



**State of New Jersey**  
**DEPARTMENT OF HEALTH**  
PO BOX 358  
TRENTON, N.J. 08625-0358  
[www.nj.gov/health](http://www.nj.gov/health)

PHILIP D. MURPHY  
*Governor*

SHEILA Y. OLIVER  
*Lt. Governor*

SHEREEF M. ELNAHAL, MD, MBA  
*Commissioner*

May 18, 2018

Jennifer Rivera, Administrator  
DCA of Vineland, L.L.C.  
1450 East Chestnut Avenue  
Building 2, Suite C  
Vineland, New Jersey 08361

**VIA Facsimile: (856) 692-9098  
and Certified Mail**

**Re: Curtailment of Dialysis Services**

Dear Ms. Rivera:

This will confirm today's phone call between Mark Smith, Regional Director, me and staff of the Office of Program Compliance of the Department of Health (DOH), wherein you were advised of the curtailment of dialysis services at DCA of Vineland, effective as of close of business today. This curtailment applies to dialysis services at Stations 2, 4, 5, 6, 10, 19, 20 and 21. These actions are being taken based on a recommendation from Health Facility Survey and Field Operations (Survey) staff who, during an on-site federal recertification and state re-licensure survey, identified serious deficiencies related to physical environment and infection control. The survey team observed the following:

- Leakage in multiple treatment locations affecting dialysis stations 2, 4, 5, 6, 10, 19, 20 and 21.
- Station #2: Water on opposite, chairside of the machine, with cloths on the floor under chaise, wall saturated with water.  
Station # 4: Machine #11 leaking.  
Station #5: Machine # 3 leaking and water under chaise wall.  
Station 6: Machine #7 leaking and water under chaise.  
Station #10: Wall box at the RO connector site leaking.  
Station #19: Leaky connector in chaise wall.  
Station # 20: Standing water in chaise wall.  
Station #21: Machine #24 leaking into station.

The facility has closed off Stations #6, 20, and 21 at this time.

**The following ORDERS are effective immediately:**

**A. Curtailment:**

DCA of Vineland must cease all dialysis services at Stations 2, 4, 5, 6, 10, 19, 20 and 21 with the above referenced machines, effective close of business today and after the third shift.

This action is being taken in accordance with N.J.A.C. 8:43E-3.1(a)2, N.J.S.A. 26:2H-13 and N.J.S.A. 26:2H-14. This curtailment and Plans of Correction order will remain in effect until a recommendation to lift the curtailment is made by Survey.

**B. Plans of Correction:**

1. DCA of Vineland must provide an alternate plan for patient service for the patients displaced from the above noted stations/machines. To accomplish this, DCA of Vineland may arrange for transfer to another facility or provide patient services at dialysis stations not affected by the curtailment, such as by adding an additional shift.
2. Detail the permanent repair plan necessary to rectify the issues/problems that led to the curtailment of use of the above noted stations/machines.
3. Please provide to the Department, daily per each shift to Jean Markey, Regulatory Officer at 609-633-9087.

**C. Penalty:**

Please be advised that N.J.A.C. 8:43E-3.4(a)(2) provides for a penalty of \$250 per day for each resident admitted in violation of this curtailment order. Be advised that N.J.S.A. 26:2H-14 and N.J.A.C. 8:43E-3.4(a) provide for a penalty of up to \$2,500 for each day that violations pertaining to the care of patients are not corrected.

**FORMAL HEARING**

DCA of Vineland is entitled to a prompt formal hearing at the Office of Administrative law (OAL) to challenge the curtailment.

DCA of Vineland must advise the department within 30 days of this letter to request an OAL hearing regarding this matter.

Please forward your OAL hearing request to:

Attention: OAL Hearing Requests  
Office of Legal and Regulatory Compliance, Room 805  
New Jersey State Department of Health  
P.O. Box 360  
Trenton, New Jersey 08625-0360

Corporations are not permitted to represent themselves in OAL proceedings. Therefore, if DCA of Vineland is owned by a corporation, representation by counsel is required.

### **INFORMAL DISPUTE RESOLUTION (IDR)**

N.J.A.C. 8:43E-2.3 provides facilities the option to challenge factual survey findings by requesting Informal Dispute Resolution with Department representatives. IDR requests must be made in writing within ten (10) business days from receipt of this letter and must state whether the facility opts for an in-person conference at the Department, a telephone conference, or review of facility documentation only. The request must include an original and ten (10) copies of the following:

1. The written survey findings;
2. A list of each specific deficiency the facility is contesting;
3. A specific explanation of why each contested deficiency should be removed; and
4. Any relevant supporting documentation.

Any supporting documentation or other papers submitted later than 10 business days prior to the scheduled IDR may not be considered at the discretion of the IDR panel.

Send the above-referenced information to:

Darlene Jackson  
Program Compliance & Health Care Financing  
New Jersey Department of Health  
P.O. Box 358  
Trenton, New Jersey 08625-0358

The IDR review will be conducted by professional Department staff who do not participate in the survey process. Requesting IDR review does not delay the imposition of any enforcement remedies.

DCA of Vineland, L.L.C.  
Page 4

Please call 609-984-8128 if you have any questions regarding the contents of this letter.

Sincerely



John Calabria, Director  
Division of Certificate of Need and Healthcare  
Facility Licensing  
New Jersey Department of Health

JC;jlm  
CONTROL # AX18004  
CERTIFIED MAIL # 7009 1680 0002 1239 0187  
RETURN RECEIPT REQUESTED

C: Stefanie Mozgai, Allison Gibson