



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*

June 24, 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](mailto:drfocazio@gmail.com)

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

Dear Dr. Focazio:

This letter will confirm Gene Rosenblum's June 19, 2019 telephone conversation with your assistant, Karly Waters, and staff from the New Jersey Department of Health, Office of Program Compliance (the Department), wherein you were informed that the Department's May 21, 2019 cease and desist order remains in effect, and, in addition, that the Department is revising its May 21, 2019 directed plan of correction to require continued retention of an infection control consultant and implementation of the recommendations set forth in the Infection Prevention Survey Tool prepared by the approved infection prevention consultant, Lucille Plantemoli, dated May 21, 2019.

Cease and Desist Order

On May 21, 2019, the Department issued a cease and desist order barring the facility's provision of services until further notice 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. By e-mail dated June 18, 2019, Ms. Waters provided the Department with documentation regarding an accreditation survey to be conducted by the Accreditation Association for

Ambulatory Health Care, Inc., and requested that the Department allow the facility to reopen for the purpose of the survey. Although the facility has taken steps toward obtaining the required accreditation, based on a recommendation from Survey staff, the cease and desist order will remain in effect until the Department is satisfied that the recommendations of the infection prevention consultant have been implemented.

#### Revised Directed Plan of Correction

On May 21, 2019, the Department issued 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. Based on the report submitted by the approved consultant, the Department is revising the directed plan of correction as follows. The Department is requiring continued retention of an infection control consultant for a minimum of 20 hours per week for the purpose of ensuring implementation of the consultant's recommendations. The facility may choose to continue with the approved consultant or, if the facility chooses a different consultant, the facility must submit the resume for the alternative consultant for the Department's review and approval by July 1, 2019. The resume for the new consultant, if one is retained, should be submitted to [Gene.Rosenblum@doh.nj.gov](mailto:Gene.Rosenblum@doh.nj.gov). The consultant must be retained and on site no later than July 8, 2019.

In addition, the facility shall submit weekly progress reports commencing July 12, 2019, signed by both the facility and the approved consultant, setting forth with specificity the measures taken during the week and progress made toward implementation of the consultant's recommendations. The weekly reports shall be submitted via e-mail to [Sophie.Xyloportas@doh.nj.gov](mailto:Sophie.Xyloportas@doh.nj.gov).

When the Department is satisfied that the facility has implemented the consultant's recommendations sufficiently to ensure infection control and prevention, the Department will lift the cease and desist order temporarily to allow the facility to operate for the purpose of the accreditation survey.

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 for violation of this order.

#### Final Agency Decision

This revised 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

Endo-Surgical Center of North Jersey  
Order to Cease and Desist and Revised Directed Plan of Correction  
Page 3

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

Sincerely,

A handwritten signature in black ink, appearing to read "Gene Rosenblum". The signature is fluid and cursive, written over a horizontal line.

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

GR:jl  
Control # AX19004

c. Gene Rosenblum  
Stefanie Mozgai  
Jean DeVitto  
Marcela Maziarz