



State of New Jersey
DEPARTMENT OF HEALTH
PO BOX 358
TRENTON, N.J. 08625-0358
www.nj.gov/health

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

JUDITH M. PERSICILLI, RN, BSN, MA
Commissioner

September 3, 2021

VIA Regular Mail and Certified Mail, RRR

Thomas Ciccarelli
Chief Executive Officer
New Jersey Urology
375 Mt. Pleasant Ave., Suite 250
West Orange, NJ 07052

Jeanne T Connelly RN BSN MBA CPC FACMPE
Vice President of Clinical Affairs and Quality
New Jersey Urology, LLC
1515 Broad Street Suite B130
Bloomfield NJ 07003
jconnelly@njurology.com

RE: Cease and Desist Order
Facility # R24637
Control # X21014

Dear Mr. Ciccarelli and Ms. Connelly,

We are writing in furtherance of the request made to you by letter dated July 7, 2021 to apply for licensure as an ambulatory surgery center. To date New Jersey Urology (f/k/a Urology Group of New Jersey, LLC) located at 375 Mt. Pleasant Ave., Suite 250, West Orange, NJ, has failed to apply for a license to operate the facility as it is required to do under the Health Care Facilities Planning Act, N.J.S.A. 26:2H -1 et seq. Therefore, by close of business on September 10, 2021, New Jersey Urology shall cease and desist providing services as a surgical practice.

As set forth in the July 7, 2021 letter, New Jersey Urology is a surgical practice as defined at N.J.S.A. 26:2H-12(g)(5), which provides that:

“surgical practice” means a structure or suite of rooms that has the following characteristics:

(a) has no more than one room dedicated for use as an operating room which is specifically equipped to perform surgery, and is designed and constructed to accommodate invasive diagnostic and surgical procedures;

(b) has one or more post-anesthesia care units or a dedicated recovery area where the patient may be closely monitored and observed until discharged; and

(c) is established by a physician, physician professional association surgical practice, or other professional practice form specified by the State Board of Medical Examiners pursuant to regulation solely for the physician's, association's, or other professional entity's private medical practice.

New Jersey Urology's practice is not limited to diagnostic procedures, it has a room designed and constructed to accommodate, *inter alia*, invasive surgical procedures, its physicians use anesthesia for procedures that require post-anesthesia care, and it performs surgical procedures using cystoscopy. Pursuant to N.J.S.A. 26:2H-12(g)(4), it is therefore a surgical practice required to apply for licensure as an ambulatory care facility.

New Jersey Urology was required to apply to the Department of Health for licensure as an ambulatory care facility licensed to provide surgical and related services by January 15, 2019. See N.J.S.A. 26:2H-12(g)(4). N.J.S.A. 26:2H-12(a) provides that "[n]o health care service or health care facility shall be operated unless it shall: (1) possess a valid license..., which license shall specify the kind or kinds of health care services the facility is authorized to provide."

Accordingly, New Jersey Urology is operating a surgical practice without a license as an ambulatory care facility licensed to provide surgical and related services in violation of N.J.S.A. 26:2H-12 and N.J.A.C. 8:43A-2.3, and it must cease and desist from doing so by close of business on September 10, 2021.

Please be advised that in accordance with N.J.A.C. 8:43E-3.4(a)1, New Jersey Urology is subject to penalties up to \$1,000.00 per day for operation of the facility in violation of this order, as well as possible further enforcement action pursuant to law and regulation.

RIGHT TO HEARING:

Pursuant to N.J.A.C. 8:43E-4.1, New Jersey Urology is also entitled to a prompt formal hearing at the Office of Administrative Law (OAL) to challenge this cease and desist order.

New Jersey Urology must advise this Department within 30 days of receipt of this letter to request an OAL hearing regarding this matter.

Please forward your OAL hearing request to:

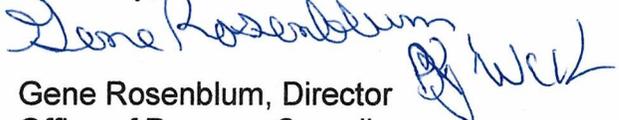
Office of Legal and Regulatory Compliance, Room 805
Attn: OAL HEARING REQUESTS
New Jersey State Department of Health

P.O. Box 360
Trenton, New Jersey 08625-0360

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

For questions related to this matter, you may contact the office at (609) 984-8128.

Sincerely,

A handwritten signature in blue ink that reads "Gene Rosenblum". To the right of the signature is a circular stamp containing the initials "WCK".

Gene Rosenblum, Director
Office of Program Compliance
Division of Certificate of Need &
Licensing
New Jersey Department of Health

C: Michael J. Kennedy
E. Brenycz
Lisa Kiernan
Anna Sousa
Denise Gorski-Galla
E. Kenny