



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

PHILIP D. MURPHY  
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Lt. Governor

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

SHEREEF M. ELNAHAL, MD, MBA  
Commissioner

May 23, 2019

Shlomo Furer  
Hudson Invalid Coach  
32 Ashland Ave.  
West Orange, NJ 07052

Re: **Order to Cease and Desist  
Operating an Unlicensed Basic Life Support & Mobility Assistance Vehicle Service  
Investigation Control # 2019-0066V**

Dear Mr. Furer:

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 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. Moreover, the New Jersey Medical Assistance and Health Services Act, N.J.S.A. 30:4D-1 to -19.5 authorizes the Department to establish the requirements for insurance, equipment, supplies, and vehicles of mobility assistance vehicle (MAV) service providers. 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 ambulance and MAV service providers and their vehicles. Those regulations are set forth, in their entirety, at N.J.A.C. 8:40.

On or about March 27, 2019, the Office of Emergency Medical Services (OEMS) received a notification from Logisticare of a vehicle they inspected while at Newark Beth Israel Medical Center in Newark, New Jersey. The informant reported to OEMS the vehicle being used had been taken out of service by them two weeks prior. The vehicle was re-inspected by Logisticare inspectors and failed for multiple safety items. During the inspection, you advised the inspector that you were now sole owner of Hudson Invalid Coach (HIC). However, according to the OEMS Licensing System, the owner of HIC was Mr. Omni Elsalihee. Consistent with its regulatory authority and OEMS policy, OEMS opened an investigation in response to this discrepancy.

Upon opening the investigation, the OEMS investigator confirmed that Hudson Invalid Coach (HIC) has been licensed as a Basic Life Support (BLS) and Mobility Assistance Vehicle (MAV) provider within the State of New Jersey since before 2012. The OEMS investigator contacted you multiple times and questioned your role at HIC. On each occasion, with the last being on April 9, 2019, you advised investigators you purchased the company from Mr.

Elsalihee in February 2019. The OEMS investigator contacted Mr. Elsalihee, who confirmed that he sold HIC to you on February 28, 2019.

N.J.A.C. 8:40-2.5(g) states, "Any and all proposed changes in ownership interest shall be reported to the Department at least 30 calendar days prior to the actual change, except that providers owned by publicly held corporations need only report stock redistributions of five percent or more." Importantly, "[a]ll licenses shall be immediately void if the controlling interest of a provider is changed without first notifying the Department and receiving all necessary provider and/or vehicle licenses." N.J.A.C. 8:40-2.5(g)(3) (emphasis added). There are important reasons for this regulation. OEMS must ensure the new owner passes a background check, the new owner completes a BLS/MAV license application, pursuant to N.J.A.C. 8:40-2.1, and the vehicles are re-inspected and certified as safe. These safeguards are in place to make sure all MAV providers are appropriate for providing care to New Jersey residents who require ambulance or mobility services.

Prior to the notification received by OEMS from Logisticare on March 27, 2019, OEMS had not received any correspondence from you advising of the ownership change. Therefore, pursuant to N.J.A.C. 8:40-2.5(g)(3), HIC has been operating as an unlicensed entity in the State of New Jersey since the ownership was transferred on February 28, 2019.

Under N.J.A.C. 8:40-7.4(a), "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." Upon discovery of same, pursuant to N.J.A.C. 8:40-7.4(a)(1), the Commissioner or his designee may issue an order directing the operation of the unlicensed service to immediately cease and desist. Therefore, pursuant to N.J.S.A. 26:2H-14 and N.J.A.C. 8:40-7.4, **you are hereby ordered to cease and desist operation of Hudson Invalid Coach immediately.**

Additionally, pursuant to N.J.A.C. 8:40-7.4(a)(2), the Department may impose additional penalties, including a monetary penalty of \$1,000 per calendar day for each day the service is unlicensed and a monetary penalty of \$1,000 per calendar day per vehicle for each day an unlicensed vehicle is utilized.

