



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)

JUDITH M. PERSICHILLI, RN, BSN, MA  
Commissioner

February 19, 2020

Chief Dave Taylor  
Indian Mills Volunteer Fire Company / Shamong Emergency Medical Services  
48 Willow Grove Rd.  
Shamong, NJ 08088

Re: **Notice of Proposed Assessment of Penalties:  
Basic Life Support Ambulance Provider  
Investigation Control #2019-0138V**

Dear Chief Taylor:

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 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 providers and their vehicles. Those regulations are set forth in their entirety at N.J.A.C. 8:40-1.1 et seq.

The Department's Office of Emergency Medical Services (OEMS) received an anonymous complaint that Indian Mills Volunteer Fire Company / Shamong Emergency Medical Services (Shamong) was operating unlicensed vehicles when providing 911 emergency medical care to the residents of Shamong and its contiguous area. Consistent with its regulatory authority and OEMS policy, the OEMS opened an investigation in response to this notification.

Upon opening the investigation, the OEMS investigator confirmed that Shamong is currently licensed to provide basic life support (BLS) services within the State. According to the OEMS Licensing system, Shamong operates two licensed vehicles: BLS vehicle #2891 and BLS vehicle #2892. OEMS then commenced an audit of Shamong on October 7, 2019. During the audit, Shamong's employee roster, credentials, insurance and standard operating procedures were reviewed. At this time, investigators advised Shamong that it was not permitted to operate ANY unlicensed vehicles as a licensed provider with the New Jersey Department of Health.

As part of the audit, investigators reviewed Shamong's electronic patient care reports, which revealed that 507 of Shamong's assignments from October 7, 2018 to October 9, 2019 required an ambulance response. Of those assignments, vehicle #2891 responded to 214

assignments and vehicle #2892 responded to 203 assignments. However, it was also found that Shamong used another vehicle to respond to emergency assignments, even though this vehicle was not licensed by OEMS as required by N.J.A.C. 8:40-2.3. Specifically, vehicle #2893 responded to 90 emergency assignments over 72 days, even though it was unlicensed.

OEMS also discovered that Shamong failed to staff its ambulances with at least two EMTs, as required by N.J.A.C. 8:40-6.3. Specifically, Shamong staffed its ambulances with only one EMT on 36 days.

As Shamong should already be aware, a BLS provider may only operate Department licensed vehicles when responding to emergency assignments. N.J.A.C. 8:40-6.15 and N.J.A.C. 8:40-2.3. Utilizing an unlicensed vehicle when responding to an emergency assignment is not permitted. Additionally, N.J.A.C. 8:40-6.3 provides that each in-service ambulance must be staffed with a minimum of two EMTs. Pursuant to N.J.S.A. 26:2H-14 and N.J.A.C. 8:40-7.2(e), the Department may impose monetary penalties for violations of any of the rules set forth in N.J.A.C. 8:40. Specifically, N.J.A.C. 8:40-7.2(e)(5) provides that “[v]iolations of any vehicle licensure requirements or utilization of a vehicle ordered or placed in DIOOS status shall result in a monetary penalty of \$1,000 per vehicle/per calendar day.” N.J.A.C. 8:40-7.2(e)(3) further provides that “[v]iolations of any rule pertaining to minimum crewmember requirements . . . shall result in a monetary penalty of \$ 1,000 per violation/per calendar day.”

Based upon the investigation, the OEMS finds that Shamong violated the Department’s administrative rules, specifically N.J.A.C. 8:40-2.3, by utilizing unlicensed vehicles for BLS services, and N.J.A.C. 8:40-6.3, by staffing ambulances with only one EMT rather than the required two. Consistent with N.J.A.C. 8:40-7.2(e)(5), Shamong is assessed a penalty of \$1,000 for each of the 72 occurrences that Vehicle #2893 was utilized for patient calls without obtaining proper vehicle licensure prior to use. And, pursuant to N.J.A.C. 8:40-7.2(e)(3), Shamong is assessed a penalty of \$1,000 for each of the 36 occurrences when it failed to staff its ambulances with at least two EMTs. **Accordingly, Shamong is hereby assessed a monetary penalty of \$72,000.00 for operating unlicensed ambulances and \$36,000 for violating minimum crewmember requirements, pursuant to N.J.S.A. 26:2H-14 and N.J.A.C. 8:40-7.2. In total, Shamong is fined \$108,000.**

Payment of \$108,000.00 must be submitted within 30 days from the date of this Notice. Payment must be submitted electronically through the E-Pay link on our website ([www.state.nj.us/health/ems](http://www.state.nj.us/health/ems)). No payments made by company business check, personal check, cashier’s check and/or money order will be accepted. If you attempt to pay the penalty by any method other than electronic E-Pay, the paper instrument will be returned to you.

In the event of future violations, the Department may seek to impose stricter penalty and/or corrective actions, which include, but are not limited to doubling the monetary penalty, and/or suspending and/or revoking Shamong’s provider license.

Pursuant to N.J.S.A. 26:2H-13 and N.J.A.C. 8:40-7.3(b), Shamong may request a hearing before the Office of Administrative Law to contest this proposed penalty assessment. The request for a hearing on this matter must be submitted in writing, within 30 days from the date on this correspondence, and must be accompanied by a response to the deficiencies noted above, indicating why the Department was incorrect in alleging the cited violations to the governing rules. In the event that a hearing is requested, this penalty shall be held in abeyance until such time as the hearing has been concluded and a final decision has been rendered.

The request for a hearing must be submitted within 30 days from the date of this Notice, and should be forwarded to:

New Jersey Department of Health  
Office of Legal & Regulatory Compliance  
PO Box 360, Room 805  
Trenton, N.J. 08625-0360  
Attn: Ms. Tami Roach

Please include control number **2019-0138V** on all correspondence. Finally, please note that failure to submit a request for a hearing within 30 days from the date of this Notice shall render this Notice final, and the entire **\$108,000.00** shall be immediately due and payable. In accordance with N.J.S.A. 26:2H-16 and N.J.A.C. 8:40-7.2(h), failure to pay this penalty may result in the delinquent account being referred to the Office of the Attorney General for collection, pursuant to N.J.S.A. 2A:58-1, et seq., refusal by OEMS to issue or renew Shamong's license and/or any such other action as authorized by law.

If you have any questions concerning this matter, please contact Eric Hicken, Chief of Enforcement, at (609) 633-7777.

Sincerely,



Christopher Neuwirth, MA, MEP, CBCP, CEM  
Assistant Commissioner  
PHILEP Division

CC: Scot Phelps, JD, MPH, Paramedic, Director, OEMS  
Eric Hicken, OEMS  
James Sweeney, OEMS  
Tami Roach, OLRC

SENT VIA REGULAR US MAIL AND  
CERTIFIED MAIL # 7014 0510 0000 9054 3061  
RETURN RECEIPT REQUEST