



State of New Jersey

DEPARTMENT OF HEALTH  
OFFICE OF EMERGENCY MEDICAL SERVICES  
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JUDITH M. PERSICHILLI, RN, BSN, MA  
Commissioner

September 21, 2022

Mr. Eugene Gast  
EMT Program Director

**Re: Notice of Proposed Revocation of Emergency Medical Technician Training Program**  
**Investigation control #: 22-0392**

Dear Mr. Gast:

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 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, EMT-Instructors, EMT candidates, and EMT-Instructor Aides. See N.J.A.C. 8:40A.

The Department's Office of Emergency Medical Services (OEMS) supports and ensures access to quality continuing education programs for Emergency Medical Services (EMS) professionals. Initial and ongoing education and training for EMTs are vital to protecting the health of our communities. In New Jersey, EMTs are required to obtain education in accordance with N.J.A.C. 8:40A-1.2 et seq. to maintain and continually develop their professional skills and competencies.

**COMPLAINT**

On August 25, 2017, the OEMS received a complaint regarding improper testing practices being conducted at Emergency Services Training Associates (ESTA). Consistent with regulatory authority and OEMS policy, an investigation was opened in response to this complaint.

On October 5, 2017, OEMS conducted an unannounced audit of your Initial EMT Education Program (class #132691), which began on September 5, 2017, at the facility located at 70 E. Mill Road, Long Valley, New Jersey. During the audit, investigators reviewed attendance records, student grades, examinations, policies and procedures, instructor sign-in sheets, remediation documentation, lesson plans, and the course curriculum. Additionally, investigators observed psychomotor skills stations for airway management, patient assessment, and vital signs. The audit revealed numerous regulatory violations and programmatic deficiencies, including violations of N.J.A.C. 8:40A-4.1, -4.2, -5.1, -5.2(a)2, and -5.8. Based upon the totality of these violations and deficiencies, OEMS sent you a letter outlining the violations and requiring ESTA to develop, submit, and implement a corrective action plan (CAP) for their Initial EMT Education Program by November 30, 2017.

### **CORRECTIVE ACTION PLANS**

On November 27, 2017, ESTA submitted a CAP and a new program application, as outlined in N.J.A.C. 8:40A-3.1, to the OEMS. The OEMS followed up by conducting another unannounced audit of your Initial EMT Education Program on December 16, 2017, where additional deficiencies and regulatory violations were identified. OEMS staff met with you and ESTA staff on January 12, 2018, to discuss the CAP and the audits conducted by the OEMS. Specifically, you were advised that the CAP failed to adequately address the deficiencies. Because the CAP was unsatisfactory, and you continued to have regulatory violations, the Department declined to process the initial EMT class application.

ESTA submitted a revised CAP in May of 2018, and OEMS staff met with you on June 27, 2018, to discuss it. Because the CAP remained unsatisfactory, OEMS sustained its decision to prohibit ESTA from conducting Initial and Refresher EMT Education Programs until ESTA submitted a new program application in accordance with N.J.A.C. 8:40A-3.1.

ESTA submitted a new CAP and application on November 9, 2018. Again, OEMS staff met with you on January 22, 2019, to discuss them. The OEMS accepted the new program application and CAP as satisfactory, with a few final document revisions. Consistent with N.J.A.C. 8:40A-3.2, the OEMS conducted site inspections for two ESTA training facilities located at 70 E. Mill Road, Long Valley, New Jersey, and 365 Route 46, Budd Lake, New Jersey to ensure that the sites had appropriate equipment and maintained facilities that were conducive to a favorable educational experience. Both facilities were found to be in compliance and without issue.

### **CONDITIONAL APPROVAL**

On February 14, 2019, after receipt of additional documents and a conference call, the OEMS verbally approved ESTA to conduct Initial and Refresher EMT Education Programs. The OEMS issued ESTA a written approval letter, on March 1, 2019, that was conditional for a period of one year starting on March 1, 2019, and expiring on

February 29, 2020. The letter further advised that the OEMS would closely monitor ESTA's course for regulatory compliance and adherence to the approved CAP.

