



State of New Jersey

DEPARTMENT OF HEALTH
OFFICE OF EMERGENCY MEDICAL SERVICES
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www.nj.gov/health

JUDITH M. PERSICILLI, RN, BSN, MA
Commissioner

January 6, 2023

Pavan Patel
Guard Well Medical Transportation

**Re: Notice of Summary Suspension:
Basic Life Support Unit Service Provider
Investigation Control # 22-0605**

Dear Mr. Patel:

The New Jersey Department of Health (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. As such, in furtherance of each of the aforementioned statutory objectives, the Department adopted regulations that govern the licensure and inspection of Basic Life Support (BLS) service providers and their vehicles. Those regulations are set forth in their entirety at N.J.A.C. 8:40.

On October 26, 2022, you submitted a reportable event through the Department's Office of Emergency Medical Services (OEMS) licensing system. You reported that a Guard Well Medical Transportation (GWMT) ambulance, specifically vehicle 23-5, VIN # 1FBBR1CG7MKA39610, was involved in a single-vehicle motor vehicle crash (MVC) while performing a non-emergency transport. As per your submission, the ambulance struck a telephone pole on October 22, 2022, in Clark, New Jersey, causing injury to the patient who was in the patient compartment of the ambulance.

On October 31, 2022, OEMS received notification that the patient injured in the above-mentioned MVC died as a direct result of injuries sustained in the accident. Consistent with OEMS regulatory authority and policy, OEMS opened an investigation into the MVC and GWMT. Upon opening the investigation, an OEMS investigator confirmed that you are the owner of GWMT and are currently licensed to provide BLS services in New Jersey. According to the OEMS licensing system, you currently own and operate two (2) BLS vehicles.

As part of the investigation, OEMS investigators obtained the police report of the MVC. In the police report, the driver of the vehicle was listed as Pierre Clement (PC) and the clinician caring for the patient was listed as Steve Taboada (ST). Upon further examination of the police

report, it was determined that the driver, PC, was charged under N.J.S.A. 39:3-10(a), driving with an expired driver's license, and N.J.S.A. 39:4-97, careless driving.

After conducting an extensive search of the OEMS certification and licensure database, and the National Registry of Emergency Medical Technicians (NREMT), the investigators failed to locate EMT certifications for PC and ST. Investigators further searched for EMT certifications with the New York Office of EMS and the Pennsylvania Office of Emergency Medical Services, conferred with the directors of those agencies, and were still unable to locate any evidence demonstrating that PC and ST were certified as EMTs in any jurisdiction.

Department rules, namely N.J.A.C. 8:40-6.3, require a BLS ambulance to be staffed by at least two EMTs. However, P.L. 2021, c.477 was enacted on January 18, 2022, which relaxed the crewmember requirements for non-911 BLS ambulance transports through January 1, 2023.¹ Specifically, the legislation permitted the non-emergent ambulances to be staffed with one EMT and one first responder with certain requirements and limitations. The requirements and limitations for the reduced crewmember configuration included requiring the EMT to be "present in the patient compartment of the vehicle at all times when a patient is present in the vehicle," requiring that each crewmember be at least 18 years of age and mandating that the first responder on the ambulance:

- (1) be certified to administer cardio-pulmonary resuscitation;
- (2) be able to operate a basic life support vehicle; and
- (3) have completed a training program that has been approved by the basic life support agency medical director and that includes, at a minimum: safe vehicle operations; patient lifting and moving; safe use of patient restraints; basic first aid; and documentation.

[P.L. 2021, c.477].

Because OEMS investigators found that vehicle 23-5 did not have a certified EMT on board at the time of the MVC, in violation of P.L. 2021, c.477, OEMS investigators completed an announced audit of GWMT on November 22, 2022, at its principal place of business as listed in the OEMS licensing system. During the audit, OEMS investigators reviewed personnel files and staff rosters to determine GWMT's regulatory compliance with N.J.A.C. 8:40 and P.L. 2021, c. 477. OEMS investigators reviewed a total of nine personnel files, including ST's and PC's. Investigators determined that ST's personnel file did not contain a CPR certification or proof of a valid driver's license, which are required by N.J.A.C. 8:40-3.8(a) and P.L. 2021, c. 477, when the individual staffing the ambulance is acting in the capacity of a first responder. In fact, OEMS investigators confirmed that ST only had a New Jersey Motor Vehicle Commission issued identification card on file and was not listed as a staff person on the staff roster that you provided OEMS investigators. Even more, GWMT failed to provide proof that ST completed a training program approved by GWMT's medical director, as required by P.L. 2021, c. 477, in order for him to act as a first responder on a BLS ambulance.

It was additionally discovered that PC's driver's license that was in his personnel file was issued on October 31, 2022, nine days after being issued a summons for driving with an expired

¹ Pursuant to P.L. 2022, c. 132, the reduced crewmember configuration was extended to January 1, 2024.

driver's license. PC's personnel file also failed to contain documentation evidencing that he completed a training program approved by GWMT's medical director, as required by P.L. 2021, c. 477. In fact, you were unable to provide verification of education or training conducted by your agency for any staff member to operate an ambulance or provide patient care in accordance with N.J.A.C. 8:40-4.2, which provides the skills and knowledge requirements of every BLS ambulance crewmember, as well as the training required for first responders set forth under P.L. 2021, c. 477.

During the audit, OEMS investigators also asked you for information regarding the MVC and your employees, which you refused to provide. Specifically, you refused to provide the following in violation of N.J.A.C. 8:40-2.6(c), which requires a BLS agency to cooperate with OEMS during audits and inspections:

- The time the crew, PC and ST, arrived at work on the morning of October 22, 2022;
- If PC or ST reported anything wrong with vehicle 23-5 at the beginning of their shift;
- The length of PC and ST's employment with GWMT;
- How many hours PC and ST were scheduled to work on October 22, 2022;
- Whether PC and ST were employed with any other emergency medical service provider;
- After the MVC, if PC or ST reported to be injured; and
- Whether PC or ST provided care to the patient after the MVC.

