

May 10, 2012

Mr. Ronald DiFalco

Re: **Notice of Summary Suspension:  
EMT-Paramedic Certification # 548045  
Investigation Control # 2012-189**

Dear Mr. DiFalco:

The New Jersey Department of Health and Senior Services (the Department) is vested with the responsibility of carrying out the provisions of *N.J.S.A. 26:2K-7 et seq., Emergency Medical Services*, which governs the provision of advanced life support services within the State of New Jersey, along with *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 paramedical and ambulance services. These laws establish a scheme that permits certain individuals, once certified, to perform basic life support (BLS) and/or advanced life support (ALS) services. 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-Basics and EMT-Paramedics. (See *N.J.A.C. 8:40A-1.1 et seq.* and *N.J.A.C. 8:41A-1.1 et seq.*, the administrative codes governing the certification of EMT-Bs and EMT-Ps.)

As you are aware, on January 8, 2010, the Office of Emergency Medical Services (OEMS) was notified by your employer, Jersey City Medical Center, of an alleged patient assault. As a matter of policy, the OEMS opened an investigation and ultimately verified the allegation. On August 11, 2010, the Department issued to you, a Notice of Proposed Revocation of your EMT-P certification. As a result of the proposed revocation, you entered into a settlement

agreement, which placed your certification as an EMT-P on probation from November 1, 2011 to November 1, 2012.

On April 23, 2012, the OEMS received an anonymous complaint alleging that you had assaulted a patient at Oceana Nursing and Rehabilitation Center (Oceana). As a matter of policy, the OEMS opened an investigation.

The OEMS investigation revealed the following facts and allegations. On April 16, 2012, while working as a paramedic for AtlantiCare EMS, you and Middle Township EMS responded to a cardiac emergency at Oceana. You and your partner were the first EMS agency to make patient contact. During your initial patient assessment, a verbal altercation occurred between the patient and the emergency medical responders. Thereafter, while attempting to place the patient on the stretcher, the verbal altercation escalated to a physical altercation, and the patient spat at Middle Township EMT Kristen Davis. Once on the stretcher, the patient quickly pulled his left arm out from under the seatbelts in a swinging motion. You reacted by placing the patient in a "choke-hold," and you kept him in that position for approximately two (2) minutes, while moving him to the ambulance, even though he showed no further signs of aggression.

As part of its investigation, the OEMS interviewed, separately, Middle Township EMTs Kristen Davis and Samantha Belles, and your partner Paramedic Sarah Cohen. None of your colleagues expressed concern for their safety with the patient. In fact, each stated that you were verbally abusive with the patient and that you escalated the situation and not vice versa.

Because of the seriousness of this incident and the fact that it is the second allegation of patient abuse lodged against you, your continued paramedic certification poses an immediate and serious threat to public health, safety and welfare. **Therefore, your certification as an EMT-P 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-B and/or EMT-P in New Jersey during this period of suspension. Be further advised that if you act in the capacity of, or perform the duties of an EMT-B and/or EMT-P in New Jersey during this period of suspension, your actions will constitute impersonation of an EMT-B in violation of *N.J.A.C. 8:40A-10.4* and/or impersonation of an EMT-P in violation of *N.J.A.C. 8:41A-5.2(c)* and shall incur further penalties.

In accordance with *N.J.A.C. 8:41A-4.1(f)2*, certification cards are the property of the Department and shall be immediately surrendered upon demand. As such, you are hereby directed to immediately surrender your EMT-P certification card(s) to the OEMS, either by U.S. mail to the address on the first page of this Notice, or by physical delivery to Department of Health and Senior

Services, OEMS, John Fitch Plaza, 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-P certification.

Pursuant to *N.J.A.C. 8:41A-5.3(a)*, you may appeal to the Commissioner of the Department of Health and Senior Services 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 New Jersey Superior Court. Your request for a hearing in this matter must be submitted in writing and must be accompanied by a response to the charges contained herein. Please include the control number **2012-189** on your correspondence, and forward your request to:

New Jersey Department of Health & Senior Services  
Office of Legal & Regulatory Compliance  
P.O. Box 360, Room 805  
Trenton, NJ 08625-0360  
Attn: Ms. Michele Stark

**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 Dr. Jo-Bea Sciarrotta, Compliance Officer at (609) 633-7777.

Sincerely,

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

- c. Christopher Ryan, OEMS  
Michele Stark, OL&RC  
Camden County Prosecutor's Office

SENT VIA U.S.P.S. FIRST CLASS MAIL and  
CERTIFIED MAIL  
RETURN RECEIPT REQUESTED