



State of New Jersey

DEPARTMENT OF HEALTH AND SENIOR SERVICES

OFFICE OF EMERGENCY MEDICAL SERVICES

PO BOX 360

TRENTON, N.J. 08625-0360

www.nj.gov/health

JON S. CORZINE
Governor

HEATHER HOWARD
Commissioner

June 1, 2009

Mr. Jeffrey Woronowicz
Rural America Emergency Services
14A Brass Castle Road
Washington, New Jersey 07882

Re: **Proposed Revocation of License:
Specialty Care Transport, Basic Life Support Ambulance
and Mobility Assistance Vehicle Service
Investigation Control #09-B-013**

Dear Mr. Woronowicz:

The New Jersey Department of Health and Senior Services (Department) Office of Emergency Medical Services (OEMS) 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. In addition, in accordance with §6.4 and §6.6 of the New Jersey Medical Assistance and Health Services Act (N.J.S.A. 30:4D-1, et seq.), this Department is responsible for the development of minimum licensure requirements concerning the equipment, supplies and vehicles of providers of mobility assistance vehicle (MAV) services. The Department is also vested with the responsibility of carrying out the provisions of the Emergency Medical Services Act, N.J.S.A. 26:2K-7, et seq., which governs the provision of advanced life support services, including Specialty Care Transport Services (SCTS). In furtherance of this statutory scheme, the Department has adopted regulations that govern the administration and operation of these vital services. See N.J.A.C. 8:40-1.1, et seq., and N.J.A.C. 8:41-1.1, et seq.

On March 6, 2009, staff of the Department's Office of Emergency Medical Services (OEMS) received a complaint that you were incarcerated. OEMS staff initiated an investigation in response to the complaint. OEMS staff telephoned Rural America Emergency Services (RAES) on March 6, 2009 and was told by Mr. Kevin Sheets that

you were incarcerated. Mr. Sheets also advised OEMS staff that he was now in charge of the day to day operations of RAES. Mr. Sheets introduced OEMS staff to Mr. Ralph Spengler, who stated that he was 43% owner of RAES. OEMS records reflect that you are 100% owner of RAES. You never reported an ownership change to the Department or sought Department approval for an ownership change as required by the Department's administrative rules.

OEMS staff obtained copies of records from the United States District Court for the District of New Jersey. These records confirmed that on March 31, 2008, the United States Attorney for the District of New Jersey filed an Information against you, charging in four counts that you knowingly and willfully failed to file income tax returns for your earnings from RAES in 2001, 2002, 2003, and 2004. Court records indicate that you pled guilty to all four counts on June 9, 2008. A Judgment was entered against you on November 20, 2008, committing you to the custody of the United States Bureau of Prisons to be imprisoned for a term of 12 months, requiring you to pay \$287,105.00 in restitution, and specifying that upon release from prison, you shall be placed on supervised release for a period of one year. You filed a Notice of Appeal on December 1, 2008. In accordance with a consent agreement, however, the United States Court of Appeals for the Third Circuit issued an Order dismissing your appeal on January 29, 2009.

On March 9, 2009, OEMS staff conducted an unannounced inspection at your place of business at 14A Brass Castle Road in Washington Township, New Jersey. This address was not the one on file at the OEMS. Mr. Sheets was present and advised OEMS staff that your office moved in June of 2008. RAES did not notify the OEMS that your office either intended to change location or did in fact relocate.

OEMS staff members reviewed patient care reports for SCTS from February 2009 back through September 2008. Twenty SCTS patient care reports were found to be emergency ALS calls that met the criteria for the dispatching of a hospital based Mobile Intensive Care Unit (MICU), not a Specialty Care Transport Unit (SCTU). RAES holds provider licenses for MAV services, BLS ambulance services and SCTS. RAES is not a hospital and is not licensed to provide mobile intensive care services. On May 20, 2009, the OEMS issued an Order to Cease & Desist Operation of Unlicensed Mobile Intensive Care Services, Control # 09-B-008 to RAES.