A review of the Logisticare manifest for all transports HIC performed since the date of ownership transfer shows that you operated HIC without a license for a total of 27 days. N.J.A.C. 8:40-7.4(a)(2)(ii) authorizes the OEMS to impose a monetary penalty of \$1,000 per calendar day for each day that a service is found to have been operated without a license. This violation constitutes a monetary fine of \$27,000. Additionally, as indicated above, N.J.A.C. 8:40-7.4(a)(2)(ii) authorizes the OEMS to impose a monetary penalty of \$1,000 per calendar day per vehicle for each day that each unlicensed vehicle was used. A review of the Logisticare manifests shows that over a 27-day period, HIC completed 1,631 transports. Those transports showing unlicensed vehicles were used on the following days:

Date	Vehicle ID	Daily Violations
2/28/2019	111, 08, 109, 18, 106, 110, 105, 107	8
3/1/2019	111, 08, 109, 18, 106, 110, 105,	7
3/2/2019	08, 109, 105	3
3/4/2019	111, 08, 109, 21, 18, 106, 110, 105	8
3/5/2019	111, 08, 109, 18, 106, 110, 105, 107	8
3/6/2019	111, 08, 109, 18, 106, 110, 105, 107,	8
3/7/2019	111, 08, 109, 18, 106, 110, 107	7
3/8/2019	111, 08, 109, 18, 110, 107	6
3/9/2019	08	1
3/11/2019	111, 08, 109, 106, 110, 107	6
3/12/2019	111, 08, 109, 18, 106, 110, 107	7
3/13/2019	111, 08, 109, 18, 106, 110, 107, 114	8
3/14/2019	111, 08, 109, 18, 106, 110, 107, 114	8
3/15/2019	111, 08, 109, 18, 106, 110, 107, 114	8
3/16/2019	08, 109	2
3/18/2019	111, 08, 109, 18, 106, 110, 107, 114	8
3/19/2019	111, 109, 18, 106, 110, 107, 114	7
3/20/2019	111, 109, 18, 106, 110, 107, 114	7
3/21/2019	111, 109, 18, 106, 110, 107, 114,	7
3/22/2019	111, 109, 18, 106, 110, 107, 114	7
3/23/2019	110	1
3/25/2019	111, 08, 109, 18, 106, 110, 107, 114	8
3/26/2019	111, A13031, 08, 109, 18, 106, 110, 107	8
3/27/2019	111, 08, 109, 18, 106, 110, 107, 114	8
3/28/2019	111, 08, 109, 21, 18, 106, 110, 107	8
3/29/2019	111, 08, 109, 21, 18, 106, 110, 107, 114	9
3/30/2019	08, 110	2
<b>Total Violations</b>		<b>175</b>

As the above table demonstrates, over that 27-day period, there were 175 times HIC utilized unlicensed vehicles on different calendar days. Therefore, you are responsible for 175 violations, which constitutes a monetary penalty of \$175,000. As such, pursuant to N.J.S.A. 26:2H-14 and N.J.A.C. 8:40-7.4, **you are hereby assessed a total penalty of \$202,000 for operating unlicensed vehicles in the State of New Jersey.**

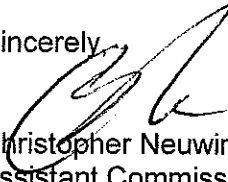
Pursuant to N.J.S.A. 26:2H-13 and N.J.A.C. 8:40-7.3, you may request a hearing before the Office of Administrative Law to contest the proposed penalties. Your request for a hearing on this matter must be submitted in writing and must be accompanied by a response to the violations noted above. In the event that you request a hearing, the proposed monetary penalties shall be held in abeyance until such time as the hearing has been concluded and a final decision has been rendered. **Please note that a request for a hearing to contest the monetary penalty will not permit you to continue to operate HIC as it is an unlicensed provider agency. You must CEASE and DESIST from operating HIC regardless of a hearing request.**

Your request for a hearing must be submitted within 30 days from the date of this Notice. Please include the control number **2019-0066V** 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. Tamara Roach

**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 penalty amount due and owing without further Notice.** If you have any questions concerning this matter, please contact Dr. Jo-Bea Sciarrotta, OEMS Compliance Officer, at (609) 633-7777.

Sincerely,



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

c: Scot Phelps, JD, MPH, Paramedic, Director, OEMS  
Eric Hicken, OEMS  
James Sweeney, OEMS  
Jo-Bea Sciarrotta, Compliance Officer  
Tami Roach, Office of Legal and Regulatory Compliance

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Shlomo Furer  
Hudson Invalid Coach  
32 Ashland Ave.  
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PS Form 3800, August 2006

See Reverse for Instructions