### **AUDIT AND INVESTIGATION FINDINGS**

On October 2, 2019, the OEMS conducted an announced audit of your program at the Long Valley First Aid Squad. The following day, OEMS staff conducted an unannounced audit of initial EMT class #136276, conducted September 3, 2019 to December 3, 2019, while it was in session. According to the ESTA schedule provided by you, instructors were supposed to be conducting psychomotor skills evaluations. However, upon OEMS arrival, you advised the investigators that the psychomotor skills assessments were already complete, and the students were finishing a cognitive examination immediately prior to a lecture.

On August 3, 2020, consistent with OEMS policy, staff met with your program coordinator, Kind-Woman-Star Fast-Wolf, in Trenton, New Jersey, to review the roles, responsibilities, and documentation requirements for an EMT Program Coordinator. During the discussion with Ms. Fast-Wolf, investigators discovered that ESTA was utilizing uncertified EMT-Instructors for psychomotor evaluation and practice during class #136937, conducted March 24, 2020 to August 18, 2020, in violation of N.J.A.C. 8:40A-8.1(c).

OEMS conducted an in-depth review of two classes following their conclusion: class #136276 and class #136937. The reviews examined the administration of the classes including, but not limited to, class content, instruction, student files, student clinical time, student skills practice, student cognitive and psychomotor examinations, and sign-in and sign-out documentation, all of which were submitted by either you or your program coordinator at the time. The in-depth review of both classes was based on adherence to your CAP issued on November 9, 2018, N.J.A.C. 8:40A-1.2 et seq., and any applicable waivers. The in-depth review found the following discrepancies and regulatory violations:

1. Incomplete student and instructor files which failed to contain all required documentation and completed forms, such as missing CPR certifications, in violation of N.J.A.C. 8:40A-5.1(d) and N.J.A.C. 8:40A-4.2(c)11.
2. Failed to maintain a 1:6 EMT-Instructor-to-student ratio in psychomotor practical skills instruction groups, in violation of N.J.A.C. 8:40A-5.6(a)5.
3. Missing evidence of students' completion of the required 10 hours of clinical skills, in violation of N.J.A.C. 8:40A-5.8(e) and waiver issued due to the COVID-19 public health emergency.

Each training agency is required to have a Program Coordinator, per N.J.A.C. 8:40A-4.2, and a Program Director, per N.J.A.C. 8:40A-4.1. The responsibilities of both positions are outlined in the regulations, at N.J.A.C. 8:40A-4.2(c) and N.J.A.C. 8:40A-

4.1(b) and are paramount to the success of not just the students, but of the agency. Additionally, from the class and program reviews, site visits, and interviews with program staff, it was determined that ESTA's Program Director violated the following regulations:

1. Failed to assure the quality of the educational and instructional experience, in violation of N.J.A.C. 8:40A-4.1(b)4;
2. Failed to maintain the program in compliance with the regulations of this chapter, in violation of N.J.A.C. 8:40A-4.1(b)5;
3. Failed to critique and evaluate the administration and results of all program examinations, in violation of N.J.A.C. 8:40A-4.1(b)7; and
4. Failed to assume the primary role in quality assurance of the program, in violation of N.J.A.C. 8:40A-4.1(b)10.

It was further determined that ESTA's Program Coordinator violated the following regulations:

1. Failed to provide oversight to assure that the program content and instructional program complied with the standards and guidelines set forth in the program curriculum, in violation of N.J.A.C. 8:40A-4.2(c)1;
2. Failed to provide oversight to assure the quality of the educational experience and of the instructional staff, in violation of N.J.A.C. 8:40A-4.2(c)4;
3. Failed to ensure that lecturers possess the appropriate skills and knowledge required for presenting specific sessions as outlined in the program outline, in violation of N.J.A.C. 8:40A-4.2(c)8; and
4. Failed to maintain all program evaluations, student records, files, and, program examination results, in violation of N.J.A.C. 8:40A-4.2(c)11.

