



State of New Jersey  
DEPARTMENT OF HEALTH

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PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lt. Governor

SHEREEF M. ELNAHAL, MD, MBA  
Commissioner

IN RE:Licensure Violation )  
 )  
 ) Revised Notice of Curtailment of All  
 ) Admissions and Directed Plan of  
 ) Correction (DPOC)

The Wanaque Center for Nursing and Rehabilitation ID # NJ 61628

TO: Ms. Rowena Bautista, Administrator  
The Wanaque Center for Nursing and Rehabilitation  
1433 Ringwood Ave.  
Haskell, NJ 07420

This Notice supersedes the Notice dated November 14, 2018. Effective immediately, the Department of Health (hereinafter, "the Department") is ordering a Curtailment of all admissions to The Wanaque Center for Nursing and Rehabilitation (hereinafter "Wanaque"), including re-admissions except as provided below, and a Directed Plan of Correction (hereinafter "DPOC") requiring Wanaque to employ consulting services of a Certified Infection Control Practitioner or such certified Practitioners and of a consultant Physician who is Board-certified in Infectious Disease or Infectious Disease Board-certified Physicians in a Physician practice. These enforcement actions are being taken in accordance with the provisions set forth at N.J.A.C. 8:43E-2.4, 3.1 and 3.6 in response to serious infection control deficiencies observed by Department staff in Wanaque during a recent on-site inspection.

The Health Care Facilities Planning Act (N.J.S.A. 26:2H-1 et seq.) (the Act) provides a statutory scheme designed to ensure that all health care facilities are of the highest quality. Pursuant to the Act and N.J.A.C. 8:43E-1.1 et seq., General Licensure Procedures and Standards Applicable to All Licensed Facilities, the Commissioner of Health is authorized to inspect all health care facilities and to enforce the Standards for Licensure of Long-Term Care Facilities set forth at N.J.A.C. 8:39-1.1 et seq.

**LICENSURE VIOLATIONS:**

Staff from the Department's Health Facility Survey and Field Operations (HFS&FO) were on-site at Wanaque on October 21, 2018, for an investigation and review of infection control issues and identified a deficiency pertaining to improper hand hygiene practices, while providing care to residents, by four of the six employees observed. Wanaque is experiencing an outbreak of adenovirus which has impacted numerous pediatric residents and there have been multiple deaths. Evidence of continuing non-compliance has been

identified during a Complaint visit that was initiated by Department survey staff on November 9, 11 and 13, 2018 and is presently ongoing. The surveyors identified egregious deficient practices in infection prevention and control which pose an immediate jeopardy and imminent and serious risk of harm to the residents of Wanaque. These violations pertain to the care of residents using the services at Wanaque.

### **CURTAILMENT:**

Effective immediately, a Curtailment of all admissions to Wanaque is ordered. Re-admissions to the pediatric respiratory unit are also immediately curtailed, except that Wanaque may request Department approval to re-admit a particular former resident of Wanaque's pediatric respiratory unit to that unit. No resident of the pediatric respiratory unit shall be re-admitted to that unit without Department approval.

The curtailment of all admissions will remain in effect until Wanaque retains the consulting services described below of a certified Infection Control Practitioner or Practitioners and a Physician who is Board-certified in Infectious Disease or Infectious Disease Board-certified Physicians in a Physician practice and the Department notifies the facility that it is lifted.

Curtailment of admissions of the respiratory unit will remain in effect until Wanaque demonstrates that the facility is able to fully comply with directives provided by Communicable Disease Service (CDS) on cohorting of residents, including grouping residents by laboratory testing status and symptoms experienced by residents, and the Department notifies the facility that it is lifted.

### **DIRECTED PLAN OF CORRECTION:**

1. The Department is requiring Wanaque to retain the consulting services of a certified Infection Control Practitioner, or such certified Practitioners (hereinafter "ICP"), to be on-site for no less than 40 hours per week, with documented coverage of all shifts and weekends. The ICP shall be pre-approved by the Department. Wanaque shall, no later than noon on Friday, November 16, 2018, provide the Department with the name, resumé and contract for the proposed ICP for the Department's review and approval. The ICP shall begin providing services to Wanaque no later than Monday, November 19, 2018. The contract with the ICP shall include provisions for immediate corrective action that ensures that applicable state licensing standards are met, and that patient safety is not jeopardized. You may contact the Association for Professionals in Infection Control and Epidemiology, Inc., to obtain the names of ICPs in your area. This organization is located at 1400 Crystal Drive, Suite 900, Arlington, VA 22202, and can be reached at: Main number: 202-789-1890, Toll free numbers: 1-800-650-9570 or 1-800-650-9883, Fax: 202-789-1899, [info@apic.org](mailto:info@apic.org),

info@apicconsulting.com, and <https://apic.org>. The ICP shall possess training and experience in surveillance, prevention, and control of nosocomial infection. The ICP shall be completely independent of Wanaque and have no previous or current ties to Wanaque's principals, management and/or employees or other related individuals of any kind, including, but not limited to employment, business or personal ties.

