



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

PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lt. Governor

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

SHEREEF M. ELNAHAL, MD, MBA  
Commissioner

July 9, 2018

Donald Horner, Chief  
Delran Emergency Squad  
900 Chester Avenue  
Delran, NJ 08075

Re: **Notice of Summary Suspension:  
Basic Life Support Service Provider  
Investigation Control # 2018-0072V**

Dear Mr. Horner:

The New Jersey Department of Health (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-2(b), 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. In furtherance of each of the aforementioned statutory objectives, the Department adopted regulations that govern the licensure and inspection of BLS 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 June 11, 2018, the Department's Office of Emergency Medical Services (OEMS) received notification that Delran Emergency Squad (DES) was allegedly operating emergency vehicles with uncertified staff. Specifically, the notification alleged you were personally working on the ambulance without a current EMT certification. Consistent with regulatory authority and OEMS policy, the OEMS opened an investigation in response to this notification.

Upon opening the investigation, it was confirmed that DES is licensed with the Department as a BLS provider with four licensed BLS vehicles. It was also confirmed that your EMT certification expired on December 31, 2010 and your EMT-Instructor certification expired on December 31, 2016, but that you remained as the chief of the agency. Thereafter, on June 13, 2018, OEMS investigators attempted to conduct an audit of DES. When the investigators arrived at DES's principal place of business, they advised you of their presence and the reason for the audit. Despite the fact that a licensed BLS agency is required, pursuant to N.J.A.C. 8:40-2.6, to permit OEMS investigators unfettered access to its files and submit to its investigations, you deliberately hindered their audit investigation. In fact, you were belligerent, combative, and uncooperative. Specifically, while the investigators were attempting to begin the audit, you were

verbally abusive to them and even stated to the investigators that you needed to leave before you “killed yourself or killed you,” meaning the investigators. Due to the threats of bodily injury you lodged against the investigators, they terminated the audit and advised that they would come back another time. As they started to leave the property, you followed them out, continued to scream and threaten them and, at one point, were nose-to-nose with one of the investigators. As such, you prevented OEMS from conducting its audit, in violation of N.J.A.C. 8:40-2.6.

On June 14, 2018, OEMS investigators returned to DES to conduct the audit, with the assistance of the Delran Police Department. The investigators requested DES’s patient care reports, which they were entitled to receive under N.J.A.C. 8:40-2.6. However, the investigators were denied access to the care reports and advised to contact DES’s counsel to gain access. Upon contacting the attorney, investigators were instructed to contact your Information Technology specialist who would provide any and all documents needed. However, when the specialist was contacted for a follow up question, he advised that his access had been restricted, and he could not help any longer. The president of DES, Josephine Hubbs, was contacted and advised of the situation. She stated she hindered his access because the board was concerned about the integrity of the data. She was advised that the information came directly from emsCharts and that restricting access was considered hindering an investigation. She then stated she would reinstate the account and there would be no further issues.

After finally receiving the patient care reports, the investigators conducted a preliminary review of them and discovered that DES was in violation of the minimum crew requirements set forth at N.J.A.C. 8:40-6.3, which requires a BLS ambulance to be staffed with a minimum of two certified EMTs. Specifically, you, Don Horner, worked on an ambulance as a second EMT at least twenty-seven times from January 2017 to present, even though you were not certified to act as an EMT. Even more, the change and activity logs for the charts indicate that you removed your name from the patient care reports and replaced it with currently certified personnel.

OEMS investigators also requested other documentation, such as training curriculums and New Jersey training fund forms, but the OEMS investigators were refused access. Thus, DES continued to frustrate OEMS’ investigation.

Based upon the foregoing, the Department has determined that Delran Emergency Squad’s license as a 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, DES is hindering OEMS’ audit investigation by threatening investigators working in their official capacity and restricting OEMS’ access to its records, altering patient care reports, and utilizing uncertified crewmembers on its ambulances. Besides using uncertified staff for its ambulances, which in and of itself is an immediate threat to public health, DES’s actions of hindering OEMS’s investigation prevents it from determining whether the agency is in violation of other regulatory requirements that are essential for public health and safety. As such, OEMS is unable to determine at this time whether DES is in compliance with its rules and a safe and effective BLS provider. Due to these egregious actions, the Department finds that DES’s continued operation as a BLS provider constitutes an immediate and serious threat to the health, safety and welfare of the public. **Therefore, Delran Emergency Squad’s license as a 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 DES’s BLS

license. Such action may include the imposition of monetary penalties and/or revocation of DES's 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 **2018-0072V** 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 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,

Scot Phelps, J.D., M.P.H., Paramedic  
Director

SENT VIA HAND DELIVERY