The failures of the Program Director and Program Coordinator were exhibited by ESTA's inability to prepare students to pass the required certifications several years in a row as well as a lack of concern for the success of these students. Indeed, during an email exchange received by the OEMS on June 22, 2021, you notified your program coordinator that you were changing the agency's passing grades to pass students who received a 70% on exams and quizzes. This was inconsistent with the approved policy submitted by you to the OEMS, which reflected a 75% passing grade. But more distressing was what you wrote to your program coordinator on June 19, 2021, *"If they pass our class and don't make it through National (oh well)."* This documented lack of concern in conjunction with the reduced pass rates is exhibited through the ESTA students' poor performance scores on the National Registry of Emergency Medical Technicians (NREMT) exam, which were consistently well below the state and national

averages. In order to attain OEMS certification as an EMT, students must achieve a passing score on the NREMT, as provided in N.J.A.C. 8:40A-7.2(a). Due to the failure of the ESTA program to prepare their students for this examination, this requirement has become an insurmountable hurdle for many.

Further, ESTA has failed to demonstrate passing student performance scores on the NREMT Certification Examination since September 1, 2018, in violation of N.J.A.C. 8:40A-3.3(a)8, as follows:

<b>Date Range</b>	<b>ESTA Average</b>	<b>State Average</b>	<b>National Average</b>
September 1, 2018 – June 30, 2019	57%	62%	67%
July 1, 2019 – June 30, 2020	42%	72%	67%
July 1, 2020 – June 30, 2021	55%	74%	69%
July 1, 2021 – June 30, 2022	67%	73%	67%

Finally, ESTA has failed to conduct at least one EMT training program annually, in violation of N.J.A.C. 8:40A-3.3(a)5, as the most recently completed class, class #140788, concluded on June 29, 2021.

In addition to the previously listed regulatory violations, ESTA has failed to adhere to the CAP issued on November 9, 2018, as supported by the email that you sent to the OEMS on July 29, 2022, stating, “[w]e are very eager to return to the traditional outline that was approved by you and Candace before my negative impact from my last two coordinators.” ESTA should have been following this CAP at all times, as the OEMS required it so that the program would come into regulatory compliance and offer a quality training program to its students. This failure to observe the requirements of the CAP is an extension of the ESTA program’s failure to adhere to the compulsory guidelines for all EMT training courses.

## **CONCLUSION**

Pursuant to N.J.A.C. 8:40A-3.3(a), the certification of any training agency may be suspended or revoked for a variety of reasons, including failing to comply with the rules in N.J.A.C. 8:40A-1.2 et seq., failing to maintain required personnel and records, and failing to conduct at least one EMT-Basic training program on an annual basis, all of which OEMS has found evidence of in ESTA’s program. EMTs are expected to execute many treatment modalities based on their assessments and protocols in challenging situations. They must be able to exercise considerable judgement, problem-solving, and decision-making skills. The complexity of care delivered by EMS personnel can vary widely from very basic skills to exceptionally complex monitoring and interventions. The competency of these skills must be reviewed, remediated (if necessary), and evaluated on a continuous basis to ensure no harm is brought to a patient. As such, training courses are vital for certifying and maintaining effective EMTs. By not requiring students to complete the necessary clinical experience, using uncertified EMT-Instructors for psychomotor evaluation and practice during classes, failing to provide the

required instructor-to-student ratios, and failing to maintain the appropriate educational and instructional standards required by the regulations, you have placed the students and their patients at risk, acted in a negligent capacity as an EMT Instruction provider, and demonstrated deliberate disregard for the Department's rules.

Based on the totality and severity of these violations as well as the program's failures and inability to come into regulatory compliance over the last five years, the Department has determined that Emergency Services Training Associates' EMT-Initial and Continuing Education Training Agency certifications should be **REVOKED** in accordance with N.J.A.C. 8:40A-3.3(a).

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 EMT Training Agency authorizations. 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 investigation control # **22-0392** 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

**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 Daniel Kazar, at (609) 633-7777.

Sincerely,

Candace Gardner, Paramedic  
Acting Director  
Office of Emergency Medical Services

c: Daniel Kazar, Chief, Education, Licensure, and Enforcement, OEMS  
NREMT  
File

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