

September 29, 2000

Mr. Gary A. Kay
Royal Ambulance Service, Inc.
Route 537, P.O. Box 249
Clarksburg, NJ 08510

Re: Notice of Summary Suspension of Service Provider License
Investigation Control #00-B-110

Dear Mr. Kay:

The New Jersey Department of Health and Senior Services 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-2b, health care services include non-volunteer basic life support ambulance service and mobility assistance vehicle providers, such as Royal Ambulance Service.

In addition, N.J.S.A. 26:2H-5 grants the Commissioner of Health and Senior Services the power to inquire into health care services and to conduct periodic inspections with respect to the fitness and adequacy of the equipment and personnel employed by those services. In furtherance of these statutory objectives, the Department of Health and Senior Services adopted regulations that govern the licensure and inspection of service providers and their vehicles. See, N.J.A.C. 8:40-1.1, et seq.

On September 21, 2000 staff of this Department's Office of Emergency Medical Services (OEMS) conducted an audit of Royal Ambulance Service at its office in Clarksburg, New Jersey. That provider audit was conducted as a result of recent complaints alleging that Royal Ambulance Service was employing questionable billing practices and that its vehicles and personnel were not in compliance with New Jersey regulatory standards (i.e., N.J.A.C. 8:40-1.1 et seq. and 8:40A-1.1 et seq.) and there appeared to be serious regulatory deficiencies that call into question Royal Ambulance Service's ability to provide quality care and services. Specifically, OEMS staff found the following:

At least 3 vehicles (i.e., Ambulance #113 and MAVs #205 and #206) are being utilized without benefit of licensure by this Department, in violation of N.J.A.C. 8:40-2.4;
2. Royal Ambulance Service staff has failed to request the services of advanced life support providers in several instances where patients have been experiencing advanced life support dispatch criteria complaints, in violation of N.J.A.C. 8:40-6.21; 3.

Oxygen therapy is either missing entirely or is below the standard of care, in violation of N.J.A.C. 8:40-6.21;

Nine vehicles were placed "Out-of-Service" due to various regulatory deficiencies, including non-working heating and air conditioning, non-working wheelchair lifts, non-opening vehicle doors and missing equipment, in violation of, but not limited to, N.J.A.C. 8:40-3.10, N.J.A.C. 8:40-3.12 and N.J.A.C. 8:40-3.13;

Many patient charts were found to contain vague explanations in the "Narrative" section, provide no explanation of patient care rendered and were missing vital signs, times and crew names, in violation of N.J.A.C. 8:40-6.23;

At least one ambulance staff member has been acting in the capacity of an EMT-Basic, despite the fact that his EMT-Basic certification expired in June 30, 2000, in violation of N.J.A.C. 8:40-3.7(c) and (h). Staff has documented that this uncertified individual has responded to at least 17 patient calls during the month of August, 2000;

At least one mobility assistance vehicle staff member has been working without the benefit of cardiopulmonary resuscitation (CPR) or passenger assistance training (PAT) cards, in violation of N.J.A.C. 8:40-3.7(c) and (f);

At least two employees produced fraudulent PAT cards, which they allege were given to them by you, in violation of N.J.A.C. 8:40-2.14 and N.J.A.C. 8:40-3.7(c) and (f). OEMS staff has confirmed that you only recently (i.e., on Sunday, September 24, 2000) provided PAT training for your employees. OEMS staff has also confirmed that only 4 employees attended that training session;

An "Out-of-Service" notice that was placed on a vehicle #204 on September 14, 2000 had been removed by someone other than an OEMS employee, in violation of N.J.A.C. 8:40-2.13(d);

At least one vehicle was ordered to be hidden from OEMS staff so that it could not be inspected, in violation of N.J.A.C. 8:40-2.6(f). When it was finally located on September 22, 2000 at CentraState Medical Center, the vehicle was placed "Out-of-Service" for multiple violations; and

You forcibly grabbed the elbow of an OEMS staff member and then attempted to physically block her with your shoulder. Those threatening and intimidating instances of physical contact were an attempt to prevent that staff member from completing a vehicle inspection, in violation of N.J.A.C. 8:40-2.6. In addition, on September 22, 2000, you followed that same OEMS staff member and attempted to interfere with an inspection of another provider's vehicles. Those actions may also constitute interference with the duties of a State official, and may be subject to various other civil and/or criminal statutes or regulations.

As the agency responsible for licensing ambulance and mobility assistance vehicle service providers, it is this Department's obligation to ensure the health, safety and welfare of the public you serve. If there is any justifiable reason for this Department to believe that your continued licensure as a service provider is not in the public's best interest, it is my obligation to initiate proceedings for the immediate suspension of that license. Specifically, N.J.A.C. 8:40-2.14(c) holds:

"If the Department determines that operational or safety deficiencies exist, it may require that all or part of the services provided under this chapter by the licensee cease. This may be done simultaneously with, or in lieu of, action to revoke licensure and/or impose a fine. The commissioner or his designee shall notify the licensee in writing of such determination."

Based on the knowledge and information that I have at this time, including OEMS certification, licensure and inspection records, it is my determination that the operation of Royal Ambulance Service is not currently in the best interest of the public health, safety or welfare. Therefore, in accordance with the provisions set forth at both N.J.S.A. 26:2H-13 and N.J.A.C. 8:40-2.14(c), please be advised that your license to operate Royal Ambulance Service, Inc. and all of its vehicles is immediately suspended. This suspension shall afford OEMS staff an opportunity to investigate this matter more fully and to make a determination as to the viability and, consequently, the continued licensure of Royal Ambulance Service. Please be advised that you may not, under any circumstances, operate as an ambulance service or mobility assistance vehicle service provider anywhere within the State of New Jersey during this period of suspension. You will be notified in writing of the Department's findings upon completion of the investigation, at which time you will also be advised whether the suspension has been lifted or whether the Department intends to take action to permanently revoke Royal Ambulance Service's license.

Pursuant to N.J.A.C. 8:40-2.15, you are entitled to appeal to the Commissioner of Health and Senior Services for an expedited 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 have the right to apply for injunctive relief in the Superior Court of New Jersey. Your appeal for an expedited 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 noted above (i.e., #00-B-110) on your correspondence, and forward your request to:

New Jersey Department of Health & Senior Services
Office of Legal & Regulatory Affairs

P.O. Box 360, Room 805
Trenton, NJ 08625-0360
Attn: Mrs. Carole Slimm

If you have any questions concerning this matter, please do not hesitate to contact Ms. Darcy Saunders of my staff at (609) 633-7777.

Sincerely,
Gerard C. Muench, Jr., MPA, EMT-P
Director
Office of Emergency Medical Services

c: Mrs. Slimm, L&RA
Ms. Barreto, DAG
Mr. Checchi
Division of Medical Assistance & Health Services
Ms. Halupke, OEMS
Mr. Carter, OEMS
Ms. Giblin, OEMS
Mr. Lord, OEMS
Ms. Maestripieri, OEMS
Ms. Saunders, OEMS

VIA FACSIMILE: 09/27/2000 and
CERTIFIED MAIL #Z-424-815-147
RETURN RECEIPT REQUESTED