



State of New Jersey

DEPARTMENT OF HEALTH
OFFICE OF EMERGENCY MEDICAL SERVICES
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SHEREEF M. ELNAHAL, MD, MBA
Commissioner

May 29, 2019

Ms. Denise Horner
Delran Emergency Squad
900 S. Chester Ave.
Delran, NJ 08075

Re: **Notice of Proposed Revocation of Emergency Medical Technician Training
Site: Investigation Control # 2018-0009E**

Dear Ms. Horner:

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, certifications 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 June 12, 2018, the Department received a complaint that Delran Emergency Squad (DES) was operating vehicles with uncertified staff. Consistent with its regulatory authority and policy, the Department's Office of Emergency Medical Services (OEMS) opened an investigation into this matter.

In light of this complaint, pursuant to N.J.A.C. 8:40A-3.2(e), OEMS elected to conduct an audit of your agency on June 15, 2018. Investigators reviewed program and student files as well as conducted relevant interviews. On July 9, 2018, OEMS investigators returned to DES to audit additional educational files. The investigators found the following violations:

FAILURE TO GENERATE AND ACCURATELY MAINTAIN NECESSARY RECORDS

EMT training programs are required to maintain on file a number of educational materials, including current curriculum (both didactic and clinical), as well as course

documents and instruction plans. N.J.A.C. 8:40A-5.1(d). Additionally, the training program must retain its student records for a period of at least five years from the time the student leaves the program. N.J.A.C. 8:40A-5.1(f).

During its audit, investigators examined DES records for two courses: Refresher Course C (class # 134009) and Initial EMT Education Course (class # 132870). A review of Refresher Course C found no evaluation sheets for the following psychomotor skills:

- Station 1 – Pediatric immobilization devices
- Station 2 – Application of c-collar, standing long board, supine/prone long board, and special considerations for geriatric patients
- Station 3 – Bleeding control, MAST and splinting
- Station 4 – Vest-style immobilization and rapid extrication

This evidence demonstrates you violated N.J.A.C. 8:40A-5.1 by failing to maintain these student records as required by the rules.

A review of four student files (S.A., K.J., C.B., and J.P.) from the Initial EMT Education Course (class # 132870) revealed even more recordkeeping deficiencies. As you are aware, students are required to undergo a psychomotor examination with each module to ensure competency in the tested skill. The four files examined were all missing the required exam documentation. For instance, student K.J. had no psychomotor exam sheets in his/her student file for any module. The exam skill sheets that were found in the student files were all missing dates. Some files were missing the student's name and the identity of the evaluator. Without this critical information in the students' files, it is impossible to confirm whether those students had in fact been evaluated at all.

Even more troubling, a review of those same student files failed to show those students met the requirements for EMT certification. In order to receive the Basic Certification, students are required under N.J.A.C. 8:40A-7.2 to possess a valid CPR certification and complete ten hours of clinical experience at an accredited hospital. All four student files were missing a CPR card and all four were missing documentation that they completed the necessary hospital time.

In light of these widespread deficiencies, the investigators also requested instructor sign-in sheets and documentation evaluating DES instructors to determine what, if any, quality assurance process DES had in place. You failed to produce any of this requested documentation. DES was unable to show any accountability of its instructors or that instruction was provided in acceptable teacher-student ratios.

Finally, the investigators requested documentation from DES regarding its receipt of funds from the New Jersey EMT Training Fund. Specifically, between June 2014 and January 2018, DES received \$17,222.50 over six courses. However, DES was unable to provide OEMS with any EMT training fund documentation. Without such

documentation, OEMS cannot verify whether DES complied with N.J.A.C. 8:40-2.1 and was only reimbursed for training members of volunteer ambulance/rescue organizations. This failure to maintain reimbursement records – in light of the other systemic recordkeeping violations -- is particularly egregious and calls into question whether DES fraudulently obtained State funds.

As the findings above indicate, DES's records were woefully disorganized and incomplete. DES's inability (or indifference) to maintaining accurate and complete program, student, and reimbursement records falls well below the minimum standards necessary for an EMT instructional program. Such pervasive violations will not be tolerated.

