



State of New Jersey
DEPARTMENT OF HEALTH
OFFICE OF EMERGENCY MEDICAL SERVICES
PO BOX 360
TRENTON, N.J. 08625-0360

www.nj.gov/health

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

MARY E. O'DOWD, M.P.H.
Commissioner

September 30, 2013

Eduardo Martinez

Re: **Notice of Summary Suspension:
EMT Certification # 591494
Investigation Control # 2013-477**

Dear Mr. Martinez:

The New Jersey Department of Health (the Department) is vested with the responsibility of carrying out the provisions of *N.J.S.A. 26:2H-1 et seq., Health Care Facilities Planning Act*, 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. In addition, *N.J.S.A. 26:2K-7 et seq., Emergency Medical Services Act* authorizes the Department to certify Emergency Medical Technician-Basics (EMT-B). 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-B and EMT-B candidates. (See: *N.J.A.C. 8:40A-1.1 Emergency Medical Technicians-Basics: Training and Certification.*)

On September 24, 2013, the Department's Office of Emergency Medical Services (OEMS) received notification that you were arrested and charged with armed robbery, conspiracy and possession of stolen property in Northampton County, Pennsylvania. Specifically, you and another individual conducted an armed robbery and seized an individual of their personal possessions.

As a matter of policy, the OEMS opened an investigation in response to the notification. Thereafter, OEMS investigators contacted the Northampton County District Attorney (NCDA). A representative from the NCDA confirmed that on December 29, 2012, you were arrested and charged with the following under complaint/incident number 20121229M3152:

1. Taking property through force, which is in violation of Pennsylvania Law 18 § 3701 §§ A1V;
2. Conspiracy to commit robbery through force, which is in violation of Pennsylvania Law 18 § 903 §§ C;
3. Conspiracy to commit theft by unlawful taking, which is in violation of Pennsylvania Law 18 §903 §§ C;
4. Receiving stolen property, which is in violation of Pennsylvania Law 18 §3925 §§ A.

N.J.A.C. 8:40A-10.2(a) states:

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 crimes with which you have been charged, 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 and shall remain suspended indefinitely. 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 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 by physical delivery to Department of Health, OEMS, John Fitch Way, Market and Warren Streets, Trenton, NJ, 08611.

In the interim, 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 of what action(s), if any, will be taken with respect to your EMT certification.

Pursuant to N.J.A.C. 8:40A-10.3(a), you may appeal to the Commissioner of the Department Health for a 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 may apply for injunctive relief in the Superior Court of New Jersey. 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 **2013-477** 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. Tamara Roach

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. Donald Roberts, at (609) 633-7777.

Sincerely,

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

- c. Christopher R. Rinn, Assistant Commissioner
Donald Roberts, OEMS
James Sweeney, OEMS
Tamara Roach, OLRC

SENT VIA REGULAR U.S. MAIL AND
CERTIFIED MAIL # 7011 1570 0003 3723 8325
RETURN RECEIPT REQUESTED