinicians) must make important medical assessments and carry out appropriate medical interventions in difficult field locations for patients young and old. To effectively care for all patients, clinicians must exercise good judgment, be trustworthy, treat patients with dignity, and comply with patient confidentiality. In short, clinicians must be trusted to care for all patients in an appropriate and dignified manner.

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:

8. Unauthorized disclosure of medical or other confidential patient information;
17. Willful obstruction of any investigation and/or representative of the Department of other agency empowered to enforce the provisions of this chapter or any applicable law, rule and/or regulation;
24. Any other action deems by the Department to pose a threat to the public health, safety or welfare."

See also N.J.A.C. 8:41A-5.2(b)(8),(16) and (26) (providing for the same enforcement actions for Paramedic certifications for the same reasons in N.J.A.C. 8:40A-10.2(b)(8), (17) and (24)).

From its investigation, the Department determined that you disclosed confidential patient information, in violation of N.J.A.C. 8:40-5.4(a)(5); N.J.A.C. 8:40A-10.2(b)(8), N.J.A.C. 8:41-3.3(a)(11) and N.J.A.C. 8:41A-5.2(b)(16), when you took a picture of your deceased patient and then sent that picture to an individual who was not authorized to receive the patient's information. Additionally, the Department finds that you willfully obstructed its investigation into this matter, in violation of N.J.A.C. 8:40A-10.2(b)(17) and N.J.A.C. 8:41A-5.2(b)(16), when you provided false information to investigators during your interview. Furthermore, your actions demonstrate that you not only have poor judgment and a lack of trustworthiness, but that you pose a threat to vulnerable patients. These behaviors and actions are incompatible with the duties of a clinician and pose a threat to public health, safety, and welfare, pursuant to N.J.A.C. 8:40A-10.2(b)(24) and N.J.A.C. 8:41A-5.2(b)(26).

Based upon the foregoing, **it is the intention of this Department to suspend your EMT certification and Paramedic certification for a period of fourteen (14) days. Once completed, the Department will place you on Clinical Probation for one hundred eighty (180) days.** Under N.J.A.C. 8:40A-10.2(e), “[a]n EMT who has been placed on probation may be monitored for performance by the Department.” Under N.J.A.C. 8:41A-5.2(e), “[a]n EMT-Paramedic who has been placed on probation shall be monitored for performance by the Department and the mobile intensive care program that employs the person.” Consistent with N.J.A.C. 8:40A-10.2(e) and N.J.A.C. 8:41A-5.2(e) the terms of your probation are as follows:

- a. Your Clinical Probation period must be completed while you are working in a clinical setting as an EMT and/or Paramedic.
- b. Under no circumstances may you act independently or in conjunction with, or on the same mobile intensive care unit, mobility assistance vehicle, basic life support ambulance, or specialty care transport unit as, another probationary EMT or probationary Paramedic;
- c. You must be monitored for performance. This monitoring shall include complete supervision of all calls in which you provide Basic Life Support Services and Advanced Life Support Services (including 100% chart review) by your employer(s). Your employer(s) are required to provide a written quarterly report to the Department signed by the employer's medical director as to your progress and any remediation that needs to be performed during that quarter;
- d. You shall provide the Department within fourteen (14) days of the start date of your probation with the name(s) of all the EMS programs you are employed by or volunteer with. You are required to notify the Department within one (1) business day of any changes in your status with these agencies;

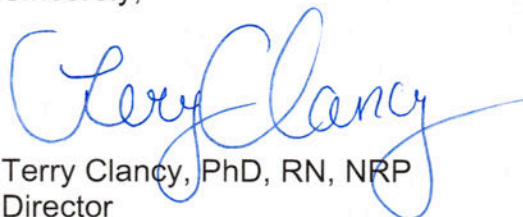
- e. You are to successfully complete four (4) elective credit hours on Patient Privacy education within three (3) months of this letter's date, which can count towards your recertification requirements as an EMT and/or Paramedic in the State of New Jersey. These elective credit hours must be approved by the Department. Additionally, you must contact OEMS Investigator Zak Raab, via email, prior to completing any course to confirm that the course meets the requirements for this probation.
- f. You may not evaluate competency, instruct, assist with instruction, or provide educational instruction for the purposes of reviewing, assessing, evaluating or precepting an EMT, EMT student, EMT Instructor candidate, Paramedic, or Paramedic student while on probation. This includes classroom, clinical and/or field education instruction.

Pursuant to N.J.S.A. 52:14B-11, N.J.A.C. 8:41A-5.3(b) and 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. 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. If you request a hearing, then the suspension and probation periods will be held in abeyance until a final decision is rendered on this matter. If you wish to request a hearing, please include the control number **2021-0083V** 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 before the Office of Administrative Law within 30 days from the date of this Notice shall be interpreted as an acceptance of this Department's decision to suspend your EMT certification and Paramedic certification and place you on probation, thereby forfeiting all rights to a hearing before the Office of Administrative Law. If you have any questions concerning this matter, please contact Investigator Zak Raab at (609) 633-7777 or via email at zachary.raab@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
Angela Krukowski, Investigator, CIU
David Stangreciak, EMS Manager, Hackensack MICU

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