



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

January 28, 2022

Matthew Bender

**Re: Notice of Summary Suspension
Investigation Control # 21-0411
EMS ID # 546304**

Dear Mr. Bender:

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, the Emergency Medical Services Act, N.J.S.A. 26:2K-7 to -69, 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-1.1 et seq.)

On July 6, 2021, the Department's Office of Emergency Medical Services (OEMS) received notification that you allegedly committed a crime. Consistent with OEMS regulatory authority and policy, the OEMS opened an investigation in response to this notification.

Upon opening the investigation, the OEMS investigator confirmed that you are currently certified by the OEMS as an EMT and have been certified since August 24, 2006. Further, the investigator confirmed that you were charged with the following under Complaint No. S 2021 000160 in Lacey Township, New Jersey:

1. Theft by unlawful taking in violation of N.J.S.A. 2C:20-3a.

Specifically, it was alleged that you transferred approximately \$4,700.00 from the Lanoka Harbor Emergency Medical Services PayPal account into your personal PayPal account.

On October 19, 2021, you plead guilty to the above criminal charge. Then, on December 7, 2021, you were sentenced to one-year probation and are required to submit to urine testing, forfeit your employment, and pay restitution in the amount of \$4,690.99.

As you are aware, EMTs are placed in a position of trust by the general public during their time of need. 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. Given the variety of field locations where care may be rendered, EMTs have access to patients' wallets, medications, jewelry, and other valuables that may be on their persons or in their homes or vehicles. Moreover, EMTs must obtain confidential personal information regarding their patients, such as a patient's date of birth, health insurance, and health history, and enter this information on patient care reports. Accordingly, EMTs not only have a duty and responsibility to safeguard patients' confidential information and personal belongings, but they must also exercise good judgment, trust each other, and be trusted by patients, police officers, fire fighters, doctors, and other professionals in order to effectively provide care. In short, EMTs must be law-abiding and must be trusted to care for all patients in an appropriate, safe and respectful 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, "[t]he 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." The above actions demonstrate that you not only have poor judgment and lack trustworthiness, but that you pose a threat to vulnerable patients. Indeed, protecting a patient's personal information, personal belongings and valuables are essential to garnering trust from the public to effectively provide emergency medical care. Because your conviction involves theft, the Department finds that your actions and behaviors are incompatible with the duties of an EMT. Consequently, 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. After OEMS completes its investigation, you will be advised of what action, if any, the OEMS will take with respect to your EMT certification.

Pursuant to N.J.A.C. 8:40A-10.3, 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 **21-0411** 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 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 its investigation, thereby forfeiting all rights to emergency relief. If you have any questions concerning this matter, please contact Daniel Kazar at (609) 633-7777 or via email at Daniel.Kazar@doh.nj.gov.

Sincerely,

Terry Clancy, PhD, RN, NRP
Director
Office of Emergency Medical Services

c: Candace Gardner, Program Manager, OEMS
Daniel Kazar, Acting Chief, Education, Licensing, and Enforcement, OEMS
Zachary Raab, Investigator, OEMS
NREMT
File

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