



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. PERSICILLI, RN, BSN, MA  
*Acting Commissioner*

October 10, 2019

Mr. Joao Mateus  
Less Stress Instructional Services

**Re: Notice of Proposed Revocation of Emergency Medical Technician Training Site  
Investigation Control # 2019-0116V**

Dear Mr. Mateus:

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 to -27, 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-2(b), health care services include any pre-hospital care rendered by basic life support personnel. In addition, the Emergency Medical Services Act, N.J.S.A. 26:2K-7 to -69, addresses the Department's authority with regard to training, certification, and activities of Emergency Medical Technicians (EMTs). In furtherance of the objectives set forth in the statutes, the Department has adopted regulations that govern the training, certification and professional conduct of EMTs. See N.J.A.C. 8:40A, Emergency Medical Technicians: Training and Certification.

On July 3, 2017, the Department received a complaint that Course 132308 operated by Less Stress Instructional Services (the Program) had improper instructor-to-student ratios, shortened class periods, and tardy staff members that resulted in delayed class start times as well as limited psychomotor skills and scenarios. On July 18, 2017, the Department's Office of Emergency Medical Services (OEMS) conducted an audit of the EMT initial training course at the Program's Wayne, New Jersey location. OEMS returned to the Program on August 1, 2017, and August 30, 2017, to observe instruction as well as review program and student files. The audit revealed serious violations and deficiencies with the EMT education provided by the Program. Relevant here, OEMS found the Program failed to staff courses to meet the required instructor-to-student ratio. On September 19, 2017, OEMS notified the Program of the numerous deficiencies and requested the Program voluntarily suspend its EMT training program until the Program submitted a corrective action plan.

On or about October 15, 2017, you submitted a corrective action plan to OEMS that promised the Program would be in "full compliance" with Department rules and EMT education standards. On December 19, 2017, OEMS met with you and instructor Mary Rongo to review the Program's corrective action plan and make recommendations. Based on the corrective action plan and the December 19, 2017 meeting, OEMS was satisfied that the violations

outlined in the September 19, 2017 letter were corrected and/or remediated and it permitted the Program to resume initial EMT course education.

On June 26, 2018, you submitted an EMT-Instructor (EMT-I) re-entry application to the Department, which indicated your EMT-I certification was expired. This came as a surprise to OEMS, as you had repeatedly represented during the 2017 investigation that you were an actively certified EMT-I. Consistent with its regulatory authority and policy, OEMS opened an investigation into this matter.

Upon opening the investigation, OEMS confirmed your EMT-I certification had expired on June 30, 2017. To renew an expired EMT-I certification, an individual must, amongst other things, complete “[s]ervice as an [EMT-I] Aide for at least 50 hours in an EMT-Basic training program under the direct supervision of the program coordinator and Lead [EMT-I].” N.J.A.C. 8:40A-8.3(a)(2). Your re-entry application indicated you participated in 52 hours of supervised instruction in Initial EMT Courses 133689, 133724, and 132311. Additionally, during a telephone call with the Program, OEMS investigators learned you had allegedly taught in Courses 133725 and 133904. OEMS requested the EMT-I and student sign-in sheets for those courses as part of its investigation.

On October 10, 2018, OEMS received the student and EMT-I sign-in sheets for Courses 133689 and 133724. It received the sign-in sheets for Course 133725 on October 24, 2018. On July 5, 2019, the OEMS received the student and EMT-I sign-in sheets for Courses 132311 and 133904. After reviewing this documentation, OEMS found the course sign-in sheets again showed improper instructor-to-student ratios. N.J.A.C. 8:40A-5.6(a)(5) requires an EMT instruction program to provide enough EMT-Is to maintain a 1:6 instructor-to-student ratio during practical skills instruction groups. A training program may also utilize one EMT-I and one EMT-I Aide when the student group is no more than 10 people. N.J.A.C. 8:40A-5.6(a)(5)(i). EMT-I Aides must be certified as EMT-Basic’s and have at least one year of pre-hospital EMT-Basic experience. N.J.A.C. 8:40A-5.6(b). The sign-in sheets for Courses 133904, 133724, 133725, 133689, and 132311 show the Program conducted psychomotor skills instruction sessions without the proper instructor-student ratios. The sheets also listed EMT-I Aides who were not qualified to serve in that role or whose eligibility could not be determined because the sign-in sheets did not disclose their full names. The issue of inadequate staffing was raised during the 2017 investigation, and the Program promised this problem was remediated under its corrective action plan.

