



State of New Jersey

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

CHRIS CHRISTIE
Governor

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Lt. Governor

www.nj.gov/health

CATHLEEN D. BENNETT
Commissioner

March 10, 2017

Muhammad Alkhulani
Ever Ready Medical Response
553 East Jersey Street
Elizabeth, NJ 07206

Re: **Notice of Summary Suspension:
Mobility Assistance Vehicle / Basic Life Support Service Provider
Investigation Control # 2017-0022V**

Dear Mr. Alkhulani:

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 adopted regulations that govern the licensure and inspection of ambulance and mobility assistance vehicle (MAV) 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 January 27, 2017, an unannounced spot check was conducted on vehicle #07 in South Orange by an OEMS investigator. During this inspection, the following deficiencies were found.

1. Oxygen cylinders, reeves stretcher and jump bag were unsecured and not crashworthy;
2. The door to the main oxygen compartment could not be secured and was held closed with medical tape;
3. Multiple expired pieces of equipment and supplies, including glucose and hydrogen peroxide which expired in 2015;
4. The vehicle registration was expired;

5. Large tear in the bench seat making it susceptible to blood borne pathogens;
6. The vehicle was extremely unsanitary making it a danger to the public health. Soiled linen, used gloves, used oxygen tubing, empty beverage containers and trash were noted throughout the vehicle;
7. The fire extinguisher in the vehicle was the improper size as required by the regulations;
8. The EMT staffing the vehicle was missing his Cardiopulmonary Resuscitation (CPR) certification.

In addition, it was noted that the patient being transported was sitting in the front seat of the vehicle with their wheelchair being left unsecured in the back of the ambulance. When the investigator questioned you about this, you stated you were transporting the patient for dialysis but didn't have a mobility assistance vehicle (MAV) available. Furthermore, it turns out that you were the only EMT on the truck and the second staff member was identified as a "helper." At this point, vehicle #07 was placed on a Department Initiated Out Of Service (DIOOS).

Due to the severity of the deficiencies found during the inspection of vehicle #07, an unannounced audit was conducted on February 2, 2017 at your place of business in Elizabeth, New Jersey. Upon arriving at the location, investigators advised you they needed access to your patient care reports, standard operating procedures, certificate of liability insurance, staff roster, and staff credentials. You were also asked to start rotating any vehicles that were in the field back to station in order to facilitate the inspection. You stated that you would start gathering all of the information and instruct the drivers to return.

At this point, investigators inspected vehicle #10 which you were operating. The following deficiencies were found during that inspection.

1. The fire extinguisher was uncharged and not secured;
2. The heat in the rear of the vehicle was non-functional;
3. The jump kit which held the oxygen cylinder was laying between the two front seats and not secured in a commercial device;
4. The manual lift bar was not secured and laying on the floor;
5. The wheelchair was secured via bungee cord;
6. There were exposed wires on the lift;
7. There was engine coolant in the overhead compartment;

8. There was no flashlight or CPR mask;
9. The jump kit which held the oxygen cylinder contained medical supplies that were outside the scope of practice for a Mobility Assistance Vehicle Technician (MAV-T);
10. The interior of the vehicle was unsanitary making it unsafe and a risk to public health.

Due to the severity of the infractions, vehicle #10 was placed on a DIOOS. Investigators then entered the side yard where you kept your vehicles. It was noted that vehicle #03 had been involved in a motor vehicle accident where it sustained extensive damage to the driver side with approximately six-inch intrusion. When questioned about the incident, you stated the accident had happened towards the end of October or the beginning of November and that you did not report it to OEMS because you didn't know you needed to. This vehicle was then placed on a DIOOS.

Investigators then began the inspection of vehicle #04 and found the following deficiencies.

