



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
Commissioner

May 6, 2019

Marcelo Rizzo

Re: **Notice of Summary Suspension:
Emergency Medical Technician (EMT) Certification # 587589
Investigation Control # 2019-0072V**

Dear Mr. Rizzo:

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 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, EMTs: Training and Certification.

On April 4, 2019, the Department's Office of Emergency Medical Services (OEMS) received a notification that you were criminally charged with vehicular manslaughter and endangering the welfare of a minor. Consistent with its 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. A search of the New Jersey criminal court database revealed on, or about January 9, 2019, you were charged with the following crimes under complaint number 2019-W-000034 in New Hanover Township, New Jersey:

1. Criminal Homicide by Automobile in the second degree, in violation of N.J.S.A. 2C:11-5(a);

2. Two counts of Endangering the Welfare of a Child in the second degree, in violation of N.J.S.A. 2C:24-4(a)(2); and
3. Assault by Automobile in the third degree, in violation of N.J.S.A. 2C:12-1(c)(2).

Specifically, you allegedly consumed a large quantity of alcohol and operated a motor vehicle with your two minor daughters in the vehicle. You then caused a motor vehicle accident which resulted in the death of your daughter, M.R., and serious injuries to your other daughter, J.R. Your blood alcohol level at the time of the accident was reportedly 0.169, which is over double the legal limit to operate a motor vehicle in New Jersey. See N.J.S.A. 39:4-50.

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 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 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. 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 the interim, the OEMS will continue to investigate this matter and monitor the progression of your criminal case. After the OEMS completes its investigation and the charges against you have been resolved, you will be advised of what action(s), if any, the OEMS will take with respect to your EMT certification.

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.

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 **2019-0072V** 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,

Christopher Neuwirth, MA, MEP, CBCP, CEM
Assistant Commissioner
PHILEP Division

CC: Scot Phelps, JD, MPH, Paramedic, Director, OEMS
Eric Hicken, OEMS
James Sweeney, OEMS
Tami Roach, OLRC

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