As you are already aware, the minimum training requirements exist for a reason: to ensure that each EMT student is competent, accountable, and able to provide consistent care in critical areas. Here, the Program’s failure to provide its students with adequate instructors places the public’s health, safety, and welfare at risk. It also puts the Program’s students in the unfortunate position of having to care for extremely sick or injured patients without the necessary educational skills to provide appropriate care. Thus, the Program has demonstrated an inability to comply with the minimum personnel and training standards as set forth at N.J.A.C. 8:40A-5.6, which cannot be tolerated.

Not only did the Program violate the Department’s rules, it also violated the trust OEMS placed in the Program to operate a competent, dependable EMT training program. By approving an EMT education program, OEMS is expressing that it trusts that the educational provider will give its students a satisfactory education that they need to provide high quality emergency medical care to the critically sick and injured patients of this State. Moreover, the Program assured OEMS, through its 2017 corrective action plan, that it would meet the

minimum standards necessary to operate such an EMT training program. By repeatedly violating the Department's regulations, the Program has irreparably broken this trust.

Under N.J.A.C. 8:40A-3.3(a), an EMT training program's authorization may be suspended or revoked for:

1. Failure to adhere to the rules [in N.J.A.C. 8:40A];
3. Failure to maintain personnel, facilities, resources, finances, records, equipment and evaluation tools; [and]
7. Failure to successfully pass a site review, inspection or evaluation.

Based on the totality and severity of these violations as well as the Program's failure to implement its corrective action plan, the Department has determined that Less Stress Instructional Services' EMT-Initial and Continuing Education training program certifications should be **REVOKED**.

Additionally, OEMS may levy monetary penalties against programs for violating the Department's rules. Pursuant to N.J.A.C. 8:40A-10.2(f), OEMS may issue fines in the amount of \$200 per calendar day the violation occurs or remains uncorrected, with subsequent violations of the same type subject to a penalty of \$500 per calendar day, per infraction. The Program's actions in this matter merit such discipline.

Based on a review of the above-referenced course sign-in sheets, OEMS has determined the Program violated N.J.A.C. 8:40A-5.6 by failing to maintain the required instructor-to-student ratio in practical skills instruction groups. Not only were there instances where the Program failed to have enough EMT-I's, there were also instances where the Program relied on ineligible EMT-I Aides who lacked the necessary qualifications set out in N.J.A.C. 8:40A-5.6(b). It should also be noted due to your expired EMT-I certification, you were ineligible to serve as an EMT-I during the instruction sessions. A full accounting of the violations is as follows:

**Class # 133904 – 7/9/18 – 8/29/18**

<b>Date</b>	<b># EMT-I</b>	<b># Aides</b>	<b># students</b>	<b>Additional comments</b>	<b>Penalty</b>
7/13/18	3	1	24	Jonathan Stone (JS) listed as an EMT-I Aide but ineligible because he did not have at least a year of EMT experience required by N.J.A.C. 8:40A-5.6(b)	\$200
7/20/18	2	2	24	JS listed on sign-in sheet as an EMT-I Aide but ineligible per N.J.A.C. 8:40A-5.6(b)	\$500
7/27/18	3	1	24	JS listed on sign-in sheet as an EMT-I Aide but ineligible per N.J.A.C. 8:40A-5.6(b)	\$500

8/3/18	3	1	26	JS listed on sign-in sheet as an EMT-I Aide but ineligible per N.J.A.C. 8:40A-5.6(b)	\$500
8/6/18	2	3	26		\$500
8/8/18	3	1	24	JS listed on sign-in sheet as an EMT-I Aide but ineligible per N.J.A.C. 8:40A-5.6(b)	\$500
8/10/18	2	4	24		\$500
8/13/18	3	1	23	JS listed on sign-in sheet as an EMT-I Aide but ineligible per N.J.A.C. 8:40A-5.6(b). Lynn Washington (LW) is not a certified EMT.	\$500
8/27/18	3	1	25	"Lisa ???" on sign-in sheet. Unknown eligibility	\$500
8/29/18	2	2	24	"Lisa ???" on sign-in sheet. Unknown eligibility	\$500

