

**BEFORE THE STATE FIRE PREVENTION COMMISSION
OF THE STATE OF DELAWARE**

IN RE:	CFT AMBULANCE SERVICE	)	
		)	CASE NO.: 1514
PERMIT NO.:	10123	)	

NATURE OF THE PROCEEDINGS

Pursuant to due notice, a hearing was held before the Delaware State Fire Prevention Commission on January 19, 2016 concerning a complaint against CFT Ambulance Service. In the Complaint, the State of Delaware alleged that CFT Ambulance Service violated the provisions of Part 710 Section 12.2 of the Commission Regulations in that it did not maintain the required equipment and supplies as specified by the Commission and Section 12.3 in that it has demonstrated gross negligence, incompetence or misconduct in providing non-emergency ambulance services.

Zoe Plerhoples, Deputy Attorney General, presented the State's case. CFT Ambulance Service did not appear. Patricia Davis, Deputy Attorney General, advised the Commission.

SUMMARY OF THE EVIDENCE

In addition to live testimony, the following documents were introduced and made part of the record:

State Exhibit 1, consisting of the December 15, 2015 notice of hearing letter sent to CFT Ambulance Service, notifying it of the date and time of the hearing, the green card signed by Ms. Denette Lawson of CFT Ambulance Service, and a print out from the Delaware State Fire School indicating CFT Ambulance Service's address is 9 Germay Drive, Suite 200 A in Wilmington, Delaware 19804.

State Exhibit 2, consisting of a copy of the State's complaint filed against CFT Ambulance Service with the State Fire Prevention Commission.

State Exhibit 3, consisting of a packet of documents including a notice of violations dated August 25, 2015, completed ambulance inspection forms, and six color photographs.

State Exhibit 4, consisting of a packet of documents including a notice of violations dated September 8, 2015, completed ambulance inspection forms, and twenty color photographs.

State Exhibit 5, consisting of a packet of documents including a notice of violations dated August 12, 2014 and completed ambulance inspection forms.

State Exhibit 6, consisting of a packet of documents including correspondence memorializing inspection violations dated December 9, 2009; December 8, 2009; March 29, 2010; October 22, 2010; April 14, 2011; April 19, 2011; May 3, 2011; August 9, 2012; August 13, 2012; December 5, 2012; January 29, 2014; January 31, 2014; February 5, 2014; April 4, 2014; May 14, 2014; various completed ambulance inspection forms; and two black and white photographs.

State Exhibit 7, consisting of one color photograph.

In addition to the documentary evidence, the Commission considered the live testimony of Ms. Sherry Lambertson. Ms. Lambertson testified that she is an employee of the State Fire Prevention Commission as its Executive Specialist, handling the day to day duties of the Commission. She has worked in this job for the past nineteen years. In this capacity, she mailed a notice of hearing for today's hearing on December 15, 2015 to 9 Germay Drive, Wilmington, Delaware. This address was obtained by the State Fire School. The notice was not returned as undeliverable and a "green card" was returned, signed to indicate receipt.

Investigator David Truax was then sworn and testified that he is employed as a compliance officer/investigator for the Delaware State Fire Prevention Commission. In this capacity, he inspects ambulance providers for compliance with Commission regulations and in August of 2015, he received a complaint regarding CFT Ambulance Service that at least one of their ambulances was not equipped with air conditioning. On August 25, 2015, Mr. Truax reported to CFT to conduct an inspection. Mr. Truax found a number of required equipment missing from the ambulance units inspected, the presence of carbon monoxide in the ambulance, and non-working lights on the ambulance inspected. Mr. Truax took that ambulance out of service. CFT indicated that they had scheduled BLS transports that afternoon and they would use a “van” now that the ambulance was taken out of service. Mr. Truax informed CFT that the “van” would not be sufficiently equipped to legally handle these transports and arrangements for another ambulance would have to be made.

On September 8, 2015, Mr. Truax conducted another inspection of CFT Ambulance Service and found an ambulance with exposed radials protruding from the rear tires. The air conditioning was not working in the patient care area and there was an unapproved rear latch on the rear door, necessitating the use of a screw driver to pry the door open. Finally, the patient care compartment floor of that unit was not liquid tight and there was missing requisite equipment.

On August 12, 2014, Mr. Truax testified that he conducted an inspection of CFT Ambulance Service and found a unit with no working wind shield wipers. Mr. Truax testified that it was raining heavily at the time of the inspection and CFT had not taken this unit out of service. Mr. Truax found that he had to depress the brakes several times before they would

engage, and the horn was not factory installed, but was a push button on the dash. Mr. Truax took this unit out of service.

Finally, Mr. Truax testified that the Commission has a long history of documented issues with CFT Ambulance Service and the state introduced historical documentation of numerous findings of deficient units, dating back to 2009.

The state then played a recorded statement of Roland Bryant, a patient at Pinnacle who had been transported by CFT for a long time. He stated that the air condition doesn't work in the summer and the heat doesn't work in the winter.

Mr. John Lodge was called by the state and testified that he is a certified EMT who worked for CFT Ambulance Service providers in 2005, 2011, and in 2014. During these stints of employment, he was responsible for driving non-emergency transport vehicles. Mr. Lodge testified that in 2011, there was an occasion when an ambulance was taken out of service by the Commission and Mr. Lodge was instructed by CFT management to switch the license plates of that ambulance with another ambulance that was certified and had not been taken out of service.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Commission finds that CFT Ambulance Service has a long history of non-compliance with the Commission regulations. In so finding, the Commission relies on the documentary exhibits of produced by the State. These regulations were established to ensure the health, safety, and welfare of the people of the state of Delaware and non-compliance puts everyone CFT serves at risk. The Commission further finds that in the most recent years, sufficient evidence has been produced to support a finding that CFT Ambulance Service has violated Part 710 Section 12.2 of the Commission Regulations in that it did not maintain the required equipment and supplies as specified by the Commission. In so finding, the Commission

relies on the documentary evidence, as well as the testimony presented by the State. Moreover, the Commission finds sufficient evidence produced to support a finding that CFT has violated Part 710 Section 12.3 of the Commission regulations in that it has demonstrated gross negligence and incompetence in providing ambulance services. The Commission is very concerned with all of the evidence of CFT's non-compliance, including missing emergency equipment, ambulance units found out of compliance over and over again, patient compartments without heat or air conditioning, unsafe vehicles used to transport patients, and finds that all of these violations have created a risk to the public that cannot be tolerated. Accordingly, pursuant to 16 *Del. C.* § 6717(a), the Commission hereby decertifies CFT Ambulance Service for repeated noncompliance with Commission regulations.

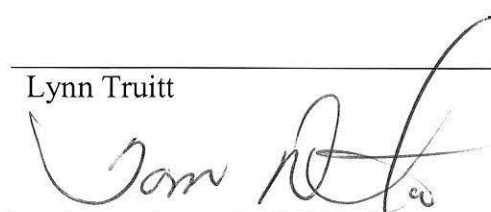
IT IS SO ORDERED:



David J. Roberts, Chairman



Alan Robinson, Vice Chairman



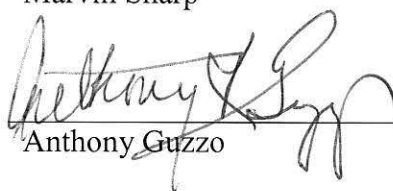
Lynn Truitt



Marvin Sharp



Tom DiCristofaro



Anthony Guzzo



Ron Marvel