



State of New Jersey
DEPARTMENT OF HEALTH

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JEFFREY A. BROWN
Acting Commissioner

In Re Licensure Violation:	:	CURTAILMENT OF SURGICAL
	:	SERVICES AND DIRECTED PLAN
MINE HILL SURGICAL CENTER	:	OF CORRECTION
(NJ Facility ID# NJR24504-2)	:	
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TO: Dr. Edward Champey, Medical Director
Mine Hill Surgical Center
195 Route 46, Suite 202
Mine Hill, New Jersey 07803
administrator@minehillsurgical.com
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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 Standards for Licensing of Ambulatory Care facilities set forth at N.J.A.C. 8:43A-1.1 et seq.

Pursuant to N.J.A.C. 8:43A-5.1, "[t]he governing authority shall appoint an administrator who shall be accountable to the governing authority. The administrator, or an alternate who shall be designated in writing to act in the absence of the administrator, shall be available in the facility during its hours of operation."

Pursuant to N.J.A.C. 8:43A-1.4, the administrator must have the following qualifications:

The administrator shall have a baccalaureate degree and two years of full-time, or full-time equivalent, administrative or supervisory experience in a health care facility. Each additional year of full-time, or full-time equivalent, administrative or supervisory experience and/or training in a health care facility may be substituted for each year of the four-year degree requirement. Four years of such experience and/or training may be used to satisfy the degree requirement.

Pursuant to N.J.A.C. 8:43A-8.2, "[t]he facility shall designate in writing a registered professional nurse as the director of nursing services, who shall be on the premises of the facility during its hours of operation. A

registered professional nurse shall be designated in writing to act in the absence of the director of nursing services."

Pursuant to N.J.A.C. 8:43A-14.1(b), "[t]he administrator shall designate an infection control professional who shall be responsible for the direction, provision, and quality of infection prevention and control services." Further, "there must be a health care professional on site who is responsible for the day to day activities related to infection control."

LICENSURE VIOLATIONS

Staff from the Department's Health Facility, Survey and Field Operations unit were on-site at Mine Hill Surgical Center (Mine Hill) on June 28, 2025, for a complaint investigation. During the inspection, the surveyors found the following violations:

- No Administrator or alternate Administrator at the facility. [N.J.A.C. 8:43A-5.1].
- No Director of Nursing or Alternate Director of Nursing. [N.J.A.C. 8:43A-8.2].
- No governing body meeting minutes for 2025 [N.J.A.C. 8:43A-4.1].
- No Day-to-Day Infection Control person. The facility failed to provide cleaning company contract for Terminal Cleaning. There were no competencies for staff that conduct cleaning between surgical cases. [N.J.A.C. 8:43A-14.1].
- 3 of 3 per diem nursing staff files lacked evidence of any nursing competencies including patient monitoring in Operating Room and/or Post Anesthesia Care Unit; no nursing staff schedule; no in-service education upon hire. [N.J.A.C. 8:43A-3.5].
- No staff file for 1 of 3 RNs working on June 28, 2025 [N.J.A.C. 8:43A-8.4].

These licensure violations impact directly on patient safety of those receiving surgical services from the facility.

CURTAILMENT OF SURGICAL SERVICES

As you were notified by telephone message and e-mail on June 30, 2025, effective upon the facility's notification, the Department ordered the curtailment of all surgical services at the facility. This enforcement action was taken in accordance with the provisions set forth at N.J.A.C. 8:43E-3.1 (Enforcement Remedies Available) and 3.6 (Curtailment of Admissions) in response to serious violations observed by Department staff at Mine Hill during its on-site inspection.

Please be advised that N.J.A.C. 8:43E-3.4(a)(2) provides for a penalty of \$250 per day from the date of such admission to the date of discharge or lifting of the curtailment order for each patient provided surgical services in violation of this curtailment order.

The Curtailment of Surgical Services shall remain in place until the facility is otherwise notified in writing by a representative of this Department.

DIRECTED PLAN OF CORRECTION

The Commissioner of the Department of Health hereby directs the following plan of correction (DPOC). The facility must:

1. Designate and retain both an administrator and an alternate administrator to act when the administrator is absent from the facility as required by N.J.A.C. 8:43A-5.1.
2. Designate and retain both a Director of Nursing and alternate Director of Nursing to act when the Director of Nursing is absent from the facility as required by N.J.A.C. 8:43A-8.2.

