



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

IN RE:

UCP of Hudson County	)	
Pediatric Medical Day Care	)	Notice of Assessment
Licensure Violation	)	of Penalties and Curtailment
NJ Facility ID # NJ408332	)	of Admissions
	)	

TO: Reggie Neal, Administrator  
UCP of Hudson County Pediatric Medical Day Care  
721 Broadway  
Bayonne, New Jersey 07002

VIA CERTIFIED MAIL (RETURN RECEIPT REQUESTED)  
VIA EMAIL: rneal@ucpofhudsoncounty.org

The Health Care Facilities Planning Act (N.J.S.A. 26:2H-1 et seq.) (the Act) provides a statutory scheme designed to ensure that all health care facilities are of the highest quality. Pursuant to the Act and N.J.A.C. 8:43E-1.1 et seq., General Licensure Procedures and Standards Applicable to All Licensed Facilities, the Commissioner of Health is authorized to inspect all health care facilities and to enforce the Manual of Standards for Licensure of Pediatric Medical Day Care Facilities set forth at N.J.A.C. 8:43J-1.1 et seq. The Department of Health (Department) is imposing monetary penalties upon UCP of Hudson County Pediatric Medical Day Care pursuant to N.J.A.C. 8:43E-3.4. The Department is also continuing a curtailment of admissions that was imposed on the facility pursuant to N.J.A.C. 8:43E-3.6 on July 25, 2022.

**LICENSURE VIOLATIONS AND MONETARY PENALTIES:**

Staff of the Department of Health (Department) completed an on-site survey of the UCP of Hudson County Pediatric Medical Day Care (facility) on July 21, 2022. The report of this survey, which is incorporated herein by reference, revealed the following licensure violations:

The facility failed to ensure that the administrator was not designated to perform the duties of another position in violation of N.J.A.C. 8:43J-3.1(d). Based on interview and record review during the survey, the surveyor determined that the designated Administrator of the facility was also the designated Social Worker (SW). The Administrator confirmed to a surveyor during an interview that he was also the facility SW and therefore the facility

failed to ensure that the Administrator was not designated to perform the duties of another position. A surveyor also interviewed the Registered Nurse (RN) regarding facility staffing and the RN initially informed the surveyor that the facility did not have a SW but then explained that the administrator was also the designated SW.

The facility failed to comply with N.J.A.C. 8:43J-5.3(b) because it did not prepare plans of care for two pediatric day care participants at the facility. Based on interview and record review, it was determined that the facility's RN failed to develop and implement a written plan of care to address the immediate care needs for 2 of 5 participants reviewed. A surveyor reviewed the medical record (MR) of Participant #2 who was admitted to the facility on March 1, 2022. The surveyor observed that the RN performed an initial assessment on March 1, 2022, but confirmed that there was no documented evidence that an initial plan of care based on the initial assessment had been developed to address the needs of Participant #2. According to surveyor review of the facility attendance record, Participant #2's last day of attendance was on June 2, 2022. A surveyor also reviewed the MR for Participant #3, who was admitted to the facility on March 1, 2022. The surveyor observed no documented evidence of an initial plan of care based on the initial assessment for Participant #3. According to the facility attendance record, Participant #3's last day of attendance was on 6/2/22. The surveyor interviewed the RN, who explained that she did not create initial care plans for Participants #2 and #3. In addition, the RN informed the surveyor that because Participants #2 and #3 had sporadic attendance, she did not have a chance to complete an initial plan of care or subsequent plan of care for either participant. The surveyor reviewed the facility participant attendance record for March 2022 and observed that Participant #2 was in attendance for eighteen days and that Participant #3 was in attendance for nineteen days. The facility failed to ensure that the RN developed and implemented an initial plan of care to address the immediate care needs of two participants to ensure that interventions were in place to accommodate the basic nursing and medical care needs for both medically fragile children.