**Class # 133689 – 3/1/18 – 5/24/18**

Date	# EMT-I	# Aides	# students	Additional comments	Penalty
4/3/18	2	0	14		\$500
4/24/18	2	0	13		\$500

**Class # 133724 – 2/18/18 – 6/11/18**

Date	# EMT-I	# Aides	# students	Additional comments	Penalty
2/26/18	1	0	20		\$500
3/3/18	3	0	21		\$500
3/5/18	3	0	21		\$500
3/10/18	3	0	22		\$500
3/17/18	2	0	21	AM session	\$500
	2	0	23	PM session	
3/24/18	2	0	19		\$500
3/31/18	2	0	18		\$500
4/4/18	2	0	17		\$500
4/7/18	2	0	17	AM session	\$500
	1	0	17	PM session	
4/14/18	2	0	17		\$500
4/28/18	2	0	17		\$500
5/5/18	2	0	17		\$500

**Class # 133725 – 3/26/18 – 6/18/18**

Date	# EMT-I	# Aides	# students	Additional comments	Penalty
4/2/18	2	0	20		\$500

4/7/18	1	2	20	AM session	Covered under class 133724
	1	1	20	PM session	
4/9/18	3	0	19		\$500
4/11/18	2	0	20		\$500
4/14/18	0	2	19		Covered under class 133724
4/21/18	2	0	19		\$500
4/23/18	2	0	20		\$500
4/25/18	2	0	18		\$500
4/28/18	2	0	19		Covered under class 133724
4/30/18	2	0	20		\$500
5/5/18	1	1	18		Covered under class 133724
5/12/18	1	1	19	AM session	\$500
	1	1	18	PM session	
5/19/18	1	1	19	AM session	\$500
	1	1	18	PM session	
6/2/18	1	1	17	AM session	\$500
	1	1	19	PM session	
6/4/18	2	0	18		\$500
6/16/18	1	1	18		\$500
6/18/18	2	0	18	JS listed on sign-in sheet as an EMT-I Aide but ineligible per N.J.A.C. 8:40A-5.6(b)	\$500

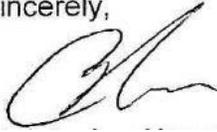
These course sign-in sheets document thirty-seven (37) violations of N.J.A.C. 8:40A-5.6. Therefore, OEMS hereby proposes an assessed penalty against the Program in the amount of **\$18,200**, in accordance with N.J.A.C. 8:40A-10.2(f).

Pursuant to N.J.S.A. 52:14B-11 and N.J.A.C. 8:40A-10.3(c), you may request a hearing before the Office of Administrative Law to contest the Department's decision to revoke your EMT Training Program authorizations and impose a monetary 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. Your request for a hearing must be submitted within 30 days from the date of this Notice. In the event that you request a hearing, the proposed revocation and monetary penalty shall be held in abeyance until such time as the hearing has been concluded and a final decision has been rendered. Please include the control number **2019-0116V** Less Stress Instructional Services 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 your failure to submit a request for a hearing within 30 days shall be interpreted as an acceptance of this Department's decision, thereby negating any further appeal rights.** If you have any questions concerning this matter, please contact Dr. Jo-Bea Sciarrotta, the OEMS Compliance Officer, at (609) 633-7777.

Sincerely,



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

c: Scot Phelps, Director  
Candace Gardner, Manager, Clinical Education & Licensure  
Dr. Terry Clancy, Chief, Clinical Education & Licensure  
Michael Reilley, Staff, Clinical Education & Licensure  
Daniel Kazar, Staff, Clinical Education & Licensure  
Dr. Jo-Bea Sciarrotta, Compliance Officer  
Tami Roach, Office of Legal & Regulatory Affairs

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