3. Complete governing body meeting minutes for 2025 as required by N.J.A.C. 8:43A-4.1.
4. Designate and retain an infection control professional who shall be responsible for the direction, provision, and quality of infection prevention and control services as required by N.J.A.C. 8:43A-14.1. The infection control professional must have the requisite qualifications set forth in N.J.A.C. 8:43A-14.1(c). As noted in the regulation, the infection control professional may be a consultant; however, there must be a health care professional on site who is responsible for the day to day activities related to infection control.
5. Retain the part-time, on-site services of an Administrator Consultant who both meets the requirements of N.J.A.C. 8:43A-1.4 set forth above and, in addition, has experience specific to ambulatory surgical centers. The Administrator Consultant shall:
 - a. Assess the facility's compliance with all applicable state licensing standards and identify areas of non-compliance;
 - b. Oversee the development, implementation and evaluation of corrective action plans (including an acceptable Plan of Correction);
 - c. Develop and implement compliance management systems at the facility;
 - d. Collaborate with facility leadership to ensure that operating procedures, systems and standards align with compliance requirements;
 - e. Ensure staff training needed to comply with applicable licensing standards; and,
 - f. Take other actions as may be necessary to ensure identification of compliance issues and implementation of timely corrective measures.
6. Retain the part-time, on-site services of a Director of Nursing consultant who both meets the requirements of N.J.A.C. 8:43A-1.10 (Qualifications of the Director of Nursing Services) and, in addition, has experience specific to ambulatory surgical centers.
7. Retain the part-time, on-site services of an Infection Control consultant who both meets the requirements of N.J.A.C. 8:43A-14.1(c) and, in addition, has experience specific to ambulatory surgical centers.

The three consultants shall be approved in advance by the Department. The facility shall provide the names and resumes of the proposed consultants by sending them to Kara.Morris@doh.nj.gov, Kimberly.Hansen@doh.nj.gov, Lisa.King@doh.nj.gov, Jean.Markey@doh.nj.gov and Gene.Rosenblum@doh.nj.gov by close of business on July 16, 2025. The approved consultants shall be retained and begin work no later than the close of business on July 23, 2025. The consultants shall have no previous or current ties to the facility's principals, management and/or employers or other related individuals of any kind, including, but not limited to employment, business, or personal ties. The consultants shall be present in the facility for no less than 20 hours per week during regular office hours until further notice from the Department.

The facility should send weekly progress reports every Friday by 1:00 p.m. to Kara.Morris@doh.nj.gov and Kimberly.Hansen@doh.nj.gov. These weekly reports shall include timely status updates regarding:

1. Identified areas of non-compliance;
2. Corrective measures to address identified areas of non-compliance; and,

3. Status of corrective measures implementation.

In addition, the facility is directed to maintain timely communication with the Department, as may be required.

This enforcement action is taken in accordance with the provisions set forth at N.J.A.C. 8:43E-2.4 (Plan of Correction) and 3.1 (Enforcement Remedies Available).

Department staff will monitor facility compliance with this Directed Plan of Correction 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.

This DPOC shall remain in place until the Facility is otherwise notified in writing by a representative of this Department.

FORMAL HEARING

Mine Hill is entitled to contest the curtailment, pursuant to N.J.S.A. 26:2H-14, by requesting a formal hearing at the Office of Administrative Law (OAL). Mine Hill may request a hearing to challenge the factual survey findings and/or the curtailment. Mine Hill 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, 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 Mine Hill is owned by a corporation, representation by counsel is required. In the event of an OAL hearing regarding the curtailment, Mine Hill 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.

Due to the emergent situation and the immediate and serious risk of harm posed to the patients, the Department will not hold the curtailment in abeyance during any appeal of the curtailment.

Thank you for your attention to this important matter and for your anticipated cooperation. If you have any questions concerning the Curtailment of Surgical Services or Directed Plan of Correction, 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:JLM:nj
DATED: July 9, 2025
E-MAIL
Control #AX25023

C. Order Distribution List