



State of New Jersey

DEPARTMENT OF HEALTH
OFFICE OF EMERGENCY MEDICAL SERVICES
PO BOX 360
TRENTON, N.J. 08625-0360

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

www.nj.gov/health

MARY E. O'DOWD, M.P.H.
Commissioner

October 16, 2012

Mr. Frank Bianco

Re: Notice of Summary Suspension:
EMT-Basic Certification # 573493
Investigation Control # 2012-616

Dear Mr. Bianco:

The New Jersey Department of Health (the Department) is vested with the responsibility of carrying out the provisions of *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 admission care rendered by basic life support (BLS) personnel. In addition, *N.J.S.A. 26:2K-7 et seq., Emergency Medical Services Act*, 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, Emergency Medical Technicians-Basics: Training and Certification.*)

On October 2, 2012, the Department's Office of Emergency Medical Services (OEMS) received a news article from the Pocono Record, dated September 27, 2012, which alleged you were arrested by Monroe County Prosecutor's Office, in Stroudsburg, Pennsylvania, for statutory sexual assault and unlawful contact with a minor. As a result, the OEMS opened an investigation into this matter.

Further investigation revealed that under Complaint # 20120924M0573 issued September 25, 2012 by the Monroe County Prosecutor's Office you were charged with one count of attempted statutory sexual assault in violation of 18 PA C.S. Section 3122.1(b), one count of Unlawful Contact with a Minor for the Purpose of Prostitution in violation of 18 PA C.S. Section 6318(a)(3), one count of Aggravated Indecent Assault in violation of 18 PA C.S. Section 3125(a)(7), one count of Attempted Sexual Abuse of a Child in violation of 18 PA C.S. Section 6312(b), one count of Promoting Prostitution of a Minor in violation of 18 PA C.S. Section 5902(b.1)(3), one count of Attempted Corruption of a Minor in violation of 18 PA C.S. Section 6301(a)(1), one count of Criminal Use of a Communication Facility in violation of 18 PA C.S. Section 7512(a), and one count of Luring a Child into a Motor Vehicle or Structure in violation of PA C.S. 2910(a).

The complaints allege that you sent text messages to an individual you believed to be a 15 year old female and requested naked pictures of the minor and offered monetary compensation if the minor agreed to meet you in person. The complaints further allege that when arrested, you admitted to knowing that your actions were wrong and that the entire time you sent text messages you believed the individual to be 15 years of age.

EMTs work in an unsupervised environment. The nature of this work requires that these individuals make important medical assessments and carry out appropriate pre-hospital interventions at motor vehicle accidents, in people's homes and at other difficult field locations. In order to be effective, EMTs must unconditionally trust each other and be incontestably trusted by paramedics, police officers, fire fighters, doctors and other professionals. Because EMTs treat vulnerable patients of all ages, from infants to the elderly, they are required to place a high value on the health, safety and welfare of the patients they treat.

EMTs oftentimes are called upon to perform physical exams and depending upon the circumstances, may be required to remove the patient's clothing in order to properly visualize and assess the presenting condition and treat the injuries. However, patients presenting with traumatic injury must always be properly exposed to assure that all injuries are clearly identified and treated accordingly. Consequently, EMTs are placed in a position of authority and influence over vulnerable and/or frightened individuals, which means these factors implicitly demand that the EMT be trustworthy, especially with minors.

N.J.A.C. 8:40A-10.2(a) states: "The Commissioner, or his/her designee, may summarily suspend a person's EMT and/or EMT-Instructor certification when, in his/her opinion, the continued certification of that person poses an immediate or serious threat to the public's health, safety or welfare."

Because of the seriousness of the crimes with which you have been charged, the Department finds that your continued certification as an EMT constitutes an immediate and serious threat to the health, safety, and welfare of the public. **Therefore, your certification as an EMT is immediately suspended and shall remain suspended indefinitely.**

Be aware that 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. Also, be aware that if you act in the capacity of, or perform the duties of an EMT in New Jersey during this period of suspension, your actions will constitute impersonation of an EMT in violation of *N.J.A.C. 8:40A-10.4* and shall incur further penalties.

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 U.S. mail to the address on the first page of this Notice or by physical delivery to the Department of Health, Office of Emergency Medical Services, John Fitch Way, 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 certification.

Pursuant to *N.J.A.C. 8:40A-10.3(a)*, you may appeal to the Commissioner of the Department of Health for a hearing before the Office of Administrative Law to contest this summary suspension. Your request for an administrative hearing regarding this matter must be submitted in writing and must be accompanied by a response to the charges contained herein. Please include control number **2012-616** on your correspondence, and forward your request to:

The New Jersey Department of Health
Office of Legal & Regulatory Compliance
P.O. Box 360, Room 805
Trenton, NJ 08625-0360
Attn: Ms. Tami Roach

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, OEMS Compliance Officer, at (609) 633-7777.

Sincerely,

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

c. Christopher Rinn, Assistant Commissioner
Christopher Ryan, OEMS
Tami Roach, OL&RC
PA DOH

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