The facility violated N.J.A.C. 8:43J-6.1(a) because it failed to provide rehabilitative and therapeutic services for participants who were developmentally delayed. Based on interview and record review, a surveyor determined that the facility failed to provide rehabilitative and therapeutic services for four participants who were developmentally delayed, participants #1, #2, #3, and #5. The surveyor interviewed the administrator regarding therapy services and the administrator explained that the facility was not able to secure rehabilitation services for physical, occupational, and speech therapy since reopening on March 1, 2022. The surveyor reviewed the medical records for participants #1, 2, 3 and 5 and observed that each participant required a specific type of therapy services, but there was no documented evidence that the participants received the required therapy services. Participants #2 and 3 did not receive pediatric day care services from the facility after June 2, 2022, but Participants #1 and 5 were still receiving pediatric day care services at the time of the survey.

The facility failed to comply with N.J.A.C. 8:43J-8.2 because it did not provide a Medical Director to oversee the care of the medically fragile children in the program. Based on

interview and record review, a surveyor determined that the facility failed to provide documented evidence identifying the medical director of the facility. This deficient practice could affect all clients in the pediatric day care program. The surveyor interviewed the RN who informed the surveyor that the facility did not have a medical director. The surveyor reviewed the completed facility staff and basic information (document completed by facilities for the Department of Health) and observed that the Administrator documented the name of the facility's medical consultant. The surveyor interviewed the administrator, who explained that the facility did in fact have a medical director. The surveyor requested the facility's contract for the medical director; however, the administrator was unable to provide the surveyor the contract for review. The facility failed to provide the surveyor with documented evidence of a contract to confirm proof of employment of a medical director on the day of survey.

The facility failed to comply with N.J.A.C. 8:43J-11.1(a) because it did not employ the services of a child life specialist to assess developmental milestones and coordinate care with rehabilitation services for the medically fragile children in the program. Based on interview and record review, a surveyor determined that the facility failed to employ the services of a child life specialist to assess developmental milestones and coordinate care with rehabilitation services. This deficient practice had the potential to adversely affect all clients in the pediatric medical day care facility. The surveyor interviewed the Registered Nurse regarding staffing and requested a list of the staff who were employed at the facility. The RN informed the surveyor that there were four staff employed at the facility and provided the surveyor with a handwritten list of the staff members and job titles. The surveyor reviewed the staff and job titles listed, which did not include the job title of a child life specialist. The RN explained that the facility did not have a child life specialist and that she performed the duties of the child life specialist. The surveyor interviewed the administrator regarding the services of a child life specialist. The administrator informed the surveyor that the facility's child life specialist resigned prior to the facility reopening on March 1, 2022 and that he was in the process of hiring a new child life specialist. The facility was unable to provide documented evidence of employment of a child life specialist to provide developmental assessment and coordinate care with rehabilitation services.

The facility violated N.J.A.C. 8:43J-12.2(a) and (b) because it failed to provide participants with social work services to coordinate care-related services and planning to meet the needs of the medically fragile participants who attended the program. Based on interviews and record review, a surveyor determined that the facility failed to ensure that social work services were provided for medically fragile children to facilitate coordination of care and services involved in admission and discharge planning, assessing, documenting, and determining social service needs for 5 out of 5 participants, participants #1, #2, #3, #4, and #5. The surveyor interviewed the registered nurse, who informed the surveyor that the facility did not have a Social Worker (SW). In addition, the RN explained that the administrator was also the SW. The surveyor conducted a medical record (MR) review of participants #1, 2, 3, 4, and 5. The medical record review revealed that there was no documented evidence of the provision of social work services for any of these participants. The surveyor interviewed the administrator, who stated that he was also the

social worker and performed social services. The facility failed to provide documented evidence that participants received social work services to coordinate care and related services and planning to meet the needs of the medically fragile participants who attended this program.

