

## State of New Jersey

## DEPARTMENT OF HEALTH

OFFICE OF EMERGENCY MEDICAL SERVICES PO BOX 360 TRENTON, N.J. 08625-0360

PHILIP D. MURPHY Governor

SHEILA Y. OLIVER Lt. Governor www.nj.gov/health

SHEREEF M. ELNAHAL, MD, MBA Commissioner

July 17, 2018

Ms. Christina Oatman Emergency Medical Services, LLC 110 Spruce Trail Woolwich, NJ 08085

Re:

Notice of Proposed Suspension of EMT-Instructor Certification

Investigation Control #2018-0029V

Dear Ms. Oatman:

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-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 et seq., addresses the Department's authority with regards 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 February 21, 2018, the Department's Office of Emergency Medical Services (OEMS) received an inquiry regarding EMT Refresher courses (A, B, and C) taught by your company, Emergency Medical Services, LLC, on January 9, 2018, January 10, 2018, and January 11, 2018, respectively. Upon review, OEMS discovered that none of the EMT Refresher courses were registered with OEMS, as required by N.J.A.C. 8:40A-9.3. As such, an investigation was opened.

Upon opening its investigation, OEMS confirmed that you are certified as an EMT Instructor and that you serve as the program coordinator for Emergency Medical Services, LLC (EMS, LLC), which is an EMT training agency approved by OEMS. Thereafter, OEMS conducted its investigation, which included a review of documentation and interviews with students and faculty. From its investigation, OEMS has concluded that you failed to discharge your duties as an EMT Program Coordinator.

In order to serve as a EMT training course program coordinator, an individual must be certified as an EMT Instructor, have three years of experience as an EMT Instructor and have an ability to coordinate the administrative aspects of an EMT training program. N.J.A.C. 8:40A-4.2. As the program coordinator, the individual is charged with several responsibilities. Relevant to this matter, N.J.A.C. 8:40A-4.2(c) requires a program coordinator to:

- 4. Provid[e] oversight to assure the quality of the educational experience and of the instructional staff;
- 10. Critiqu[e] and evaluat[e] the administration and results of all written and practical skills evaluations (in cooperation with the program director); [and,]

From the investigation, OEMS has determined that you failed to comply with these requirements. Specifically, OEMS learned that you failed to ensure that cognitive exams and psychomotor evaluations were graded, in violation of N.J.A.C. 8:40A-4.2(c)(10). Without graded exams and evaluations, you had no way to determine whether each student maintained sufficient competencies and warranted recertification as an EMT. Additionally, OEMS discovered that students were permitted to leave the classroom for approximately four hours to respond to a fire and that those hours were not made up, in violation of N.J.A.C. 8:40A-4.2(c)(4). As a result, students failed to complete the 24 hours of course time that is required for the Refresher. The investigation also revealed that you did not maintain quality assurance over your courses as there was no evidence that you evaluated the program to ensure that educational objectives and standards were met, in violation of N.J.A.C. 8:40A-4.2(c)(13).

OEMS also learned from the investigation that you failed to comply with N.J.A.C. 8:40A-9.3 and N.J.A.C. 8:40A-9.6, which requires the program coordinator to apply to OEMS for continuing education session approval 30 days prior to the scheduled start of a session and verify that each student enrolled successfully completed the program requirements. Specifically, you failed to obtain approval for the EMT Refresher courses that were offered by EMS, LLC at the Washington Township Fire Department and held on January 9, 2018, January 10, 2018 and January 11, 2018. When questioned about this during your interview with OEMS on May 3, 2018, you confirmed that these courses were not entered into OEMS' education system platform for approval. When you were asked why you did not enter them into the system for approval, you stated that it was another employee, Jessica Ludwig, who was responsible for entering the courses into the system for approval under the authority of the Cherry Hill Fire Department. However, Cherry Hill Fire Department did not grant you authority to conduct the courses and that the employee, Jessica Ludwig, was in fact working under your authority for your private company, EMS, LLC, not Cherry Hill Fire Department. Even more, you advised Washington Township Fire Department that you would register the courses with OEMS to ensure the students would receive continuing education credits to be applied towards the renewal of their EMT certifications, but you failed to do so.

Based upon the foregoing, OEMS has determined that your certification should be suspended for one year. Pursuant to <u>N.J.A.C.</u> 8:40A-10.2(b), "[t]he Commissioner, or his or her designee, may . . . suspend, revoke and/or refuse to issue or renew the certification of an EMT-Basic or EMT Instructor certification for violation of any of the rules set forth in this chapter". This shall include, but is not limited to:

- 25. Failure to comply with any part of this chapter, any applicable part of N.J.A.C. 8:40 or 8:41, or any applicable law, rule/or regulation; and/or
- 26. Any other action deemed by the Department to pose a threat to public health, safety or welfare.

Your actions outlined above evidence your disregard for the Department's EMT training regulations. Specifically, you failed to comply with N.J.A.C. 8:40A-4.2, N.J.A.C. 8:40A-9.3, and N.J.A.C. 8:40A-9.6 because you did not provide programmatic oversight and verification of students enrolled in the continuing education program held at the Washington Township Fire Department on January 9-11, 2018 as you were required to do as the program's coordinator. Without the programmatic oversight you were responsible for providing, you placed the public's health, safety and welfare at risk by failing to ensure that the students in the Washington Township Fire Department EMT refresher course(s) received adequate and proper training to provide high quality emergency medical care to the critically sick and injured patients of this State prior to their recertification as EMTs. Moreover, by failing to register your courses with OEMS, you prohibited it from ensuring that the courses met OEMS's continuing education requirements for EMT recertification.

Even more, you were recently issued a 30-day suspension of your EMT-Instructor certification for similar violations of the Department's rules, including your failure as the program coordinator to ensure programmatic oversight of your EMT-Basic program. Unfortunately, the issuance of the previous enforcement action against your instructor certification did not cause you to correct your behavior and adhere to OEMS' training rules. Accordingly, OEMS has determined that a one-year suspension of your EMT-Instructor certification is warranted.

Pursuant to N.J.S.A. 52:14B-1, et seq. and N.J.A.C. 8:40A-10.3, you may request a hearing before the Office of Administrative Law to contest the Department's decision to suspend your EMT-Instructor certification. 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 2018-0029V-Oatman correspondence, and forward your request to:

<sup>&</sup>lt;sup>1</sup> The Department acknowledges that you appealed the 30-day suspension and that the matter is currently pending in the Office of Administrative Law.

New Jersey Department of Health Office of Legal & Regulatory Compliance P.O. Box 360, Room 805 Trenton, NJ 08625-0360 Attn: Ms. Tami Roach

In the event you request a hearing, the suspension shall be held in abeyance until such time as the hearing has been concluded and a final decision has been rendered. 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 & Certification, at (609) 633-7777.

Sincerely,

Scot Phelps, JD, MPH, Paramedic Director

Director

**Emergency Medical Services** 

c: Dr. Terry Clancy, OEMS Candace Gardner, OEMS Tami Roach, OLRS

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