



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

January 22, 2021

**VIA FACSIMILE (973-383-2774) AND
Certified MAIL RRR EMAIL**

Connie Perna
Administrator
The Imagecare Center at Newton
222 High Street
Newton, NJ 07860

RE: Curtailment of Surgical Procedures, and Preventive, Diagnostic, and Treatment Services
Facility ID # NJ23223
License # 23252

Dear Ms. Perna:

This letter will confirm the January 21, 2021 telephone conversation between Ms. Teresa Kelusak and staff from the Department of Health, Office of Program Compliance ("the Department"), wherein she was informed that, effective immediately, The Imagecare Center at Newton(Facility) shall curtail all ambulatory care services, including any surgical, preventive, diagnostic and treatment services due to its failure to comply with the Federal requirements related to implementing proper infection prevention and control practices to prevent the development and transmission of COVID-19, along with other regulatory requirements to maintain compliance. This order shall remain in place until formally lifted by the Department.

This action is being taken based on a recommendation from Survey staff and in accordance with N.J.A.C. 8:43E-3.6(a) during an on-site Complaint Survey on January 21, 2021, in which deficient practices were identified related to serious breaches of infection control. Survey found deficiencies in addition to the Facility's failure to complete COVID-19 screening upon entrance to the facility included, but may not be limited to:

1. The Facility's infection control professional is not certified or trained in infection control.
2. Staff are using N95 masks without being fit tested.
3. A staff member stated that she uses an N95 mask that hangs on a pegboard while performing x-ray services for a person under investigation. She didn't know the owner or user of the mask, she wasn't fit tested, and she stated she improperly wore the N95 mask over a cloth mask.
4. The Facility does not have a policy or plan for the reuse or extended use of PPE.
5. The Facility infection control plan does not include the nationally recognized infection control guidelines followed by the Facility.

Please be advised that only after the Department receives confirmation from Survey that the Facility has corrected the infection control deficiencies will the Department consider lifting The Imagecare Center at Newton Curtailment.

FORMAL HEARING

The Imagecare Center at Newton is entitled to a prompt formal hearing at the Office of Administrative Law (OAL) to challenge this assessment of penalties pursuant to N.J.S.A. 26:2H-13. The Imagecare Center at Newton may request a hearing to challenge either the factual survey findings or the curtailment, or both. Please note that facility rights to IDR (Informal Dispute Resolution) and administrative law hearings are not mutually exclusive, and both may be invoked simultaneously.

The Imagecare Center at Newton 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:

Attention: OAL Hearing Requests
Office of Legal and Regulatory Compliance, Room 805
New Jersey State Department of Health
P.O. Box 360
Trenton, New Jersey 08625-0360

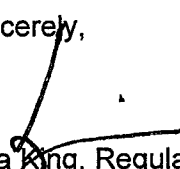
Corporations are not permitted to represent themselves in OAL proceedings. Therefore, if The Imagecare Center at Newton is owned by a corporation, representation by counsel is required.

In the event of an OAL hearing regarding this matter, The Imagecare Center at Newton 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.

In addition, N.J.A.C. 8:43E-3.4(a)(2) provides for a penalty of \$250 per day for each patient treated in violation of this curtailment order.

Please call me at (609) 376-7890 if you have any questions regarding this curtailment.

Sincerely,



Lisa King, Regulatory Officer
Office of Program Compliance
Division of Certificate of Need and Licensing
New Jersey Department of Health

LK:mdj
January 22, 2021
Control # AX21005
EMAIL: (connieperna@imagecarecenters.com)

C:

Maria Christensen
Lisa Kiernan
Anna Sousa
Denise Gorski-Galla