



State of New Jersey

DEPARTMENT OF HEALTH AND SENIOR SERVICES

OFFICE OF EMERGENCY MEDICAL SERVICES

PO BOX 360

TRENTON, N.J. 08625-0360

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POONAM ALAIGH, MD, MSHCPM, FACP
Commissioner

December 10, 2010

Mr. Charles Kaczmarski
Hammonton Rescue Squad
300 So. Egg Harbor Road
Hammonton, NJ 08037

Re: **Notice of Summary Suspension of Provider License:
Specialty Care Transport Unit
Investigation Control # 2010-438**

Dear Mr. Kaczmarski:

The New Jersey Department of Health and Senior Services (the Department) is vested with the responsibility of carrying out the provisions of *N.J.S.A. 26:2H-1 et seq.*, *Health Care Facilities Planning Act*, which was enacted, in part, to assure 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 ambulance services. Additionally, *N.J.S.A. 26:2K-7 et seq.*, governs the provision of advanced life support services within the State of New Jersey. *N.J.S.A. 26:2K-7 et seq.* permits an approved health care provider to develop and maintain a specialty care transport program and to provide advanced life support services utilizing licensed physicians and registered nurses trained in advanced life support, along with certified emergency medical technician-basics and paramedics. The Department of Health and Senior Services has adopted administrative rules that govern the administration and operation of these specialty care transport programs. *See: N.J.A.C. 8:41-1.1 et seq.*, *Advanced Life Support Services; Mobile Intensive Care Programs, Specialty Care Transport Services and Air Medical Services*. Moreover, *N.J.A.C. 8:40A-1.1 et seq.*, *Emergency Medical Technicians-Basics: Training and Certification* articulates the training, certification and scope of practice for Emergency Medical Technician-Basics (EMT-Bs).

For reference, the OEMS issued a license to the Hammonton Rescue Squad for Basic Life Support Services in 1997, the Specialty Care Transport Unit (SCTU) was licensed on/about 2005. On September 15, 2010, the Office of Emergency Medical Services (OEMS) received information concerning a sentinel event, occurring at Acuity Specialty Hospital (Acuity) earlier that day, involving the Hammonton Rescue Squad Specialty Care Transport Unit (SCTU) and its crewmembers. OEMS initiated an

investigation into the circumstances surrounding this event.

According to information provided by an Acuity representative, on September 15, 2010, in accordance with family wishes, the Hammonton Rescue Squad SCTU was dispatched to Acuity to transport a ventilator dependent patient to a facility closer to the family's home. As part of the Department's investigation, on November 16, 2010, the OEMS individually interviewed the SCTU staff that had been dispatched to Acuity. In attendance at the interviews were Hammonton Rescue Squad employees Michelle Morano, RN, and EMT-B's Raymond Izon, Jr. and James Spangler. Robert Kenny, Esq., represented Hammonton Rescue Squad's interests. According to information provided by the squad members identified herein above, upon arrival at Acuity, crewmembers attempted to transfer the patient from the facility ventilator to the SCTU ventilator and discovered that a portion of a required piece of equipment called an *Ohio Quick Connect* was missing. Crewmembers indicated they searched the vehicle but failed to produce a suitable replacement for the missing portion. EMT-B Izon then contacted Hammonton headquarters by telephone and spoke with Chief Charles Kaczmarek, Mobile Intensive Care Paramedic. The Chief attempted to advise EMT-B Izon on how to provide supplemental oxygen to the transport ventilator by eliminating the *Ohio Quick Connect*. At the conclusion of the phone call Nurse Morano and EMT-B Izon attempted to follow the Chief's instructions.

