



State of New Jersey

DEPARTMENT OF HEALTH

OFFICE OF EMERGENCY MEDICAL SERVICES

PO BOX 360

TRENTON, N.J. 08625-0360

www.nj.gov/health

PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

KAITLAN BASTON, MD, MSc, DFASAM
Commissioner

April 23, 2024

Joaquin Torres
TLC Mobile Health

**Re: Notice of Penalty: Operating an Unlicensed Mobility Assistance Vehicle
Investigation Control #: 23-0453**

Dear Mr. Torres:

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 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-2b, healthcare services include pre-hospital basic life support 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 and investigations with respect to the fitness and adequacy of the equipment and personnel employed by those services. In addition, the New Jersey Medical Assistance and Health Services Act, N.J.S.A. 30:4D-1, et seq., requires the Department to establish standards for the equipment, supplies, and vehicles of providers of mobility assistance vehicle services. 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 basic life support ambulance (BLS) and mobility assistance vehicle (MAV) service providers and their vehicles. (See: N.J.A.C. 8:40-1.1 et seq.)

On August 8, 2023, New Jersey Department of Health, Office of Emergency Medical Services (OEMS) Investigators conducted an unannounced inspection, otherwise known as a spot check, of a TLC Mobile Health vehicle with VIN 1FTNS2EW7DDB09885. During the spot check, it was determined that the aforementioned vehicle, which was assigned a vehicle recognition number of 108, was not licensed by the Department and was being used to complete patient transports. Consistent with its regulatory authority and policy, OEMS opened an investigation into Vehicle 108 and TLC Mobile Health.

Upon opening the investigation, OEMS investigators confirmed that you are the president of TLC Mobile Health and are currently licensed to provide MAV services in New Jersey. According to the OEMS licensing system, you currently own and operate nine (9) MAV vehicles. As part of the investigation, OEMS investigators obtained billing records detailing the use of vehicle 108 as well as patient care reports submitted by TLC Mobile Health. Upon examination of the obtained records, it was revealed that vehicle 108 was utilized on 750 separate occasions to transport ambulatory and wheelchair medical patients on 51 separate days, during a period of four months, from May 12, 2023, to August 30, 2023.

As TLC Mobile Health should already be aware, a licensed Mobility Assistance Vehicle (MAV) provider may only utilize vehicles that are licensed by the Department while completing health care services or transports of ambulatory and wheelchair transports.

N.J.A.C. 8:40-5.1(b) states:

“No person, public or private institution, agency, entity, corporation or business concern shall provide MAV services in any form or manner or utilize any vehicle as an MAV within the State of New Jersey until licensed by the Department.”

Despite this regulatory requirement, OEMS has determined that TLC Mobile Health is in violation of N.J.A.C. 8:40-5.1(b) for completing over 750 transports over the course of 51 days in an unlicensed vehicle. As a result, you are hereby assessed a monetary penalty of **\$51,000 (51 days of noncompliance x \$1,000)**, pursuant to N.J.S.A. 26:2H-14 and N.J.A.C. 8:40-7.2(e)(5).

Within 30 days of this Notice, payment of \$51,000 must be electronically submitted through the E-pay link at www.nj.gov/health/ems. Please include the investigation control number listed at the top of this page. If you attempt to pay this penalty by any method other than through the E-pay link, the payment will be returned to you.

In the event of future violations, the Department may seek to impose stricter penalties and/or corrective actions, such as but not limited to doubling the monetary penalty, suspending and/or revoking your provider license, pursuant to N.J.S.A. 26:2H-14 and N.J.A.C. 8:40-7.2(g).

Pursuant to N.J.S.A. 26 2H-13 and N.J.A.C. 8:40-7.3(b), you may request a hearing before the Office of Administrative Law to contest this proposed penalty. 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, indicating why you believe the Department was incorrect in alleging the violation(s). In the event that you request a hearing, this monetary penalty shall be held in abeyance until such time as the hearing has been concluded and a final decision rendered.

If you wish to request a hearing, please include the investigation control number **23-0453** 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

Please note that failure to request a hearing within thirty (30) days from the date of this Notice shall render it final, and the total assessed monetary penalty shall be immediately due and payable. In accordance with N.J.S.A. 26:2H-16 and N.J.A.C. 8:40-7.2(h), failure to pay this penalty may result in the delinquent account being referred for collection, pursuant to N.J.S.A. 2A:58-1 et seq., and the refusal by the OEMS to issue and/or renew a license.

If you have any questions concerning this matter, please contact Danial Kazar at (609) 633-7777 or via email at Daniel.Kazar@doh.nj.gov.

Sincerely,


Candace Gardner, Paramedic
Director
Office of Emergency Medical Service

c: Daniel Kazar, Chief, Education, Licensure, and Enforcement, OEMS
Logan Rafferty, Investigator, OEMS
Jennifer Jaskolka, Deputy General Counsel, ModivCare

SENT VIA REGULAR US MAIL AND CERTIFIED MAIL #
RETURN RECEIPT REQUESTED