



State of New Jersey
DEPARTMENT OF HEALTH

PO BOX 358
TRENTON, N.J. 08625-0358

www.nj.gov/health

PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

JEFFREY A. BROWN
Acting Commissioner

IN RE: LICENSURE VIOLATION	:	
TRANSFER OF OWNERSHIP WITHOUT	:	
DEPARTMENT APPROVAL	:	
	:	NOTICE OF ASSESSMENT
University Center for Ambulatory Surgery	:	OF PENALTIES
License # 24483	:	
Application # LA - 24483 - 29533	:	
	:	
	:	

TO: Susan Gurwitz- Administrator
University Center for Ambulatory Surgery
2 Worlds Fair Drive, 3rd Floor
Somerset NJ 08873

Dear Ms. Gurwitz:

Effective immediately, the Department of Health (hereinafter, "the Department") is assessing penalties pursuant to N.J.A.C. 8:43E-3.4(a)(5) upon University Center for Ambulatory Surgery (hereinafter "UCAS" or "the Facility") because the facility completed a transfer of ownership prior to obtaining approval by the Department. Only after a transfer of ownership application has been reviewed and deemed acceptable by the Office of Certificate of Need and Healthcare Facility Licensure will a prospective new owner be given the approval needed to complete transfer. N.J.A.C. 8:43-4.3(d).

LICENSURE VIOLATIONS:

The Department received Application LA-24483-29533 on January 23, 2024. The Title Closing Statement submitted by Charles J. Gatt, dated October 29, 2024, confirmed January 1, 2023, as the completion date of the transfer of ownership. Completeness questions responses received January 29, 2025, confirmed the transfer of ownership was completed as of January 1, 2023.

MONETARY PENALTIES:

In accordance with N.J.A.C. 8:43E-3.4(a)(5), a penalty of \$ 500.00 per day for the transfer of ownership of a healthcare facility without prior approval of the Department will be assessed from the date of the transfer of interest to the date of discovery by the Department. Such fine may be assessed against each of the parties at interest.

The Department became aware of the unapproved transfer of ownership when Application LA-24483-29533 was received on January 23, 2024. The Title Closing Statement, dated October 29, 2024, submitted by Charles J. Gatt confirmed January 1, 2023, as the completion date of the transfer of ownership, and Completeness questions received January 29, 2025, confirmed the transaction was completed as of January 1, 2023. Thus, there were 388 days from the date of transfer of ownership until the date of discovery by the Department. **Therefore, the total penalty assessed for the transfer of ownership prior to approval in violation of N.J.A.C. 8:43-4.3(d), is \$194,000 (388 days x \$500).**

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. **On all future correspondence related to this Notice, please refer to Control AX25029.**

INFORMAL DISPUTE RESOLUTION:

N.J.A.C. 8:43E-2.3 provides facilities the option to challenge factual 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. A specific explanation of why you are contesting the facts supporting the imposition of the civil monetary penalty; and
2. 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 licensure process. **Requesting IDR does not delay the imposition of any enforcement remedies.**

FORMAL HEARING:

The facility is entitled to contest 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 findings and/or the assessed penalties. The facility 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 the facility is owned by a corporation, representation by counsel is required. In the event of an OAL hearing regarding the penalty, the facility 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.

Thank you for your attention to this important matter and for your anticipated cooperation. If you have any questions regarding this Notice of Assessment, please contact Nadine Jackman, Office of Program Compliance, at Nadine.Jackman@doh.nj.gov.

Sincerely,

A handwritten signature in blue ink, appearing to be 'LK' followed by a stylized flourish.

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

LK:Jl:nj

DATE: November 25, 2025

EMAIL: sgurwitz@sovms.com

REGULAR AND CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Control # AX25029