



State of New Jersey
DEPARTMENT OF HEALTH

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PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

KAITLAN BASTON, MD, MSc, DFASAM
Acting Commissioner

<p>In Re Licensure Violation:</p> <p>DEPTFORD CENTER FOR REHABILITATION AND HEALTHCARE (NJ Facility ID# NJ60804)</p>	<p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p>	<p>ORDER REQUIRING FILING OF EMERGENCY OPERATIONS PLAN</p>
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TO: Mordechai Horovitz, Administrator
 Deptford Center for Rehabilitation and Healthcare
 1511 Clements Bridge Road
 Deptford, New Jersey 08096
MHorovitz@centershealthcare.org

The New Jersey Department of Health (Department) is vested with the responsibility of carrying out the provisions of the Health Care Facilities Planning Act (Act), N.J.S.A. 26:2H-1 to -27, which was enacted, in part, to ensure that all hospitals, long-term care and related health care services, rendered in the State of New Jersey, are of the highest quality. Pursuant to the Act, namely N.J.S.A. 26:2H-5, and the Department's rules, 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 Standards for Licensure of Long-Term Care Facilities set forth at N.J.A.C. 8:39-1.1 et seq.

Within 24 hours of this order, the Deptford Center for Rehabilitation and Healthcare (Deptford Center), shall submit to the Department its emergency operations plan as it is required to maintain pursuant to N.J.A.C. 8:39-31.6.

On March 15, 2024, the Department issued to Deptford Center a Notice of Intent to Suspend (Notice of Intent) its long-term care facility license. As detailed in the Notice of Intent and more fully below, Deptford Center's financial viability, and consequently the provision of services to residents in its care, is seriously threatened by the upcoming suspension of Deptford Center and its owners, Kenneth Rozenberg, Beth Rozenberg, and Daryl Hagler, from the New Jersey Medical Assistance and Health Services Medicaid program (NJ Medicaid) and any other program administered in whole or in part by the Division of Medical Assistance and Health Services (DMAHS). The suspension was issued by the New Jersey Office of the State Comptroller, Medicaid Fraud Division (MFD), and is effective on May 24, 2024. Deptford Center also failed to

respond to an Information Requirement Order (IRO) the Department issued to it on February 7, 2024, which requested information from Deptford Center's owners about Deptford Center's ability to maintain the functions of the facility post suspension from the NJ Medicaid program. Consequently, the Department must act to ensure the safety of the residents.

FINANCIAL STATUS

The Department became aware that on January 25, 2024, the MFD issued Notices of Suspension (MFD Suspension Notices) stating that effective one hundred and twenty (120) days from the date of the Suspension Notices, it was suspending Innova Gloucester Deptford Bridge Operations, LLC d/b/a Deptford Center for Rehabilitation and Healthcare, Innova Atlantic WH Operations, LLC d/b/a Hammonton Center for Rehabilitation and Healthcare, Centers for Care, LLC d/b/a Centers Health Care, Kenneth Rozenberg, Beth Rozenberg, Daryl Hagler, Centers Agency LLC d/b/a Centers Laboratory, and Centers Lab NJ LLC d/b/a MedLabs Diagnostics from further participation in any capacity in NJ Medicaid, NJ FamilyCare, Work First New Jersey/General Assistance, Pharmaceutical Assistance to the Aged and Disabled, and Senior Gold Prescription Discount Programs, and any other programs (collectively, the "Programs") administered in whole or in part by the DMAHS.

As a result of this suspension, DMAHS will not pay for any item or service that Deptford Center furnishes, directs, orders, prescribes, manages or supervises, or in which Deptford Center participates in any manner, pursuant to N.J.A.C. 10:49-11.1(b). If Deptford Center is employed by or contracts with a provider (including an MCO) in any of the Programs that are reimbursed on a fee-for-service basis, or if Deptford Center is associated with a Managed Care Organization with which DMAHS contracts, DMAHS will not authorize payment for any item or service in which Deptford Center is involved in any capacity.

According to financial information Deptford Center provided to the New Jersey Department of Human Services, 87% of patient days billed by Deptford Center in the second calendar quarter of 2023 were billed to a Medicaid payer. As of May 24, 2024, which is the date the NJ Medicaid suspensions take effect, Deptford Center will no longer have its overwhelming revenue source, which is necessary for it to pay for its staff and the goods and services necessary to operate the long-term care facility. Such failure will subject the residents of the facility to either actual harm, or an imminent and serious risk of harm, because the facility will be unable to provide its residents with necessary care and services.

Because of the facility's looming financial crisis and, in turn, its apparent inability to provide for its residents, the Department issued Deptford Center an IRO on February 7, 2024, which sought information and documentation from the facility that demonstrated its financial ability to continue to operate its long-term care facility after May 24, 2024. Deptford Center has not provided a response to the information order, and therefore failed to provide documentation evidencing its ability to remain financially viable after it is suspended from the NJ Medicaid program.

EMERGENCY OPERATIONS PLAN DUE TO THE DEPARTMENT WITHIN 24 HOURS

Within 24 hours of this Order, the facility shall submit to the Department its emergency operations plan as it is required to maintain pursuant to N.J.A.C. 8:39-31.6. The facility shall submit to the Department, at minimum, its plan to meet the requirements of N.J.A.C. 8:39-31.6 (f), below:

The facility shall have a written comprehensive emergency operations plan developed in coordination with the local office of emergency management. This plan shall:

1. Identify potential hazards that could necessitate an evacuation, including natural disasters, national disasters, industrial and nuclear accidents, and labor work stoppage;
2. Identify the facility and an alternative facility to which residents would be relocated, and include signed, current agreements with the facilities. **The facility and alternative facility to which residents would be relocated may not be a facility that is subject to a Notice of Suspension issued by the MFD;**
3. Identify the number, type, and source of vehicles available to the facility for relocation and include signed current agreements with transportation providers. Specially configured vehicles shall be included;
4. Include a mechanism for identifying the number of residents, staff, and family members who would require relocation and procedures for evacuation of non-ambulatory residents from the facility;
5. List the supplies, equipment, records, and medications that would be transported as part of an evacuation, and identify by title the individuals who would be responsible;
6. Identify essential personnel who would be required to remain on duty during the period of relocation;
7. Identify by title and post in a prominent place the name(s) of the persons who will be responsible for the following:
 - i. Activating the emergency operations plan, issuing evacuation orders, and notifying of State and municipal authorities;
 - ii. Alerting and notifying of staff and residents;
 - iii. Facility shutdown and restart;
 - iv. In place sheltering of residents and continuity of medical care; and
 - v. Emergency services such as security and firefighting; and
8. Describe procedures for how each item in (f)7 above will be accomplished.

Deptford Subacute and Rehabilitation Center
Order to File Emergency Operations Plan
March 18, 2024
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Thank you for your attention to this important matter and for your anticipated cooperation. If you have any questions concerning this matter, please contact Lisa King, Office of Program Compliance, at Lisa.King@doh.nj.gov.

Sincerely,



Gene Rosenblum
Director
Office of Program Compliance
Division of Certificate of Need and Licensing

GR:WCK:nj
DATED: March 18, 2024
E-MAIL
REGULAR AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Control #X24017

- C. Nursing Home Administrators Licensing Board
Frank Skrajewski, Health Facilities Evaluation and Licensing
Pamela Lebak, Health Facility Survey and Field Operations
Kara Morris, Health Facility Survey and Field Operations
Carol Hamill, Health Facility Survey and Field Operations
Laurie Brewer, New Jersey Long-Term Care Ombudsman