The ICP shall work with Wanaque and the Infectious Disease Physician consultant(s) described below to review Wanaque's infection prevention and control practices and make recommendations to address identified deficient practices, and to provide for immediate corrective action that ensures that applicable infection control regulations and state licensing standards are met and that resident safety is not jeopardized. The ICP shall further specifically consult with Wanaque to develop and implement a safe protocol to fully comply with directives provided by CDS on cohorting of residents, including grouping residents by laboratory testing status and symptoms experienced by residents.

Wanaque is required to send weekly reports to CDS Healthcare Associated Infections Coordinator, Jason Mehr, MPH, CIC at 609-826-5964 or [Jason.Mehr@doh.nj.gov](mailto:Jason.Mehr@doh.nj.gov) with a copy to HFS&FO's Susan Kelley at [Susan.Kelley@doh.nj.gov](mailto:Susan.Kelley@doh.nj.gov). These weekly reports shall be signed by both the ICP and the physician consultant(s) described below. These weekly reports shall include timely updates regarding the outbreak investigation, identified cases (as defined by CDS) and the progress of infection prevention. In addition, Wanaque is directed to maintain timely communication with the Department, including participation on update calls, as may be required by CDS staff, including Wanaque's infection prevention team and the consultants.

2. The Department is also requiring Wanaque to employ the consulting services of a Physician who is Board-certified in Infectious Disease or Infectious Disease Board-certified Physicians in a Physician practice, (hereinafter "I.D."), to be on-site for no less than 40 hours per week, with documented coverage of all shifts and weekends. The I.D. shall be pre-approved by the Department. Wanaque shall, no later than noon on Friday, November 16, 2018, provide the Department with the name, resumé and contract of the proposed I.D. for the Department's review and approval. The I.D. shall begin providing services to Wanaque no later than Monday, November 19, 2018. The contract with the I.D. shall include provisions for immediate corrective action ensuring patient safety is not jeopardized and applicable state licensing standards are met. This I.D. shall be completely independent of Wanaque and have no previous or current ties to Wanaque's principals, management and/or employees or other related individuals of any kind, including, but not limited to employment, business or personal ties. The I.D. shall work with Wanaque and the ICP to review Wanaque's infection control and prevention practices and approve all recommendations made by Wanaque and the ICP to address identified deficient practices, and to provide for immediate corrective action that ensures that all applicable infection control regulations and state licensing standards are met and that resident safety is not jeopardized. The I.D. will

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review and approve all recommendations of Wanaque and the ICP for all infection prevention and control monitoring.

Please be advised that this Curtailment and DPOC shall remain in place until Wanaque is otherwise notified by the Department.

Please be advised that N.J.A.C. 8:43E-3.4(a)(2) provides for a penalty for each resident admitted in violation of this curtailment order.

Failure to comply with any State regulations and/or with this Order will result in the imposition of further enforcement remedies, including but not limited to, civil monetary penalties, and may include summary suspension and/or license revocation.

**FORMAL HEARING:**

Wanaque is entitled to contest the Curtailment by requesting a formal hearing at the Office of Administrative Law (OAL). Wanaque may request a hearing to challenge either the factual survey findings or the Curtailment, or both. Wanaque must advise this Department within 30 days of the date of this letter if it requests an OAL hearing regarding the Curtailment.

Please forward your OAL hearing request to:

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

Corporations are not permitted to represent themselves in OAL proceedings. Therefore, if Wanaque is owned by a corporation, representation by counsel is required. In the event of an OAL hearing regarding the Curtailment, Wanaque is further required to submit a written response to each and every charge as specified in this Notice, which shall accompany your written request for a hearing.

Due to the emergent situation and the immediate and serious risk of harm posed to the residents, please be advised that the Department will not hold the Curtailment or the DPOC in abeyance during any appeal of the Curtailment.


Finally, be advised that Department staff will monitor compliance with this Notice to determine whether corrective measures are implemented by Wanaque in a timely fashion. Failure to comply with these and any other applicable requirements, as set forth in pertinent rules and regulations, may result in the imposition of penalties. Failure to submit

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a written request for a hearing within 30 days from the date of this notice will render this a final agency decision. The final agency order shall thereafter have the same effect as a judgment of the court. The Department also reserves the right to pursue all other remedies available by law.

Thank you for your attention to this important matter and for your anticipated cooperation. Should you have any questions concerning this order, please contact Lisa King, Office of Program Compliance at (609) 984-8128.

Sincerely,

  
Gene Rosenblum, Director  
Office of Program Compliance  
Division of Certificate of Need and Licensing

GR:jn

DATE: November 16, 2018  
FACSIMILE (973) 616-4193  
E-MAIL rbautista@wanaquerehab.com  
REGULAR AND  
CERTIFIED MAIL:  
RETURN RECEIPT REQUESTED  
Control # X18026

c. Alison Gibson  
Stefanie Mozgai  
Jason Mehr  
Susan Kelley