



State of New Jersey
DEPARTMENT OF HEALTH

PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

PO BOX 360
TRENTON, N.J. 08625-0360

www.nj.gov/health

KAITLAN BASTON, MD, MSc, DFASAM
Acting Commissioner

In Re Licensure Violation:

Inspira Medical Center Vineland

(NJ Facility ID# NJ310032)

NOTICE OF ASSESSMENT
OF PENALTIES

TO: Dolores Kerslake
Inspira Medical Center Vineland
1505 W. Sherman Avenue
Vineland, New Jersey 08360
Kerslaked@ihn.org

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 (the "Department") 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 and Monetary Penalties

Staff from the Department's Health Facility, Survey and Field Operations were on-site at Inspira Medical Center Vineland (hereinafter "Inspira Medical Center") for a complaint survey on September 15, 2023.

The facility was in violation of N.J.A.C. 8:43G-5.2(a), which requires hospitals to have written policies, procedures, and bylaws that are reviewed at least once every three years, revised more frequently as needed, and implemented. The facility failed to follow their policy and procedures to ensure that a mechanism was in place to identify the presence of weapon(s) for all civilians entering the facility.

On September 13, 2023, the surveyor interviewed staff regarding the event that occurred on September 9, 2023. Staff stated that on September 4, 2023, a patient visited the Emergency Department (ED) via Emergency Medical Services (EMS) with complaints of diarrhea. The patient was diagnosed with hypovolemic shock and an acute kidney injury, requiring multiple pressors (medication to maintain blood pressure), and was admitted to the Intensive Care Unit (ICU). After reviewing the ED assessment, it was revealed that the patient screened negative on the suicide risk assessment as well as the depression screening. During an interview with the Assistant Vice President (AVP) of Critical Care staff, it was confirmed that on September 9, 2023, a Registered Nurse (RN) noticed the patient's arterial line dressing

needed to be changed. Before the RN left the patient's room, the patient asked for their bag. When the RN gave the resident their bag, the RN noticed the sheets were bloody and when the RN lifted the sheets, a knife was discovered and removed. The patient then revealed a gun to the RN that they used to cause a self-inflicted gunshot wound to the head. The patient was pronounced dead. During various interviews with staff members at the hospital including a triage nurse, security officer, AVP of Critical Care, and two ICU nurses, it was confirmed the patient's belongings were not checked because they were not identified to be at risk for self-harm or harming others. Based on observation, interview and record review, the survey team determined that the facility failed to follow their facility policy titled, "Weapons Policy" which stated "No Civilian will be permitted to be in possession of a weapon on the property of the Hospital, regardless of whether the person has a license to possess same."

In accordance with N.J.A.C. 8:43E-3:4(a)(10), and because these violations resulted in actual harm to a patient or resident, or in an immediate and serious risk of harm, a penalty of \$2,500 per violation is assessed for each day noncompliance is found. Thus, from September 4, 2023, the date the patient was admitted to the hospital without their personal belongings being checked for weapons to September 9, 2023, the day that the firearms were discovered after the patient used a gun to self-inflict a gunshot wound to the head, a penalty of \$2,500 per day, for six (6) days, is assessed. Therefore, the total penalty assessed for this violation is \$15,000.

The total penalty imposed for these violations is \$15,000.

The total amount of this penalty is required to be paid within 30 days of receipt of this letter by certified check or money order made payable to the "Treasurer of the State of New Jersey" and forwarded to Office of Program Compliance, New Jersey Department of Health, P.O. Box 358, Trenton, New Jersey 08625-0358, Attention: Lisa King. PLEASE NOTE: On all future correspondence related to this Notice, please refer to Control AX24003.

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. Facilities wishing to challenge only the assessment of penalties are not entitled to IDR review, but such facilities may request a formal hearing at the Office of Administrative Law as set forth herein below. Please note that the facility's rights to IDR and administrative hearings are not mutually exclusive and both may be invoked simultaneously. 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 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:

Nadine Jackman, Office of Program Compliance
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 does not delay the imposition of any enforcement remedies.

FORMAL HEARING:

Inspira Medical Center is entitled to challenge the assessment of penalties pursuant to N.J.S.A. 26:2H-13, by requesting a formal hearing at the Office of Administrative Law (OAL). The facility may request a hearing to challenge any or all of the following: the factual survey findings and/or the assessed penalties. Inspira Medical Center must advise this Department within 30 days of the date of this letter if it requests an OAL hearing.

Please forward your OAL hearing request to:

Attention: OAL Hearing Requests
Office of Legal and Regulatory Compliance, 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 Inspira Medical Center is owned by a corporation, representation by counsel is required. In the event of an OAL hearing regarding the curtailment, Inspira Medical Center is further required to submit a written response to each, and every charge as specified in this notice, which shall accompany its written request for a hearing.

Failure to submit 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.

Finally, be advised that Department staff will monitor compliance with this notice to determine whether corrective measures are implemented by Inspira Medical Center 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 additional penalties.

Thank you for your attention to this important matter and for your anticipated cooperation. Should you have any questions concerning this notice, please contact Lisa King, Office of Program Compliance at Lisa.King@doh.nj.gov.

Sincerely,



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

GR:LK:jc:nj

DATE: January 31, 2024

E-MAIL: Kerslaked@ihn.org

REGULAR AND CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Control# AX24003