



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

April 3, 2018

Ashton Funk

Re: **Notice of Summary Suspension:
Emergency Medical Technician (EMT) Certification # 573092
Investigation Control # 2018-0026V**

Dear Mr. Funk:

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 March 8, 2018, the Department's Office of Emergency Medical Services (OEMS) received notification that you were criminally charged with a drug related offense. 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. Further, the investigator discovered that you were arrested on or about July 13, 2017 under complaint number S2017-000918 and charged with the following:

1. Two counts of Manufacturing, Distributing and Dispensing a controlled dangerous substance, in violation of N.J.S.A. 2C:35-5(a)(1) and (b)(5), a crime in the third degree.

Specifically, the complaint alleges that between May 19, 2017 and June 21, 2017 you conspired with known individuals to distribute oxycodone, a Scheduled II narcotic drug.

Upon further investigation into your criminal background, OEMS investigators discovered that on September 10, 2015 you were arrested and charged with shoplifting in violation of N.J.S.A. 2C:20-118 (Complaint Number 2015-000096). On December 22, 2015, you were convicted of the aforementioned offense. After learning of your 2015 conviction, OEMS reviewed your 2016 EMT re-certification application to determine whether you revealed your conviction at that time. Upon reviewing the application, the investigatory discovered that you provided false information about your conviction to OEMS. Specifically, the application required you to answer multiple questions, one of which asked:

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 charged with and convicted of shoplifting in 2015.

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." The serious charges pending against you, your failure to report your conviction to OEMS and the material misrepresentation/false information provided by you on your recertification application demonstrate poor judgement and lack trustworthiness. As such, 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 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, 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 **2018-0026V** 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 Timothy Seplaki at (609) 633-7777.

Sincerely,

Scot Phelps
Director,
Emergency Medical Services

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