



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

CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

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

CATHLEEN D. BENNETT  
Commissioner

May 9, 2017

Elvys Roman  
Romano Medical Transport  
142 Route 23 North Floor 2 Suit G4  
Pompton Plains, NJ 07444

Re: **Notice of Summary Suspension:  
Basic Life Support Service Provider  
Investigation Control # 2017-0035V**

Dear Mr. Roman:

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. In furtherance of each of the aforementioned statutory objectives, the Department adopted regulations that govern the licensure and inspection of ambulance 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 February 20, 2017, the Department's Office of Emergency Medical Services (OEMS) received an email from a LogistiCare inspector regarding Romano Medical Transport Vehicle #104. Specifically, the inspector advised that he witnessed you operating Vehicle #104 when it arrived at Fresenius Dialysis Center (the Center) in Newark, New Jersey and that you unloaded a patient from the ambulance alone, without the required second Emergency Medical Technician (EMT). Consistent with OEMS protocol and regulatory authority, an investigation was opened.

Thereafter, OEMS investigators confirmed that your company is licensed through December 31, 2017 to provide basic life support (BLS) services. Currently, you have two BLS vehicles licensed with the Department.

On February 24, 2017, staff from OEMS arrived at your office in Pompton Plains, New Jersey at approximately 10:00 a.m. to conduct an unscheduled audit. However,

the office was closed and OEMS staff was unable to gain access. OEMS staff then contacted you by telephone, and you advised that you were transporting a patient and would not be back at the office until after 12:00 p.m.. OEMS staff advised that they would meet you at your destination, which was the Center. Upon arrival, OEMS staff met you and your partner, G.E., and inspected vehicle #104. OEMS staff found the right rear tire of the vehicle to be balding, which is a safety violation. Therefore, the vehicle was placed in Department Initiated Out Of Service status at that time.

OEMS staff then proceeded to question you regarding the February 20, 2017 incident reported by the LogistiCare inspector. OEMS staff advised you that on February 20<sup>th</sup>, an individual saw you arrive at the Center's parking lot, unload a patient by yourself, and then wheel the patient inside the dialysis facility without a partner. After delivering the patient, the individual witnessed you reenter your vehicle and drive out of the parking lot without a partner.

In response to the allegation, you told OEMS that you were working with a partner on February 20<sup>th</sup>. Specifically, you alleged that on February 20<sup>th</sup> you and your partner, R.F., picked up a patient from the patient's home and transported the patient to the Center. You recounted that you parked the ambulance and then R.F. indicated that he needed to use the bathroom emergently. You alleged that he exited the vehicle, and you were left to remove the stretcher bound patient by yourself. After unloading the patient, you went inside and completed the transfer while your partner was in the restroom.

You and G.E. also advised OEMS staff that G.E. generally works from 8:30 a.m. until the evening, but that you were both working "all day" since approximately 4:30 a.m. on February 24<sup>th</sup>. While you both asserted that you worked "all day", the patient care reports (PCR) from earlier that morning stated that you were working with R.F., not G.E. When OEMS staff questioned you about the discrepancy, you stated that R.F. generally works from 4:30 a.m. until late morning, so he likely filled out the PCRs the night prior as he was anticipating a scheduled patient transport. But, you advised OEMS staff that R.F. did not show up for work on February 24<sup>th</sup>. When OEMS staff asked why R.F. did not report for work, you responded that you did not know. Despite G.E.'s general practice of arriving at work at 8:30 a.m. and the fact that R.F. unexpectedly did not appear for work on February 24<sup>th</sup>, you and G.E. were adamant that G.E. had arrived at work at 4:30 a.m. that day and that you both performed all of the transports that morning. After significant discussion about the issue, G.E. recanted his previous statement and admitted that he arrived at work on February 24<sup>th</sup> at approximately 8:30 a.m.

After speaking with you, OEMS staff questioned the manager of the Center. She stated that she usually arrives to work around the time your company drops your patient off. She reported that she routinely witnesses Romano Medical Transport arriving and transferring patients with only one EMT.

As you should already be aware, N.J.A.C. 8:40-6.3 requires each in-service BLS licensed ambulance to be staffed with a minimum of two EMTs. N.J.A.C. 8:40-6.4(a) further provides that the collective duties of the two EMTs staffing a BLS ambulance include “[l]oading and unloading the patient from the vehicle; . . . [a]ssuring that the patient is attended to by at least one crewmember at all times” and “monitoring the patient’s condition and equipment” continuously throughout the transport. Therefore, staffing your BLS ambulances with only one EMT violates the minimum staffing requirements set forth in N.J.A.C. 8:40-6.3 and 6.4 and, consequently, jeopardizes patient safety.

Moreover, N.J.A.C. 8:40-3.9 requires a BLS provider to maintain accurate and complete records. You failed to maintain accurate PCR’s, as the PCR’s reviewed by OEMS listed incorrect crewmember configurations. Thus, you are also in violation of this regulation.

Based upon the foregoing, the Department has determined that Romano Medical Transport’s license as a Basic Life Support Agency shall 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.” Your failure to maintain accurate records, as required by N.J.A.C. 8:40-3.9, and failure to staff your BLS vehicles with two EMTs, as required by N.J.A.C. 8:40-6.3 and 6.4, demonstrate a serious disregard for the Department’s regulations. Indeed, with only one EMT staffing the ambulance, the patient is left unattended in the back of the ambulance without continuous monitoring while the lone EMT drives the ambulance. Such understaffing places the patient’s health and safety in unnecessary jeopardy.

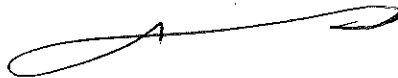
As such, the Department finds that Romano Medical Transport’s continued licensure as a BLS service provider constitutes an immediate and serious threat to the health, safety and welfare of the public. **Therefore, Romano Medical Transport’s license as a Basic Life Support Ambulance is immediately suspended.** During this period of suspension, the OEMS will continue to investigate this matter and will advise you as to what action(s), if any, shall be taken with respect to your BLS license. Further actions may include the imposition of monetary penalties and/or revocation of your operating 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 that indicates why you believe the charges contained in this notice are incorrect. Please include the control number 2017-0035V 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, thereby forfeiting all rights to emergency relief. If you have any questions concerning this matter, please contact Mr. Timothy Seplaki, Chief, Licensing and Operations at (609) 633-7777.

Sincerely,



Scot Phelps, JD, MPH, Paramedic  
Director

c: Eric Hicken, OEMS  
Timothy Seplaki, OEMS  
Chris Tams, OEMS  
James Sweeney, OEMS  
Jo-Bea Sciarrotta, Compliance Officer  
Tami Roach, Office of Legal & Regulatory Compliance

SENT VIA REGULAR US MAIL AND  
CERTIFIED MAIL # 7012 2210 0000 7415 2516  
RETURN RECEIPT REQUESTED