**STUDENTS FAILED TO MEET MINIMUM REQUIREMENTS
FOR EMT CERTIFICATION**

As part of its audit, the investigators reviewed the cognitive examinations for 32 students. It revealed DES permitted multiple students to sit for the state EMT exam without successfully completing all of the education modules. The full audit of the roster is as follows:

Student	Module							Final	Completion status in NJEMS	
	1	2	3	4	5	6	7			
AA	73	84	89	79	81	92	70	77	Successfully Completed	
SB	66*	75	84	86	-	88	90	84	Successfully Completed	
EC	74	83	86	88	88	90	80	83	Successfully Completed	
KC	73	68*	87	68	72	78	80	72	Successfully Completed	
SD	89	93	84	84	84	96	70	85	Successfully Completed	
KF	78	83	91	79	75	92	72	70	Successfully Completed	
SF	71	78	78	75	-	94	58*	74	Successfully Completed	
KF	75	75	76	78	74	86	84	62*	Successfully Completed	
RH	84	93	81	80	85	100	64*	73	Successfully Completed	
CI	82	88	91	90	87	98	82	89	Successfully Completed	
CI	83	93	82	84	84	94	58	84	Successfully Completed	
KJ	87	80	82	85	78	96	70	85	Successfully Completed	
AK	75	85	85	86	79	92	72	81	Successfully Completed	
LL	78	85	77	82	83	96	66*	84	Successfully Completed	
NL	65*	63*	Dropped Out							Not Successfully Completed
MM	79	93	95	90	87	96	76	88	Successfully Completed	
JM	75	76	86	79	76	78	52*	69*	In Process	
WM	78	89	93	87	92	96	90	92	Successfully Completed	
MP	84	84	82	91	84	96	78	82	Successfully Completed	
SP	82	93	86	87	88	92	78	85	Successfully Completed	
SP	75	69*	81	76	69*	86	68*	66*	In Process	
JP	87	96	93	88	86	92	92	90	Successfully Completed	
HR	79	60*	80	81	68*	94	72	72	Successfully Completed	
SR	86	90	94	87	86	86	88	93	Successfully Completed	
JS	73	84	78	76	74	84	76	78	Successfully Completed	
LS	64*	74	88	75	75	88	68	68*	Successfully Completed	

JS	86	83	86	90	82	88	76	82	Successfully Completed
PT	71	75	90	84	79	96	82	65*	Successfully Completed
RV	72	78	77	61*	74	96	66*	71	Successfully Completed
JV	65*	74	83	81	73	84	58*	76	Successfully Completed
MW	62*	73	82	75	71	84	84	64*	Successfully Completed
JW	62*	65*	84	74	68*	80	64*	69*	Successfully Completed

*- Indicates a failing score. Bold indicates a student wrongly permitted to sit for the state exam.

The chart above demonstrates DES wrongfully marked thirteen students as “Successfully Completed,” which permitted them to sit for the state exam despite the fact they had not successfully passed all prerequisite modules. In fact, there were students who never took a required module examination – such as S.B. and S.F. – who DES marked as “Successfully Completed”. Additionally, three other students who failed a module examination (L.L., J.M., and S.P.) were not remediated or reevaluated before being permitted to move on to the next module. These actions demonstrate DES intentionally falsified student records which let unqualified students sit for the NREMT exam.

Additionally, investigators found that **EVERY** student received a 100% on the final exam. These scores directly contradict the final exam scores found in the files as outlined in the above chart. You verbally admitted to investigators during the audit that you went over the final exam with the students afterwards, told them the correct answers, then changed all of the students’ scores to 100%, even though seven of the students listed above failed the exam. You intentionally falsified the exam scores. Even worse, you were not even administering the right test. You used the 1995 version of the final exam which does not reflect current tested standards and scope of practice.