This is not the first time that the Department cited RAES for providing unlicensed MICU services. The Department issued an Order to Cease and Desist Operation of Mobile Intensive Care Services, Control # 02-B-006 to RAES on December 27, 2002. At that time, you were ordered not to provide mobile intensive care services. You were also informed that "if RAES is observed providing prehospital ALS services in the State of New Jersey, this office will seek additional penalty action against RAES. This penalty action could be in the form of monetary penalties and/or revocation of your provider license."

N.J.A.C. 8:40-2.5(g) states, "Any and all proposed changes in ownership interest shall be reported to the Department at least 30 calendar days prior to the actual change, except that providers owned by publicly held corporations need only report stock redistributions of five percent or more."

N.J.A.C. 8:40-3.2(a) states, "The provider shall maintain a principal place of business at one location. The Department shall be informed of the specific location of the principal place of business and shall be notified 14 calendar days in advance of any change in the location of the principal place of business."

N.J.A.C. 8:40-7.2(d) states, "Action shall be taken to revoke a provider's license if any person with an ownership interest of five percent or more has been accepted into a pre-trial Intervention, conditional discharge or other diversionary program, or has been convicted of:

2. Any crime;"

N.J.A.C. 8:41-2.5(g) states, "Any and all proposed changes in ownership interest shall be reported to the Department at least 30 calendar days prior to the actual change, except that providers owned by publicly held corporations need only report stock redistributions of five percent or more."

N.J.A.C. 8:41-3.23(a) states, "The provider shall maintain a principal place of business at one location. The Department shall be informed of the specific location of the principal place of business and shall be notified 14 calendar days in advance of any change in the location of the principal place of business."

N.J.A.C. 8:41-12.3(d) states, "Action shall be taken to revoke a provider's license if any person with an ownership interest of five percent or more has been convicted of:

2. Any crime;"

The Department finds that you were convicted of four counts of a crime by failing to file income tax returns for 2001, 2002, 2003, and 2004. The Department further finds that you failed to report an ownership change to the Department, that you failed to report the relocation of your principal place of business to the Department, and that you failed to abide by the Order to Cease & Desist Operation of Mobile Intensive Care Services that was issued to RAES on December 27, 2002. In addition to violations of the Department's administrative rules, these deficiencies demonstrate a serious disregard for the rule of law.

Therefore, the Department proposes to revoke the Basic Life Support Ambulance, Mobility Assistance Vehicle and Specialty Care Transport service provider licenses held by RAES.

Pursuant to N.J.S.A. 26:2H-13, N.J.A.C. 8:40-7.3, and N.J.A.C. 8:41-12.4, you are entitled to a hearing before the Office of Administrative Law to contest this proposed revocation. Your request for a hearing on this matter must be submitted in writing and must be accompanied by a response to the deficiencies noted above. In the event that you request a hearing, this proposed revocation shall be held in abeyance until such time as the hearing has been concluded and a final decision has been rendered.

Your request for a hearing must be submitted within 30 days from the date of this Notice. Please include the control number 09-B-013 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 render this Notice final, and the license revocations shall become effective without further Notice.

If you have any questions concerning this matter, please contact Mr. Samuel Stewart, OEMS Regulatory Officer, at (609) 633-7777.

Sincerely,



Karen Halupke, RN, M.Ed.
Director

c: David W. Gruber, Senior Assistant Commissioner
Joseph Tricarico, Jr., Assistant Commissioner
Samuel Stewart, OEMS
William Duffy, OEMS
Christopher Tams, OEMS
Donald Roberts, OEMS
Michele Stark, OLRA
Division of Medical Assistance and Health Services

SENT VIA REGULAR U.S. MAIL AND
CERTIFIED MAIL # 7006 2150 0001 2716 8936
RETURN RECEIPT REQUESTED