1. Missing front license plate;
2. The vehicle was commercially registered;
3. A large piece of tread was missing from the right rear tire;
4. The marker light near the right rear tire was missing;
5. The heat was not functional in the rear patient compartment;
6. The exhaust pipe did not extend past the body of the truck;
7. The main oxygen cylinder was empty;
8. The stretcher locking mechanism did not close making the stretcher unable to be properly secured;
9. Inoperable portable suction;
10. Missing portable oxygen;
11. Multiple items with expiration dates as far as 2003;
12. Moldy burn sheets were found in one of the rear compartments;

13. Multiple missing pieces of equipment including Hare Traction, and vest-type upper spinal immobilization device (such as a Kendrick Extrication Device (KED));
14. An automotive alternator was found in the outside compartment behind the driver's seat;
15. A large container of diesel fuel was found in the side compartment;
16. Rotting food was found throughout the vehicle;
17. The interior of the vehicle was unsanitary making it unsafe and a risk to public health.

The status of the remaining vehicles in the field was requested, to which you stated they were 20 minutes away. You were advised that the vehicles needed to be inspected or they would be placed on a DIOOS. You stated that you understood. Investigators then began reviewing the requested documents. You were unable to provide a staff roster and the following employee credentials were missing.

<u>Staff</u>	<u>Missing Credential</u>
I.H.	Expired driver's license (1/31/2017)
H.A.	Missing current MAV-T certification (only temporary letter on file)
I.A.	Missing MAV-T and CPR credentials

Investigators then asked to review your patient care reports. You stated that you don't keep any because Logisticare only requires you maintain a log sheet which the patients need to sign at the time of service. You stated that the log sheet is completed by the driver for the day, listing the vehicle being used and the trips they completed. You were asked if it contained both BLS and MAV transports which you stated that it did. You were also asked as to whether the complete crew was represented on the log sheet, which you stated it did. At this point, approximately one hour had elapsed since the vehicles in the field were asked to return. You again stated the vehicles would be there in 20 minutes.

During review of the log sheets, it was noted that on multiple occasions you utilized a Basic Life Support (BLS) ambulance, staffed with one EMT to transport wheelchair confined patients. You stated that it was normal practice where you would place the patient in the front seat while the wheelchair and the "helper" would sit in the back. You were advised that this was a violation of the regulations as it posed a threat to the general public's health, safety and welfare. At this point, you stated that you didn't realize you couldn't do it since you were transporting Logisticare patients.

The investigators asked if you had reviewed the regulations governing the operations for BLS and MAV services. You stated that you hadn't. You were advised that at the time of your initial licensure, you had signed an attestation clause stating that

you had reviewed these regulations, specifically N.J.A.C. 8:40-1.1 et. seq. You stated that you didn't remember signing anything. You were then shown a copy of the clause which reflected that you had read "the Manual of Standard for Licensure of Mobility Assistance Vehicle and Ambulance Services found at N.J.A.C. 8:40-1.1 et. Seq." The clause was signed by you on September 20, 2012.

After another hour had passed, investigators, again, requested an update on the vehicles that were in the field. You stated they were another 20 minutes away. At this point you were advised that you were hindering an investigation and the vehicles were placed on a DIOOS and would need to be re-inspected by OEMS staff prior to being used. The total time since initially requesting the vehicles had been over two and a half hours.

Based upon the investigators' site visit and audit, OEMS found the following violations:

1. Failure to maintain patient care reports, in violation of N.J.A.C. 8:40-3.6;
2. Failure to produce documentation requested by OEMS investigators for inspection, in violation of N.J.A.C. 8:40-2.6(c);
3. Failure to maintain full, complete and accurate records, as required by N.J.A.C. 8:40-3.9;
4. Hindering an OEMS investigation, in violation of N.J.A.C. 8:40-2.6(c);
5. 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
6. Failure to report a vehicular accident, in violation of N.J.A.C. 8:40-3.7(a).

Based upon the foregoing, the Department has determined that Ever Ready Medical Response's license as a Mobility Assistance Vehicle Service and Basic Life Support 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. As such, the Department finds that Ever Ready Medical Response's continued licensure as a BLS/MAV service provider constitutes an immediate and serious threat to the health, safety and welfare of the public. **Therefore, Ever Ready Medical Response's license as a Mobility Assistance Vehicle Service and Basic Life Support Agency is immediately suspended.** 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/MAV 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 or MAV 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 **2017-0022V** 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

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

Sincerely,

Nancy Kelly-Goodstein, M.A.S.
Acting Director

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