As you should already be aware, the minimum training requirements that each student must complete in the areas outlined above exist for a reason: to ensure that each student is competent, accountable, and provide consistent care in these critical areas. Indeed, the importance of these minimum requirements is emphasized in N.J.A.C. 8:40A-3.3, which states enforcement action will be taken against a training program that fails to strictly adhere to the training program curriculum. Here, DES’s failure to adhere to the minimum EMT training standards not only places the public’s health, safety, and welfare at risk, as the students do not have sufficient training to care for critically ill patients in this State, but also places the students in the unfortunate position of having to care for extremely sick or injured patients without the necessary educational tools to provide appropriate care. Thus, DES has demonstrated an inability to comply with the minimum training standards as set forth at N.J.A.C. 8:40A-5.8, which cannot be tolerated.

**FAILURE OF DES’S PERSONNEL TO PROPERLY DISCHARGE
THEIR DUTIES AND RESPONSIBILITIES**

The investigation and the evidence summarized above indicates, without question, that DES personnel failed to provide even the minimum oversight necessary to ensure regulatory compliance. N.J.A.C. 8:40A-4.1 states every EMT training

program is required to have a Program Director, who is responsible for assuring the instructional program content and program procedures complies with OEMS standards, including maintenance of all program and student records. Each EMT training agency is also required to have a Program Coordinator who is responsible for providing oversight to assure the program content and instructional program complies with OEMS standards. See N.J.A.C. 8:40A-4.2. The Coordinator is explicitly responsible for maintaining program and student records and ensuring the quality of the instructional program. See N.J.A.C. 8:40A-4.2(c). The program is also required to have a Lead EMT-Instructor to monitor the EMT class sessions to ensure the program curriculum is taught correctly and students are learning the skills necessary to become EMTs. See N.J.A.C. 8:40A-4.4. These positions are mandatory for a reason. They are necessary to guarantee EMT students receive a quality, uniform education in all of the skills necessary to serve as an EMT in New Jersey.

It is clear however you operated DES without any discernible programmatic control and oversight. Not only did you fail to properly complete and maintain student records, the Program endorsed a number of the students to sit for the NREMT exam even though their files showed that they did not complete the minimum requirements necessary for such an endorsement. Your actions put the health of New Jerseyans at risk by wrongfully authorizing students to sit for the state exam while collecting money from the EMT Training Fund. In light of the numerous deficiencies outlines above, it is clear that DES's program personnel – its Director, its Coordinator, and its Lead EMT-Instructor – were either grossly incompetent or intentionally indifferent to OEMS instructional standards. Simply put, you failed to exhibit any institutional control over your EMT program.

On June 28, 2018, the Department sent you correspondence outlining the above violations and informed you that although the deficiencies were egregious, it would permit DES to submit a corrective action plan. Since that time however, we have not heard from your agency or received a corrective action plan. In light of your deliberate indifference, OEMS cannot trust you to operate an EMT instructional program.

Based upon the totality and severity of the violations and deficiencies described above, as well as your unwillingness to remediate same, the Department has determined that the DES EMT training program authorization should be **REVOKED**. Pursuant to 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 . . .;
2. Failure to maintain required personnel, facilities, resources, finances, records, equipment and evaluation tools;
3. Failure to successfully pass a site review, inspection or evaluation;

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 Emergency Medical Technician Training Program authorization. Your

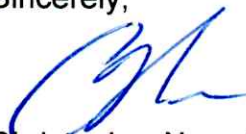
request for a hearing on this matter must be submitted in writing and must be accompanied by a response to the charges contained herein. Your request for a hearing must be submitted within 30 days from the date of this Notice. In the event that you request a hearing, the proposed revocation shall be held in abeyance until such time as the hearing has been concluded and a final decision has been rendered. Please include the control number **2018-0009E** Delran Emergency Squad 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. Terry Clancy, Chief, Education & Licensure, at (609) 633-7777.

If you have any questions concerning this matter, please do not hesitate to contact Dr. Terry Clancy at (609) 633-7777.

Sincerely,



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

c: Dr. Terry Clancy, OEMS
Candace Gardner, OEMS
Eric Hicken, OEMS
Scot Phelps, OEMS
Timothy Seplaki, OEMS
James Sweeney, OEMS

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