



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

JUDITH M. PERSICHILLI, RN, BSN, MA
Commissioner

January 28, 2021

Mr. Floyd Goldstein
Middletown Emergency Medical Services
PO Box 311
Middletown, NJ 07748

Re: Investigation Control # 2020-0262V

Dear Mr. Goldstein:

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 all hospital and related health care services rendered in the State of 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. 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 and investigations with respect to the fitness and adequacy of the equipment and personnel employed by those services. Even more, the New Jersey Medical Assistance and Health Services Act, N.J.S.A. 30:4D-1, et seq., requires the Department to establish requirements for the equipment, supplies, and vehicles of providers of mobility assistance vehicle services. See N.J.S.A. 30:4D-6.4. In furtherance of each of the aforementioned statutory objectives, the Department adopted regulations that govern the licensure and inspection of basic life support ambulance (BLS) and mobility assistance vehicle (MAV) service providers and their vehicles. (See: N.J.A.C. 8:40-1.1 et seq.)

On December 27, 2020, the Office of Emergency Medical Services (OEMS) received an anonymous phone call regarding an unusual occurrence that took place involving R.D. taking a photograph of a patient under his care while working for Middletown Emergency Medical Services. Based on this information the OEMS opened an investigation into this matter.

During the investigation, the OEMS investigator called Mr. Chris Lombardi and you on December 28, 2020. Mr. Lombardi confirmed the incident did indeed happen and that R.D. took a photograph of a patient and shared it via social media with 20 people. Additionally, you informed investigators that notification was made to the Red Bank Police Department due to the belief a criminal act took place. You also informed the investigators that the incident took place either late November or early December of 2020. On January 6, 2021, you completed an unusual occurrence regarding this matter. In the unusual

occurrence report you informed the OEMS that the incident occurred on November 27, 2020. Furthermore, the OEMS investigator called the Red Bank Police Department and confirmed that an investigation had been opened after being notified of the incident on December 1, 2020.

N.J.A.C. 8:40-3.7(a) states "providers shall notify the Department by telephone, followed by written confirmation on the form provided at Appendix C, of:

5. Any and all incidents or series of incidents which, upon objective evaluation, lead to the good faith belief that the conduct is in violation of any applicable law, rule and/or regulation (including, but not limited to, any instances of child abuse or neglect, elder abuse, domestic violence and/or the utilization of physical behavioral restraints);"

N.J.A.C. 8:40-3.7(b) and N.J.A.C. 8:41-3.10(b) both state that "the initial telephone report shall be made to OEMS during regular business hours before the end of the next business day following the accident."

N.J.A.C. 8:40-3.7(c) further states that "the written confirmation shall be in the form as set forth in chapter Appendix C, Reportable Events, incorporated herein by references, and shall include all information known to the provider or crewmembers, including the condition of, and prognosis for, any injured persons, as well as copies of any official reports (such as a police report) and the provider's estimate of the degree of disruption of services, as applicable. This confirmation shall be delivered to OEMS no later than 14 calendar days after the incident."

Furthermore, information may be submitted by going to the OEMS website (<http://www.nj.gov/health/ems>) under EMS toolbox and completing the accident or unusual occurrence report.

Based upon a review of the information outlined above, OEMS has determined that Middletown Emergency Medical Services violated N.J.A.C. 8:40-3.7(a)(b) and (c) by failing to report an incident which, upon objective evaluation, lead to the good faith belief that the conduct is in violation of any applicable law, rule and/or regulation to the Department. You are hereby assessed a total monetary penalty of \$250, pursuant to N.J.S.A. 26:2H-14 and N.J.A.C. 8:40-7.2(e).

Payment of \$250 must be electronically submitted within 30 days from the date of this notice through the E-pay link on the OEMS website located at www.nj.gov/health/ems. Please include control number 2020-0262V. If you attempt to pay this 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 penalties and/or corrective actions, such as but not limited to, doubling the monetary

penalty, and/or suspending or revoking your provider license, pursuant to N.J.S.A. 26:2H-14 and N.J.A.C. 8:40-7.2(g).

Pursuant to N.J.S.A. 26:2H-13 and N.J.A.C. 8:40-7.3(b) you may request a hearing before the Office of Administrative Law to contest this proposed penalty. Your request for a hearing on this matter must be submitted in writing and must be accompanied by a response to the charges contained herein. If you wish to request a hearing please include the control number 2020-0262V on your correspondence, and forward your request to:

New Jersey Department of Health
Office of Legal & Regulatory Compliance
P.O. Box 360
Trenton, NJ 08625-0360

Failure to request a hearing within thirty (30) days from the date of this notice shall be interpreted as an acceptance of the Department's penalty, thereby negating any further appeal rights and converting the penalty as final and immediately due. 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 for collection, pursuant to N.J.S.A. 2A:58-1 et seq., and the refusal by the OEMS to issue or renew a license.

If you have any questions concerning this matter, please contact Investigator Zak Raab, at (609) 633-7777 or via email at Zachary.Raab@doh.nj.gov.

Sincerely,



Terry Clancy, PhD, RN, NRP
Director
Office of Emergency Medical Service

c: Eric Hicken, Chief of Licensing, Inspections & Enforcement, OEMS
Zak Raab, Investigator, OEMS

SENT VIA REGULAR US MAIL AND
CERTIFIED MAIL #
RETURN RECEIPT REQUESTED