

June 6, 2001

Mr. Mike Finnell
Priority-1 Ambulance Service
1519 East Wingohocking Street
Philadelphia, PA 19124

Re: ORDER TO CEASE AND DESIST OPERATION
OF UNLICENSED AMBULANCE SERVICE

Dear Mr. Finnell:

On February 9, 2001, staff of this Department's Office of Emergency Medical Services (OEMS) observed a Basic Life Support (BLS) ambulance operated by Priority-1 Ambulance Service picking up a patient at Voorhees Pediatric Facility in Voorhees, New Jersey. Subsequently, OEMS staff spoke with Ms. Nancy Lord, Director of Nursing at Voorhees Pediatric, to advise her that Priority-1 Ambulance Service is not licensed with the New Jersey Department of Health and Senior Services. Further discussion with Ms. Lord revealed that Priority-1 Ambulance Service has been picking up patients from Voorhees Pediatric since November 2000. This was confirmed by a review by OEMS staff of Voorhees Pediatrics' ambulance transport log, which revealed that Priority-1 Ambulance Service has transported 26 patients from Voorhees Pediatric during the time period from November 1, 2000 through February 9, 2001.

Pursuant to N.J.A.C. 8:40-2.4(a), no person, institution, agency or business concern may provide mobility assistance vehicle or ambulance services within the State of New Jersey unless licensed by the New Jersey Department of Health and Senior Services. The only exceptions to this rule are provided at N.J.A.C. 8:40-2.5(b)1-3, which exempts those providers that are:

1. Transporting a patient through New Jersey from an out-of-state location to another out-of-state location; or
2. Transporting a patient from an out-of-state location to a New Jersey location and returning that same patient to an out-of-state location on the same calendar day; or
3. Transporting a patient on a one-way trip from an out-of-state location to a New Jersey location.

Although Priority-1 Ambulance Service is licensed with the State of Pennsylvania and currently has an application for New Jersey licensure under review, that application has

not at this time been approved. In addition, the transports conducted by Priority-1 Ambulance Service since November 1, 2000 do not fall within any of the three licensing exceptions noted above. Therefore, it is my duty to inform you that Priority-1 Ambulance Service's actions constitute the operation of an unlicensed ambulance service within the State of New Jersey.

In light of the above information, Priority-1 Ambulance Service is hereby ORDERED to immediately CEASE AND DESIST operations within the State of New Jersey until such time as it has been granted a license to operate. In accordance with N.J.S.A. 26:2H-16, failure to comply with this Order may result in an action by this Department for injunctive relief in the Superior Court of New Jersey. Finally, please be advised that this Order constitutes a final agency decision. As such, pursuant to New Jersey Court Rule 2:23, should Priority-1 Ambulance Service choose to contest this decision, its right to appeal rests with the Superior Court of New Jersey, Appellate Division.

In addition, please be advised that, pursuant to N.J.S.A. 26:2H-14, any person, public or private institution, agency, entity, corporation or business concern that provides MAV and/or BLS ambulance services without having first obtained the required provider license to operate shall be liable for a penalty in the amount of \$1,000.00 for each day of operation of the service without such license. As noted above, OEMS records indicate that Priority-1 Ambulance Service had conducted unlicensed transfers on at least 26 days during the period from November 1, 2000 through February 9, 2001. As such, and in accordance with N.J.S.A. 26:2H-14, Priority-1 Ambulance Service is hereby assessed a penalty in the amount of \$26,000.00 for operating an unlicensed BLS ambulance service within the State of New Jersey.

A certified check or money order in the amount of \$26,000.00, made payable to "Treasurer, State of New Jersey," should be forwarded to:

New Jersey Department of Health & Senior Services
Office of Emergency Medical Services
P.O. Box 360
Trenton, NJ 08625-0360
Attn: Ms. Darcy Saunders

Pursuant to N.J.S.A. 26:2H-13, you are entitled to a hearing before the Office of Administrative Law to contest this penalty assessment. Your request for a hearing on this matter must be submitted in writing and must be accompanied by a response to the charges noted above. In the event that you request a hearing, this penalty 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 delivered to this Department within 30 days from the date of this Notice (i.e., by July 5, 2001). Please note that if you fail to submit a hearing

request by the July 5, 2001 deadline, you will be deemed to have waived all rights to a hearing, and the \$26,000.00 penalty shall be immediately due and payable. If you desire a hearing, your request should be directed to:

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

Finally, as previously noted, Priority-1 Ambulance Service currently has an application for licensure pending with OEMS. As you were advised by letter dated January 16, 2001, Priority-1 Ambulance Service must contact OEMS to schedule dates for the completion of the provider survey and vehicle inspections before a license can be issued. If you are still interested in becoming licensed, please contact Mr. Victor Carter of my office at (609) 633-7777 to schedule the required survey and inspections. Please be advised, however, that a license will not be issued until such time as the penalty noted above has been paid in full.

Your full cooperation in this matter is appreciated. If you have any questions or concerns, please do not hesitate to contact Ms. Darcy Saunders of my office at (609) 633-7777.

Sincerely,

Susan Way
Director
Office of Emergency Medical Services

c: Ms. Barreto, DAG
Ms. Lord
Voorhees Pediatric Facility
Ms. Chaquita Morrison
Pennsylvania Department of Health / EMS
Mrs. Slimm, L&RA
Ms. Halupke, OEMS
Mr. Carter, OEMS
Ms. Saunders, OEMS

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