During the interviews, Nurse Morano indicated that she believed she had followed the Chief's instructions. She then explained how she set up the transport ventilator. Based upon Nurse Morano's explanation, OEMS Investigators determined that the supplemental oxygen was connected in a manner that bypassed the ventilator's safety mechanisms, thereby resulting in the patient receiving excessive oxygen flow. Based on the interviews, OEMS Investigators determined that the excessive oxygen flow, coupled with the ventilator's delivered capacity, produced a tidal volume in excess of recognized lung capacity for the patient. According to the individual's interviewed, once the transport ventilator was connected, the patient immediately experienced breathing difficulties and required resuscitation from Acuity's staff. (Prior to the interviews, the OEMS obtained an Acuity document memorializing its code blue debriefing meeting of September 15, 2010. The document reads that following resuscitation, the patient was stabilized and then transferred to radiology, wherein studies revealed that she sustained bilateral pneumothoraces

Following the interviews with Hammonton SCTU crewmembers, OEMS investigators performed an initial audit of Hammonton Rescue Squad on November 18, 2010. During this audit, you were unable to produce documentation of a medical director or completion of competencies for ALS equipment for your staff, as required by *N.J.A.C. 8:41-10.4* and *10.8(d)5* respectively.

N.J.A.C. 8:41-12.3(a)1 states:

In order to protect the public health, safety and welfare, an authorized representative of the Department may remove any or all of a provider's vehicles from service when, in his or her opinion, the vehicle, equipment

or crewmembers pose an imminent threat to the health, safety or welfare of the public or to patients utilizing the service. Removal of a vehicle from service shall be accomplished by placing an official Department "Out-of-Service" sticker on at least one of the vehicle's windows. Placement of a vehicle in DIOOS status may be done simultaneously with an action to suspend or revoke the provider's license and/or impose a monetary penalty.

1. For the purpose of this section, imminent threat may include, but is not limited to:

- ii. Serious and apparent equipment defects such as absent or faulty oxygen, resuscitation or aspiration equipment;
- iii. Missing required equipment, supplies and/or medications; and/or

N.J.A.C. 8:41-12.3(b) states: "The 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, safety or welfare."

N.J.A.C. 8:41-12.3(c) states: "Violation of any portion of this chapter by a provider may be cause for action against the provider, including but not limited to, a formal written warning, monetary penalty, suspension, revocation, placing the provider's vehicle in "Department-Initiated-Out-of-Service" (DIOOS) status, placing of conditions for continued operation by the provider, refusal to issue or renew a license, the reassignment of medical command and/or any combination thereof."

In consideration of all available information, the Department finds that your continued licensure as an SCTU constitutes an immediate and serious threat to the health, safety and welfare of the public. **Therefore the Hammonton Rescue Squad's license as a Specialty Care Transport Unit is immediately suspended and shall remain suspended indefinitely.**

OEMS staff shall continue to investigate this matter during the suspension period. At this time the Department reserves the right to impose monetary penalties or any other authorized enforcement action.

N.J.A.C. 8:41-12.3(e)1 states: "In accordance with *N.J.S.A. 26:2K-15*, the Department may impose a monetary penalty in the amount of \$200.00 per calendar day, per infraction for violation of any of the rules contained in this chapter, including, but not limited to:

- 1. Actions that are the cause or proximate cause of injury to a patient, passenger, crewmember or other person (including, but not limited to, a pedestrian, police officer or other on-scene EMS personnel);"

Pursuant to *N.J.S.A. 26:2H-14*, the Department may impose a penalty of not more than \$5,000 per day for each day that a licensee is in violation of any regulation which pertains to the care of patients or health care facility standards.

Please be advised that you may not, under any circumstances, operate as a SCTU service provider anywhere within the State of New Jersey during this period of suspension. You have the right to request a hearing before an administrative law judge at the Office of Administrative Law. Your request for a hearing must be submitted within 30-days from the date of this Notice. Please include the control number **2010-438** on your correspondence and forward your request to:

New Jersey Department of Health & Senior Services
Office of Legal & Regulatory Affairs
P.O. Box 360, Room 805
Trenton, NJ 08625-0360
Attn: Ms. Michele Stark

Finally, please note that failure to submit a request for a hearing within 30-days from the date of this Notice shall result in the continued summary suspension of your Specialty Care Transport Unit provider license. If you have any questions concerning this matter, please do not hesitate to contact Mr. Jo-Bea Sciarrotta, OEMS Compliance Officer, at (609) 633-7777.

Sincerely,

Karen Halupke

Karen Halupke, RN, M.Ed.
Director, Emergency Medical Services

c: Christopher Rinn, Assistant Commissioner
Michele Stark, OL&RA
Michael Mooney, OEMS
Thomas Hendrickson, OEMS
LogisticCare
NJ Board of Nursing

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