



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

JON S. CORZINE
Governor

www.nj.gov/health

FRED M. JACOBS, M.D., J.D.
Commissioner

June 21, 2006

Mr. Vince Akins
VGA, Inc.
14625 Baltimore Avenue, Suite 288
Laurel, MD 20707

Re: **Order to Cease and Desist**
Operating an Unlicensed Mobility Assistance Vehicle Service
Investigation Control #06-B-051

Dear Mr. Akins:

The New Jersey Department of Health and Senior Services (the Department) is vested with the responsibility of carrying out the provisions of the Health Care Facilities Planning Act found at 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 mobility assistance vehicle services. In addition, in accordance with §6.4 and §6.6 of the New Jersey Medical Assistance and Health Services Act found at N.J.S.A. 30:4D-1 et seq., this Department is responsible for the development of minimum licensure requirements concerning the equipment, supplies and vehicles of providers of mobility assistance vehicle services.

The Office of Emergency Medical Services (OEMS) contacted VGA, Inc on October 7, 2005, as a result of a spot-check of vehicle #10, Michigan license plate 5297MR, Vin # 1FTNE24W94HA28016 located at Our Lady of Lourdes dialysis center in Camden New Jersey. The spot-check revealed that VGA is operating a Mobility Assistance Vehicle (MAV) Service to transport wheelchair bound patients in New Jersey without a valid New Jersey OEMS license. You explained that you have a contract with the Federal government and do not have to be licensed. You further stated that you pick up patients at their private residences and transport them to Federal and non-Federal healthcare facilities and take them back home again. You provide services within geographic areas of State jurisdiction and within geographic areas of Federal jurisdiction. Further investigation revealed that VGA is not an agency of the Federal government. An OEMS investigator advised you of the need to be licensed to provide

a MAV service. You were also advised of the application process and an application was mailed to you. To date, you have not applied for a license.

N.J.A.C. 8:40-2.4(c) states that, "The licensing requirements contained in this chapter shall not apply to services operated directly by an agency of the government of the United States. However, providers holding United States government contracts are not exempt from licensure unless the provider only provides services within a geographic area of exclusive Federal jurisdiction (for example, providing emergency response services within the confines of a United States military base or transporting a patient from a United States military base hospital to a Veterans Administration hospital)."

N.J.A.C. 8:40-7.4(a) states, "Consistent with N.J.A.C. 8:40-5.1(b) and 6.1(b), no person, public or private institution, agency, entity, corporation or business concern shall provide MAV and/or BLS ambulance services in any form or manner within the State of New Jersey until licensed by the Department.

1. Upon notice or discovery that a person, public or private institution, agency, entity, corporation or business concern is providing MAV and/or BLS ambulance services without having first obtained the required provider and vehicle licenses, after revocation or suspension of a license previously issued by the Department or after having allowed an existing license to lapse, the Commissioner or his or her designee may issue an order directing the operation of the unlicensed service to immediately cease and desist.

i. Failure to comply with an order to cease and desist may result in an action by the Department for injunctive relief in the Superior Court of New Jersey.

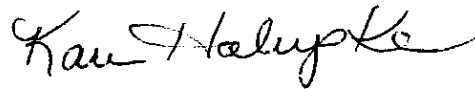
Therefore, you are hereby **ordered to immediately CEASE AND DESIST** providing Mobility Assistance Vehicle Services in the State of New Jersey which require both provider and vehicle licenses. The Department reserves the right to impose fines and/or penalties for the above referenced licensure violations. Failure to abide by this order to cease and desist may result in an action by the Department for injunctive relief in the Superior Court of New Jersey and additional fines and penalties as provided for by law.

This order to cease and desist shall constitute a Final Agency Decision. As such, pursuant to New Jersey Court Rules 2:2-3 and 2:4-1, you may appeal this Final Agency Decision within 45 days to the following authority:

New Jersey Superior Court-Appellate Division
Richard J. Hughes Justice Complex
P.O. Box 006
Trenton, New Jersey 08625-0006

If you have any questions, please contact Mr. Samuel Stewart, OEMS regulatory officer at (609) 633-7777.

Sincerely,



Karen Halupke, R.N., M.Ed.
Director, Emergency Medical Services

c: Michele Stark, OLRA
Division of Medical Assistance and Health Services
William Duffy, OEMS
✓ Samuel Stewart, Esq., OEMS
Charles McSweeney, OEMS
Chris Tams, OEMS
Donald Roberts, OEMS

SENT VIA REGULAR U.S. MAIL
AND CERTIFIED MAIL # 70031010000531283323
RETURN RECEIPT REQUESTED