



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

CATHLEEN D. BENNETT
Commissioner

October 11, 2016

Darrius Williams
Skyline Ambulance Services
111 Ellery Ave.
Irvington, NJ 07111

Re: **Notice of Summary Suspension:
Basic Life Support Service Provider
Investigation Control # 2016-0004P**

Dear Mr. Williams:

The New Jersey Department of Health (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 (BLS) ambulance services. Furthermore, N.J.S.A. 26:2H-5 grants the Commissioner of Health 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. As such, in furtherance of each of the aforementioned statutory objectives, the Department service providers and their vehicles. Those regulations are set forth in their entirety at N.J.A.C. 8:40-1.1 et seq.

On September 6, 2016, the Department's Office of Emergency Medical Services (OEMS) received notification that Skyline Ambulance Services (Skyline) was using unlicensed vehicles to transport patients. Consistent with regulatory authority and OEMS policy, OEMS opened an investigation in response to this notification.

Upon opening the investigation, the OEMS investigator confirmed that Skyline is currently licensed to provide BLS services in the State of New Jersey. The OEMS investigator also examined the pictures supplied to OEMS by the complainant, which were pictures of Skyline vehicle #36 being used to transport a patient. The OEMS investigator then reviewed Skyline's EMS Licensing profile, which revealed that Skyline only has one OEMS licensed vehicle, which is vehicle #35. This finding prompted the OEMS investigators to visit your place of business to further investigate the matter.

On September 7, 2016, OEMS investigators arrived at the address in South Orange that is listed as Skyline's principal place of business in the OEMS Licensing

System. Upon arrival, investigators found a hair salon with a "For Lease" sign in front of it. After talking with the owner of the building, it was discovered that you had been renting an upstairs office but were no longer located at the address because you failed to pay the rent. The owner stated he made multiple attempts to contact you but you never returned his calls or correspondence. Investigators contacted you and asked for an updated address. You stated you had moved and were now located at an address in Irvington. Upon arriving at the Irvington address, investigators found a residence with no answer after knocking on the door and ringing the bell multiple times. OEMS was never notified of this change and, to date, your profile in the OEMS Licensing System has not been updated. Investigators then contacted you via telephone again and stated they were at the Irvington address and were there to conduct an audit. You reported that all of your business material and patient care reports were at the Irvington location but you were unable to meet investigators because you were registering your child for school. You stated you were going to try and have your partner meet the investigators. You eventually called back and stated that you were unable to reach him and would meet investigators once you were done. A time to meet was agreed upon by you and the investigators. However, you failed to appear at the agreed upon time and multiple attempts were made to contact you when you did not arrive.

Investigators were finally able to make contact with you and agreed to inspect your vehicle at a dialysis center in Newark, New Jersey. Upon inspecting vehicle #35, multiple safety infractions were discovered. Specifically, the investigators discovered that the motor vehicle inspection sticker was expired, the portable suction unit was inoperable and the driver, passenger and captain's chairs had multiple tears making them pervious to fluids. As a result of these serious deficiencies, the investigators took the vehicle out of service.

When the investigators appeared to inspect the vehicle, you told them that you did not realize you needed to advise OEMS of any address change and would update your profile as soon as possible. You also stated that you were still using the office you were renting but not on a full time basis. You were advised the landlord was looking to get in contact with you. While investigators were inspecting your vehicle, you made contact with the landlord and stated you were going to set up a time to make a payment.

The investigators then questioned you about using unlicensed vehicles, specifically vehicle #36, to transport patients. In response, you stated that the vehicle was in the repair shop and was not in operation. You reported that you had plans of getting it licensed once it was fixed. When investigators showed you the pictures of the vehicle in use, you had no answer and could not explain its use. At this time, you provided investigators with the address where vehicle #36 was located. You were then advised that an unannounced audit would need to be completed in the near future in order for you to maintain your BLS license in New Jersey. You stated you understood and would cooperate fully.

On September 13, 2016, investigators arrived at the gas station where you stated vehicle #36 was being repaired and found the vehicle parked in the garage. The

investigators then went to the address in South Orange and spoke with the landlord. He stated that you never made a payment and the upstairs office had been rented to another business. Investigators then arrived at the residence in Irvington. They rang the bell and knocked on the door multiple times with no answer. In addition, it was noted that vehicle #35, which had been taken out of service, was not on the premises. Investigators attempted to contact you via telephone. They called the number listed as your work number but found it to be disconnected. Then they called your cell phone number but the mailbox was full and would not accept any other messages. They then attempted to contact your partner's work number but a catering company answered and stated they didn't know anyone by that name. A fax was also sent to the listed number, but the number was disconnected. Investigators also sent a text message to your cellphone number, but, to date, have not received a response. Since then, OEMS has attempted to contact you three additional times, calling all available numbers, but were met with the same results. Consequently, OEMS was unable to complete an audit of Skyline.

In summary, OEMS investigators found the following regulatory violations regarding Skyline:

1. Failure to notify OEMS of the change in location of Skyline's principal place of business, in violation of N.J.A.C. 8:40-3.2;
2. Failure to produce documentation requested by OEMS investigators for inspection, in violation of N.J.A.C. 8:40-2.6(c);
3. Hindering an OEMS investigation, in violation of N.J.A.C. 8:40-2.6(c);
4. Failure to maintain vehicles in a safe, clean and properly functioning manner, as required by N.J.A.C. 8:40A-4.4, 4.5 and 4.6; and

Based upon the foregoing, the Department has determined that Skyline's license as a BLS agency must be summarily suspended. Pursuant to N.J.A.C. 8:40-7.2(b), "[t]he 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." In the present matter, the above cited deficiencies demonstrate a serious disregard for the Department's regulations. Indeed, Skyline is evading an audit and refusing to allow OEMS investigators to review its files and charts, thereby preventing OEMS from discharging its duty of ensuring that Skyline is operating in a safe and proper manner. Because Skyline is impeding the Department's attempts of determining whether it is in compliance with the Department's regulations, the Department finds that Skyline's continued licensure as a BLS service provider constitutes an immediate and serious threat to the health, safety and welfare of the public. **Therefore, Skyline Ambulance Service's license as a Basic Life Support Agency is immediately suspended and shall remain suspended until OEMS is able to conduct a full audit of Skyline's operations and determines that it is in full compliance with the Department's**

regulations. During this period of suspension, OEMS will continue to investigate this matter and will advise you as to what action(s), if any, will be taken with respect to your BLS license. Such action may include the imposition of monetary penalties and/or revocation of your license.

Please be advised that you may not, under any circumstances, operate as a BLS service provider anywhere within the State of New Jersey during this period of suspension. You have the right to apply to the Commissioner of the Department of Health for emergency relief to contest this summary suspension. A request for emergency relief shall be submitted in writing and shall be accompanied by a response to the charges contained in this notice. Please include the control number **2016-0004P** 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. Tamara Roach

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 BLS provider license, therefore forfeiting all rights to emergency relief. If you have any questions concerning this matter, please contact Mr. Timothy Seplaki, Chief, Licensing and Operations at (609) 633-7777.

Sincerely,

Nancy Kelly-Goodstein, M.A.S.
Acting Director, Emergency Medical Services

c: Eric Hicken, OEMS
Timothy Seplaki, OEMS
James Sweeney, OEMS
Christopher Tams, OEMS
Dr. Jo-Bea Sciarrotta, Compliance Officer
Tamara Roach, Office of Legal & Regulatory Compliance