After the onsite audit, and in furtherance of its investigation and audit, OEMS investigators requested payroll records and employee schedules of GWMT. On December 28, 2022, OEMS received your payroll records. However, you were not able to produce an employee schedule until December 30, 2022, as you advised through counsel that you had to create a schedule by reviewing payroll records and patient charts. A review of the payroll and scheduling records you provided revealed a significant number of days where no EMTs were working, signaling that GWMT was not able to properly staff its BLS ambulances, in accordance with P.L. 2021, c. 477, on those days.

OEMS investigators also obtained access to GWMT vehicle 23-5, which was impounded by the police following the accident and was maintained in the same manner as it was found at the time the police responded to the MVC. The OEMS investigators observed the patient stretcher in the patient compartment of the vehicle, which revealed that the shoulder restraints were not secured on the patient at the time of the accident, as the restraints were tied together beneath the head of the stretcher. OEMS investigators further obtained the manufacturer's Operations/Maintenance Manual for the Stryker Power-Pro™ XT stretcher that was utilized to transport the patient on the day of the MVC. The Manual instructs the emergency medical crews to "always secure the patient on the cot with all the restraint straps. Buckle the restraints across the patient's chest/shoulders, waist, and legs..." By failing to properly secure the patient to the stretcher, in accordance with the manufacturer's instructions, the patient was ejected from the stretcher during the MVC. Indeed, the police report provides that the patient "was ejected from the gurney and ended up in the small stairwell of the side door of the ambulance" and as a

result, the patient “sustained serious injuries” and passed away. As such, GWMT violated N.J.A.C. 8:40-4.4(f), which requires the patient to be properly restrained to the stretcher.

Based upon the investigation to date, OEMS has thus far found that GWMT is in direct violation of P.L. 2021, c.477 as it failed to ensure that a certified EMT staffed vehicle 23-5 on October 22, 2022, because neither PC nor ST possess an EMT certification to practice in New Jersey and cannot be extended reciprocity, in accordance with N.J.A.C. 8:40A-7.3(a), because neither PC nor ST is validly certified as an EMT by the NREMT, the State of New York, or any member state of the Atlantic EMS Council (currently Delaware, the District of Columbia, Maryland, Pennsylvania, Virginia and West Virginia). Furthermore, OEMS’s investigation has revealed that GWMT failed to provide the necessary training to its non-certified crewmembers and failed to ensure that they had current driver’s licenses and CPR certifications, as required by P.L. 2021, c. 477 to staff a BLS ambulance.

Even more, the OEMS investigative findings, to date, evidence that GWMT committed the following:

1. Failed to maintain complete personnel files, in violation of N.J.A.C. 8:40-3.8.
2. Failed to provide proof of knowledge or skills for crewmembers, in violation of N.J.A.C. 8:40-4.2;
3. Failed to maintain full, complete, and accurate records, in violation of N.J.A.C. 8:40-3.9;
4. Hindered an OEMS audit/investigation, as you were not forthcoming and responsive to all of the questions asked by OEMS investigators, in violation of N.J.A.C. 8:40-2.6(c).
5. Failed to properly secure a patient to a stretcher, in violation of N.J.A.C. 8:40-4.4(f);
6. Failed to provide a patient with prompt, effective, and appropriate medical care, as there were no certified crew members in vehicle 23-5 to provide medical care to the patient after the MVC, in direct violation of N.J.A.C. 8:40-6.4(a)(3); and
7. Operated a BLS ambulance in an unsafe manner, in direct violation of N.J.A.C. 8:40-4.4(b).

Based on the foregoing, the Department has determined that GWMT’s license as a Basic Life Support Agency must be **summarily suspended**. Pursuant to N.J.A.C. 8:40-7.2(c), “[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 and safety or welfare.” The above-cited deficiencies demonstrate a gross and serious disregard for the Department’s rules and applicable laws. Indeed, GWMT failed to ensure a proper crewmember configuration for its BLS ambulances, failed to properly train its non-certified crewmembers, and failed to ensure that its crewmembers had valid driver’s licenses and CPR certifications, as required by P.L. 2021, c. 477. Even more, GWMT is hindering OEMS’s investigation into this matter. Consequently, the Department finds that GWMT is a serious and immediate threat to public health and safety.

Therefore, Guard Well Medical Transportation, Basic Life Support Service Agency is immediately suspended. During this period of suspension, OEMS will continue to investigate this matter and will advise you as to what action(s), if any, will be taken with respect to your BLS license. Such action may include the imposition of monetary penalties, and/or revocation of your license.

Please be advised that you may not, under any circumstances, operate as a BLS service provider anywhere in the State of New Jersey during this period of suspension. Pursuant to N.J.S.A. 26:2H-13 and N.J.A.C. 8:40-7.3(b), you may appeal to the Commissioner of the Department of Health for emergency relief to contest this summary suspension. 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. Please include the control number **22-0605** 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

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 to summarily suspend your license to provide BLS services in New Jersey, thereby negating any further appeal rights. If you have any questions concerning this matter, please contact Daniel Kazar, at (609) 633-7777 or via email at Daniel.Kazar@doh.nj.gov.

Sincerely,

Candace Gardner, Paramedic
Acting Director
Office of Emergency Medical Services

- c. Daniel Kazar, Chief, Education Licensure, and Enforcement, OEMS
Logan Rafferty, Investigator
Lisa Kahle, Investigator
Zachary Raab, Investigator
Modivcare

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