



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

SHEREEF M. ELNAHAL, MD, MBA
Acting Commissioner

January 29, 2018

Theodore Gogol

Re: Notice of Summary Suspension:
Emergency Medical Technician (EMT) Certifications (EMS ID # 610855) Investigation
Control #2017-0105C

Dear Mr. Gogol:

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 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 (EMTs). In furtherance of the objectives set forth in the statutes, the Department has adopted regulations that govern the training, certification and professional conduct of EMTs 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 have a criminal background. 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 obtained a criminal report evidencing that you were charged with the following under complaint number 0108-S-2017- 000929:

1. Possession with the intent to distribute a controlled dangerous substance in the third degree, in violation of N.J.S.A. 2C:35-5(b)(5); and
2. Conspiracy in the third degree, in violation of N.J.S.A.2C:5-2(a)(1).

Specifically, it is alleged that you possessed oxycodone with the intent distribute it and that you conspired with individuals known to distribute said substance.

As you are aware, EMTs work in unsupervised, two-person teams to respond effectively to emergencies. You should also be aware that neither member of the team works in a supervisory capacity. Rather, one team member drives the vehicle and the other is alone in the back of the ambulance providing emergency medical care to the patient. Even more, EMTs are placed in a position of trust by the public, police officers, fire fighters, doctors and other professionals and must maintain that trust to be effective at the provision of emergency medical care. In short, EMTs must be law-abiding and must be trusted to care for all patients in an appropriate, safe manner.

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 the crimes with which you have been charged are serious and the nature of the charges are indicative of poor judgment and lack of trustworthiness, 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 the Department has completed its investigation into this matter and the charges against you have been resolved. 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, Market and Warren Streets, Trenton, NJ, 08611.

In the interim, the OEMS will continue to investigate this matter and monitor the progression of your criminal cases. After OEMS completes its investigation and the charges lodged against you have been resolved, you will be advised of what action(s), if any, OEMS will take 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 of 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 2017-0105C 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 thirty (30) days from the date of this Notice shall be deemed an acceptance of this Department's decision to summarily suspend your EMT certification pending completion of its investigation, thereby forfeiting all rights to emergency relief. If you have any questions concerning this matter, please contact Dr. Jo-Bea Sciarrotta at (609) 633-7777.

Sincerely,

Scot Phelps, JD, MPH, Paramedic
Director
Office of Emergency Medical Services

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