



State of New Jersey
DEPARTMENT OF HEALTH

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Lt. Governor

SHEREEF M. ELNAHAL, MD, MBA
Commissioner

May 21, 2019

Dr. William J. Focazio
William J. Focazio, M.D., P.A.
Endo-Surgical Center of North Jersey
999 Clifton Avenue
Clifton, New Jersey 07013

Via facsimile: 973-591-0178
Via email: drfocazio@gmail.com

RE: Order to Cease and Desist and Directed Plan of Correction
NJ Facility ID# NJ31C0001053
License # 22847

Dear Dr. Focazio:

This letter will confirm Gene Rosenblum's telephone conversation earlier today with you and staff from the Department of Health, Office of Program Compliance (the Department), wherein you were informed that, effective immediately, Endo-Surgical Center of North Jersey shall cease and desist all services due to lack of independent accreditation, and, in addition, that the Department is issuing a directed plan of correction to address infection control issues identified during the Department's April 29, 2019 survey.

Cease and Desist Order

This action is being taken based on a recommendation from Health Survey and Field Operations (Survey) staff, who identified that the facility failed to have independent accreditation during the April 29, 2019 survey. Specifically, the facility is required to maintain "ambulatory care accreditation from an accrediting body recognized by the Centers for Medicare and Medicaid Services as a condition of licensure by the department." N.J.S.A. 26:2H-12(h); N.J.A.C. 8:43E-3.11. Accordingly, as discussed, your facility is barred from providing services until further notice.

If you choose to continue to pursue accreditation, contact Gene Brenycz at (609) 292-5860, once an accreditation survey is scheduled so that the Department may issue a temporary license and allow you to operate for the purpose of having the accreditation survey.

Directed Plan of Correction

In addition to the cease and desist order, as discussed during the same conversation, the Department is issuing a directed plan of correction requiring the facility to retain a certified infection control consultant for the purpose of performing an assessment of the facility's infection control procedures and developing a plan to correct identified problems, including those identified by Survey. The infection control deficiencies identified by Survey include the following:

- Failure to have a designated day-to-day infection control professional
- Failure to process reusable medical devices in accordance with Society of Gastroenterology Nurses and Associates standards
- Failure to ensure that handwashing is performed in accordance with facility policy and acceptable standards of practice
- Failure to ensure that refrigerated medications are stored under proper conditions
- Failure to ensure that all needles and syringes are kept in locked storage areas

The assessment should address, at a minimum, the following issues:

- Lack of an infection control program/plan
- Conformance with standards for reusable medical devices
- Lack of a day-to-day designated infection control professional and infection control consultant
- Handwashing hygiene
- Failure to track infections

The facility shall submit the resume for its infection control consultant to the Department by May 28, 2019 for the Department's review and approval. The approved consultant should be on-site by May 31, 2019. The approved consultant shall submit a report to the Department containing the assessment by June 7, 2019. This directed plan of correction shall remain in place until formally lifted by the Department. Please be advised that N.J.A.C. 8:43E-3.4(a) (1) provides for a penalty of \$1,000 per day.

Final Agency Decision

This order to cease and desist and the directed plan of correction shall constitute a Final Agency Decision. As such, pursuant to New Jersey Court Rules 2:2-3 and 2:4-1, you may appeal from this Final Agency Decision within 45 days to the following authority:

New Jersey Superior Court-Appellate Division
Richard J. Hughes Justice Complex
P.O. Box 006
Trenton, New Jersey 08625-0006

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If you have any further questions regarding the contents of this letter, you may reach the office at (609) 984-8128.

Sincerely,



Lisa King, Program Manager
Office of Program Compliance
Division of Certificate of Need and Licensing

LK:jl
Control # AX19004

- c. Gene Rosenblum
Stefanie Mozgai
Jean Markey
Jean DeVitto
Marcela Maziarz