



State of New Jersey
DEPARTMENT OF HEALTH

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www.nj.gov/health

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

SHEREEF M. ELNAHAL, MD, MBA
Commissioner

IN RE: Licensure Violation)
NJ Facility ID # NJ 10702)
)

Notice of Directed Plan of Correction (DPOC)

TO: John N. Kastanis, President & CEO
University Hospital
150 Bergen Street
Newark, NJ 07103

This letter will confirm our October 23, 2018, telephone conversation with Robert J. MacFadyen, Director, Regulatory Affairs and Accreditation, and Certificate of Need, Office of Program Compliance, staff from the Department of Health (Department), wherein you were informed that, effective immediately, the Department is ordering a Directed Plan of Correction (DPOC) requiring that University Hospital (the Hospital) employ consulting services of a Certified Infection Control Practitioner (ICP). This action is taken in accordance with the provisions set forth at N.J.A.C. 8:43E-2.4 and 3.1 in response to serious infection control deficiencies observed by Department staff in the Hospital during recent visits.

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 Manual of Hospital Licensing Standards set forth at N.J.A.C. 8:43G-1.1 et seq.

LICENSURE VIOLATIONS:

Staff from the Department’s Communicable Disease Service (CDS) and Health Facility Survey and Field Operations (HFS&FO) were on-site at the Hospital on October 18, 19 and 22, 2018, for an investigation of an Acinetobacter baumannii outbreak and review of infection control issues. Survey staff identified multiple deficiencies, including issues with hand hygiene, personal protective equipment and cleanliness. Further, on October 4, 2018, CDS staff, in response to the outbreak, had sent to the Hospital its recommendations for infection control, including guidance from the Center for Disease Control and interventions aimed at halting the transmission of Acinetobacter baumannii. During the on-site visit, CDS staff observed that the recommended practices had not been implemented. These violations pertain to the care of patients using the services at University Hospital.

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DIRECTED PLAN OF CORRECTION:

The Department is, therefore, ordering a DPOC requiring the facility to retain the full-time services of a Certified Infection Control Practitioner (ICP) consultant to begin providing services to the Hospital no later than October 30, 2018. This consultant shall be pre-approved by this Department. The Hospital shall, no later than October 29, 2018, provide the Department with the name and resumé of the proposed consultant for the Department's review and approval.

You may contact the Association of Professionals in Infection Control to obtain the names of ICPs in your area. The ICP consultant shall possess training and experience in surveillance, prevention, and control of nosocomial infection, and shall be present in the Hospital for no less than 40 hours per week, including weekends, until further notice from the Department. This ICP consultant shall be completely independent of the Hospital and have no previous or current ties to the Hospital's principals, management and/or employees or other related individuals of any kind, including, but not limited to employment, business or personal ties. The contract with this consultant shall include provisions for immediate corrective action ensuring patient safety is not jeopardized and applicable state licensing standards are met. The Hospital should send weekly reports to the CDS's Healthcare Associated Infections Coordinator, Jason Mehr, MPH, CIC at 609-826-5964 or Jason.Mehr@doh.nj.gov with a copy to HFS&FO's Louise Steska at Louise.Steska@doh.nj.gov. 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, the Hospital is directed to maintain timely communication with the Department, including participation on additional update calls, as may be required by CDS staff, including both the Hospital's infection prevention team and the consultant.

Please be advised that this DPOC shall remain in place until the facility is otherwise notified by a representative of this Department.

FORMAL HEARING:

University Hospital is entitled to contest this action by requesting a formal hearing at the Office of Administrative Law (OAL) to challenge this DPOC. University Hospital may request a hearing to challenge either the factual survey findings or the DPOC, or both. University Hospital must advise this Department within 30 days of receipt of this letter if it requests 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 Department of Health P.O. Box 360
Trenton, New Jersey 08625-0360

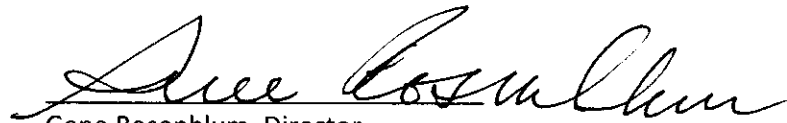
Corporations are not permitted to represent themselves in OAL proceedings. Therefore, if University Hospital is owned by a corporation, representation by counsel is required. In the event of an OAL hearing regarding this matter, University Hospital is further required to submit a written response to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

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be advised that Department staff will monitor facility compliance with this Notice to determine whether corrective measures are implemented by the facility 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 a written request for a hearing within 30 days from the date of receipt 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 any and 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:jlh

DATE: October 23, 2018
FACSIMILE (973) 972-6943
E-MAIL kastanjn@uhnj.org
REGULAR AND
CERTIFIED MAIL: 7009 1680 0002 1239 4215
RETURN RECEIPT REQUESTED
Control # AX 18017

c. Alison Gibson
Stefanie Mozgai
Jason Mehr
Louise Steska
Rebecca Greeley
Lisa King
Jean Markey