



State of New Jersey

DEPARTMENT OF HEALTH AND SENIOR SERVICES

OFFICE OF EMERGENCY MEDICAL SERVICES

PO BOX 360

TRENTON, N.J. 08625-0360

CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

[www.nj.gov/health](http://www.nj.gov/health)

POONAM ALAIGH, MD, MSHCPM, FACP  
Acting Commissioner

March 19, 2010

Mr. Khidir Tbidi  
King Medical Invalid Coach  
1405 Clinton Avenue  
Irvington, NJ 07111

Re: **Notice of Summary Suspension of Provider License:  
Operation of Uninsured Mobility Assistance Vehicle Service  
Investigation Control #10-M-012**

Dear Mr. Tbidi:

The New Jersey Department of Health and Senior Services (the 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 hospital and related health care services rendered in New Jersey are of the highest quality. As defined at N.J.S.A. 26:2H-2b, health care services include pre-hospital basic life support ambulance services. In addition, in accordance with §6.4 and §6.6 of the New Jersey Medical Assistance and Health Services Act (N.J.S.A. 30:4D-1, et seq.), this Department is responsible for the development of minimum licensure requirements concerning the equipment, supplies and vehicles of providers of mobility assistance vehicle services. These rules are set forth in their entirety at N.J.A.C. 8:40-1.1, et seq.

On March 3, 2010, the Department's Office of Emergency Medical Services (OEMS) was contacted by Clinton Township Police Department regarding a motor vehicle accident. Specifically, February 8, 2010 you were involved in a hit in run accident with your MAV license plate XE312J. Clinton Township Police stopped you while you fled the scene, at which you misrepresented yourself as a driver for the company, and not the owner. You failed to produce insurance documentation to the officer and were instructed to provide the phone number for your business so that the officer could verify insurance. The information you provided the officer was false, and as a result Clinton Township Police Department signed warrants W-2010-000058-1027 and W-2010-00059-1027 charging you with one count of Obstructing Administration of Law in violation of N.J.S.A. 2C:29-1A, and one count of Hindering Apprehension in violation of N.J.S.A. 2C:29-3B(4).

On March 3, 2010, OEMS staff contacted your office. On March 8, 2010 OEMS staff spoke with you at which point you stated that King Medical Invalid Coach's general liability and professional liability insurance coverage was in effect. OEMS staff requested you to provide OEMS with a copy of the certificate of insurance stating that these types of insurance coverage were in effect.

OEMS did not receive proof of insurance coverage from Excel or its insurance company during the next several days. OEMS staff left voice messages on March 11, 2010 and March 12, 2010 on your cell phone with no response from you. You were given ample opportunity to provide proof of insurance coverage to OEMS and you did not do so.

N.J.A.C. 8:40-3.3(c) states that, "Once licensed, a provider shall maintain the required minimum insurance as outlined in (c)1 through 3 and (d) below, plus such additional insurance as the provider may deem necessary in order to be eligible to provide services under this chapter. The provider shall immediately discontinue any and all MAV and/or BLS ambulance services in the event any portion of the required insurance is cancelled, expires or otherwise becomes null or void.

1. At least \$500,000 per occurrence of combined bodily injury/property damage coverage for each vehicle;
2. At least \$300,000 of single limit coverage of "premises and operations" type general liability insurance; and
3. At least \$300,000 per occurrence coverage of "malpractice" type professional liability insurance, if operating a BLS ambulance service."

N.J.A.C. 8:40-3.3(d) states that, "The general liability and malpractice and professional liability insurance required in (c)2 and 3 above, may be combined in a single policy of at least \$500,000 per occurrence."

N.J.A.C. 8:40-7.2(b) states that, "The Commissioner or his or her designee may summarily suspend the license of any provider when, in his or her opinion, the continued licensure of that provider poses an immediate or serious threat to the public health, safety or welfare.

1. A provider whose license has been summarily suspended shall have the right to apply for emergency relief, as provided for at N.J.A.C. 8:40-7.3(a)."

N.J.A.C. 8:40-7.3(a) states that, "A provider whose license has been summarily suspended shall, consistent with N.J.A.C. 1:1-12.6, have the right to apply to the Commissioner for emergency relief.

1. A request for emergency relief shall be submitted in writing and shall be accompanied by a response to the charges contained in the "Notice of Summary

Suspension." Failure to submit such written notice shall result in the provider forfeiting all rights to emergency relief.

2. Requests for emergency relief shall be conducted in accordance with the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and Uniform Administrative Procedure Rules, N.J.A.C. 1:1."

Based on the above facts and regulations, the Department has determined that the lack of general and professional liability insurance coverage at Excel Medical Transportation Service poses an immediate and serious threat to the public health, safety and welfare. In the event that Excel Medical Transportation Service injures a patient or other individual, Excel Medical Transportation Service does not have insurance to cover the cost of injuries to persons and property. Therefore, in accordance with the provisions set forth at N.J.S.A. 26:2H-13, N.J.S.A. 26:2H-14 and N.J.A.C. 8:40-7.2(b), please be advised that **your license to operate King Medical Invalid Coach and all of its vehicles is immediately suspended.**

OEMS staff shall continue to investigate this matter during the suspension period. Please be advised that you may not, under any circumstances, operate as a mobility assistance vehicle service provider anywhere within the State of New Jersey during this period of suspension.

Your request for a hearing must be submitted within 30 days from the date of this Notice. Please include the control number 10-M-012 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: 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 result in the continued summary suspension of your Mobility Assistance Vehicle and Basic Life Support Ambulance Service provider license.** If you have any questions concerning this matter, please do not hesitate to contact Mr. Samuel Stewart, OEMS Regulatory Officer, at (609) 633-7777.

Sincerely,



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

c: David Gruber, Senior Assistant Commissioner  
Joseph Tricarico, Jr., Assistant Commissioner  
Michele Stark, OL&RA  
William Duffy, OEMS  
Donald Roberts, OEMS  
Christopher Ryan, OEMS  
LogisticCare  
Clinton Township Police Department

SENT VIA REGULAR U.S. MAIL AND CERTIFIED MAIL # 70081140000155899240  
RETURN RECEIPT REQUESTED