



State of New Jersey
DEPARTMENT OF HEALTH

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www.nj.gov/health

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Governor

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Lt. Governor

JUDITH M. PERSICHILLI, RN, BSN, MA
Commissioner

June 15, 2022

Kelly Weber, Administrator
The Surgicenter
500 Lakehurst Road
Toms River, New Jersey 08755

VIA Regular and Certified Mail (Return Receipt Requested): 7007 1490 0003 1530 4884
VIA EMAIL: kweber@fostermd.com

RE: Curtailment of Surgical Procedures and Services
Facility ID # NJ90055
License # R24517

Dear Ms. Weber:

This will confirm yesterday afternoon's phone call between you and staff members of Health Facility Survey and Field Operations (Survey) and members of the Department of Health/Division of Certificate of Need and Licensing/Office of Program Compliance (Department), wherein you were ordered to curtail all surgical procedures and services at The Surgicenter **effective immediately**. Specifically, the curtailment applies to all surgical procedures and services. 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 during an on-site Federal Recertification and State Licensure Survey on June 14, 2022, in which deficient practices were identified related to serious breaches of infection control with the sterile processing of instrumentation. See N.J.A.C. 8:43A-14.4(a)(1). The deficiencies found include but may not be limited to:

- The facility failed to ensure that reusable surgical instruments are reprocessed in accordance with Association for the Advancement of Medical Instrumentation (AAMI), ST 79 guidelines and manufacturer's instructions for use. Specifically, the processing of surgical instrumentation was not being completed for each specific type of surgical instrumentation.

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 Surgicenter curtailment.

FORMAL HEARING

The Surgicenter 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 Surgicenter 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 Surgicenter 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
New Jersey State Department of Health
P.O. Box 360
Trenton, New Jersey 08625-0360

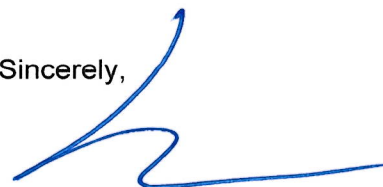
Corporations are not permitted to represent themselves in OAL proceedings. Therefore, if The Surgicenter is owned by a corporation, representation by counsel is required.

In the event of an OAL hearing regarding this matter, The Surgicenter 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 admitted in violation of this curtailment order.

Please contact Lisa King at Lisa.King@doh.nj.gov if you have any questions regarding this curtailment.

Sincerely,



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

LK:JLM:jc
June 15, 2022
Control # AX22001

C: Stefanie Mozgai