



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

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

www.nj.gov/health

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

October 14, 2014

Timothy Kelly

Re: **Notice of Summary Suspension:
Emergency Medical Technician (EMT) Certification # 532880
Investigation Control # 2014-0077V**

Dear Mr. Kelly:

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 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, the Emergency Medical Services Act, N.J.S.A. 26:2K-7 et seq., authorizes the Department to certify Emergency Medical Technicians (EMT). 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 and EMT candidates. See N.J.A.C. 8:40A, Emergency Medical Technicians: Training and Certification.

The Department's Office of Emergency Medical Services (OEMS) received notification that you were charged with extortion. Consistent with regulatory authority and OEMS policy, the OEMS opened an investigation in response to this notification.

Upon opening the investigation, the OEMS investigator confirmed that you are currently certified as an EMT. In addition, the investigator confirmed that on April 1, 2011, you were arrested by the United States Federal Bureau of Investigation and charged with committing acts of extortion. OEMS also obtained copies of the Criminal Complaint and the Information Statement regarding this charge, which alleged that you loaned an individual (the victim) \$50,000. When the victim failed to pay you back in a timely manner, you and a fellow co-conspirator instructed another co-conspirator to convey specific threats to the victim, including that the loan was owed to a mob crime

boss named "The Old Man." The Complaint further alleged that you threatened bodily harm to the victim and his wife if the loan was not paid back in full within a given time period. Additionally, when the loan was not repaid in time, it was alleged that you advised the victim that the amount had grown to \$70,000. These events took place between November of 2009 and March of 2011.

According to the Criminal Judgment that was entered in your criminal matter and obtained by OEMS, you plead guilty to "conspiracy to collect an extension of credit by extortionate means" on February 27, 2012. Then, on May 13, 2014, you were sentenced to three years of probation, four months of home confinement, mental health treatment and fines.

Additionally, OEMS discovered that you filed a false EMT re-certification questionnaire relating to your criminal charge. Pursuant to N.J.A.C. 8:40A-7.1(h)2(i), "[a] person shall not knowingly file any record or document that is falsified, fraudulent or untrue. The filing of such false records or documents shall be sufficient cause for the revocation, or refusal to issue or renew an EMT certification." In the present matter, OEMS reviewed your certification records and learned that you have been certified as an EMT-Basic since February 5, 2001. You have re-certified four times since 2001 and transitioned to the new EMT certification on July 1, 2013. For your re-certification that occurred on April 12, 2013, you were required to answer multiple questions, one of which asks:

Have you been charged (legal resolution pending), convicted, placed on probation, entered into a pre-trial intervention (PTI) program, or entered into a plea agreement in connection with a violation of law under the laws of any state, the federal government, or any other jurisdiction, other than a non-felony DUI/DWI, local ordinance violation, or minor traffic violation?

You answered "NO" to this question, even though you were formally charged with extortion on April 1, 2011 and plead guilty to the charge on February 27, 2012.

Even more, you failed to notify OEMS of your criminal conviction, as required by OEMS' regulations. Specifically, N.J.A.C. 8:40A-7.1(h) states that "[o]nce certified, it shall be the responsibility of the EMT to immediately notify OEMS, in writing, of:

1. Conviction of any crime or offense or acceptance into a pre-trial intervention, conditional discharge or other diversionary program in this or any other state listed in (b)1 through 3, above.

As you are aware, EMTs are placed in a position of trust by the general public. They must work in two person teams to respond effectively to emergencies and must make important medical assessments and carry out appropriate medical interventions at motor vehicle accidents, in people's homes, and at other difficult field locations. In order

to be effective, EMTs must exercise good judgment, trust each other and be trusted by police officers, fire fighters, doctors and other professionals. In short, EMTs must be honest, law-abiding and trustworthy.

Based upon the foregoing, the Department has determined that your EMT certification must be summarily suspended. Pursuant to N.J.A.C. 8:40A-10.2(a), "the Commissioner, or his designee, may summarily suspend a person's EMT 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 you have been convicted of a serious crime, the nature of which is indicative of poor judgment and lack of trustworthiness, failed to report your conviction to OEMS, and filed a false re-certification questionnaire with OEMS regarding your criminal charge, 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 until such time as the Department has completed its investigation into this matter. 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 via 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 emergency relief to contest this summary suspension. 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 **2014-0077V** 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. Tami Roach

Failure to submit a written request for emergency relief within 30 days from the date of this Notice shall be interpreted as an acceptance of this Department's decision to summarily suspend your EMT certification pending completion of an investigation,

thereby forfeiting all rights to emergency relief. If you have any questions concerning this matter, please contact Mr. Donald Roberts, at (609) 633-7777.

Sincerely

Nancy Kelly-Goodstein, M.A.S.
Acting Director
Emergency Medical Services

- c. Christopher R. Rinn, Assistant Commissioner
Donald Roberts, OEMS
James Sweeney, OEMS
Tami Roach, OL&RC

SENT VIA REGULAR U.S. MAIL AND
CERTIFIED MAIL # 7004 0750 0002 6441 3939
RETURN RECEIPT REQUESTED