



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

July 12, 2021

Via E-mail (Patrick.ahearn@rwjbh.org)

Patrick Ahearn, CEO
Community Medical Center
99 Route 37 West
Toms River, New Jersey 08755

Re: Order Partially Lifting Curtailment With Conditions

Dear Mr. Ahearn:

On June 10, 2021, the Department of Health (Department) ordered Community Medical Center to curtail all services at Operating Rooms One through Five. This action was taken after Community Medical Center staff experienced various adverse medical symptoms in the identified operating rooms caused by an unidentified source of noxious odors that required the response of the local fire department, a HAZMAT unit and Occupational Safety and Health Administration representatives (OSHA). On June 29, 2021, the Department issued a Directed Plan of Correction and extended the curtailment to curtail providing any services that cannot be performed under local or no anesthesia from being performed in rooms that are not designed for surgeries under general anesthesia, including, but not limited to, Minor Treatment Rooms One and Two, Endoscopy and Cardiac Catherization. Effective today, the Department is partially lifting the curtailment of services as follows. The facility may resume services at Operating Rooms One through Five.

Monitoring

The facility shall report daily to the Department for 14 days whether or not there have been reports of unusual odors or staff experiencing symptoms of illness. These reports shall be submitted to the Department through the Novi Survey system. On August 11, 2021, the facility shall submit a report summarizing the reports of unusual odors or staff experiencing symptoms of illness occurring in the preceding 30-day period or setting forth that no further incidents have occurred. Please submit this report by e-mail to Kimberly.Hansen@doh.nj.gov, Denise.Gorski-Galla@doh.nj.gov and Gene.Rosenblum@doh.nj.gov. After August 11, 2021, the facility shall

Patrick Ahearn, CEO
Community Medical Center
July 12, 2021
Page 2

report to the Department any additional reports of unusual odors or staff experiencing symptoms of illness within 24 hours.

Extended Curtailment

The extended curtailment that curtails providing any services that cannot be performed under local or no anesthesia from being performed in rooms that are not designed for surgeries under general anesthesia, including, but not limited to, Minor Treatment Rooms One and Two, Endoscopy and Cardiac Catherization, **shall remain in effect.**

Directed Plan of Correction

The facility has satisfied the requirements of the Directed Plan of Correction imposed on June 29, 2021.

Formal Hearing

Community Medical Center is entitled to a prompt formal hearing at the Office of Administrative Law (OAL) to challenge this curtailment. Community Medical Center may request a hearing to challenge either the factual findings or the curtailment of patient services, or both.

Community Medical Center must advise this Department, in writing, 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

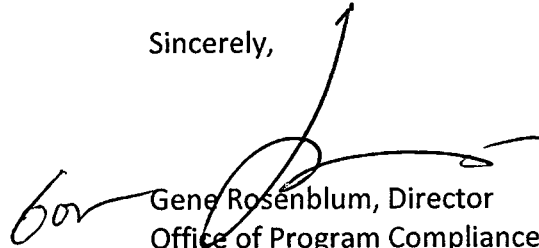
A corporation is not permitted to represent itself in an OAL hearing. Therefore, if Community Medical Center is owned by a corporation, representation by counsel is required.

If Community Medical Center requests an OAL hearing regarding this matter, the facility is further required to submit a written response to each and every charge as specified in this order, which shall accompany the written request for a hearing.

Patrick Ahearn, CEO
Community Medical Center
July 12, 2021
Page 3

If you have questions regarding the survey, please contact Lisa Kiernan at (609) 292-9900. If you have any questions regarding this curtailment, please call Lisa King at (609) 984-8128.

Sincerely,

A handwritten signature in black ink, appearing to read "Gene Rosenblum", with a long horizontal flourish extending to the right.

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

GR:jlh

Control # AX21006

c. Lisa Kiernan
Kimberly Hansen
Kara Morris
Donna Bonacorso (donna.bonacorso@rwjbn.org)