The Department is imposing a penalty pursuant to N.J.A.C. 8:43E-3.4(a)8 for multiple deficiencies throughout the facility related to participant care, but is reducing the penalty because of the facility's compliance history in accordance with the provisions of N.J.A.C. 8:43E-3.4(b). The penalty assessed for these violations is \$500 per day, for each working day, from March 1, 2022 through the date of survey, that the facility failed to provide the care and services required by N.J.A.C. 8:43J-3.1(d), 5.3(b), 6.1(a), 8.2, 11.1(a) and 12.2(a) and (b). The facility was in violation of these requirements for 99 days, so the total penalty assessed is \$49,500.

These violations pertain to the care of participants using the services at UCP of Hudson County Pediatric Medical Day Care. **In accordance with N.J.S.A. 26:2H-14 and N.J.A.C. 8:43E-3.4, UCP of Hudson County Pediatric Medical Day Care is hereby assessed penalties amounting to \$49,500.** 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 and Health Care Financing, 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 # AX21039.**

### **CURTAILMENT**

The curtailment imposed on UCP of Hudson County Pediatric Medical Day Care by the Department on July 25, 0222, pursuant to N.J.A.C. 8:43E-3.6 and N.J.A.C. 8:43J-2.10 is hereby continued. The curtailment order shall remain in place until formally lifted by the Department.

### **INFORMAL DISPUTE RESOLUTION (IDR):**

N.J.A.C. 8:43E-2.3 provides facilities the option to challenge factual survey 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 may request a formal hearing at the Office of Administrative Law as set forth herein below. Please note that facility rights to IDR and administrative law 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. The written survey findings;
2. A list of each specific deficiency the facility is contesting;

3. A specific explanation of why each contested deficiency should be removed; and
4. 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:

Jannelie Claudio  
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 survey process. **Requesting IDR review does not delay the imposition of any enforcement remedies.**

**FORMAL HEARING:**

UCP of Hudson County Pediatric Medical Day Care 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. UCP of Hudson County Pediatric Medical Day Care may request a hearing to challenge either the factual survey findings or the assessment of penalties, or both. Please note that a facility's rights to IDR and an administrative law hearing are not mutually exclusive and both may be invoked simultaneously. UCP of Hudson County Pediatric Medical Day Care must advise this Department within 30 days of receipt of this letter if it requests 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 Department of Health  
P.O. Box 360  
Trenton, New Jersey 08625-0360

Corporations are not permitted to represent themselves in OAL proceedings. Therefore, if UCP of Hudson County Pediatric Medical Day Care is owned by a corporation, representation by counsel is required.

In the event of an OAL hearing regarding this matter, UCP of Hudson County Pediatric Medical Day Care is further required to submit a written response to each and every

charge as specified in this Notice, which shall accompany your written request for a hearing.

Finally, be advised that Department staff will monitor facility compliance with this Notice to determine whether corrective measures are implemented by the facility and whether assessed penalties are paid in a timely fashion. Failure to comply with these and any other applicable requirements, as set forth in pertinent rules and regulations, may result in the imposition of additional penalties.

In accordance with N.J.A.C. 8:43E-3.5(c)1, failure to pay the penalty assessed in this Notice within 30 days of the date it is due and owing may result in the issuance of a final agency order assessing the amount of the penalty and, at the request of the Department, the Clerk of the Superior Court or the Clerk of the Superior Court, Law Division, Special Civil Part shall record the final order assessing the penalty on the judgment docket of the court, in accordance with N.J.S.A. 2A:58-10. The final agency order shall thereafter have the same effect as a judgment of the court.

  
Gene Rosenblum, Director  
Office of Program Compliance

LK:WCK:

DATE: September 15, 2022  
REGULAR AND  
CERTIFIED MAIL:  
RETURN RECEIPT REQUESTED  
rneal@ucpofhudsoncounty.org  
Control # AX21039

c. Stefanie Mozgai  
Kiisha Johnson  
Gene Rosenblum  
Lisa King