



State of New Jersey  
DEPARTMENT OF HEALTH

PO BOX 358

TRENTON, N.J. 08625-0358

[www.nj.gov/health](http://www.nj.gov/health)

PHILIP D. MURPHY  
Governor

TAHESHA L. WAY  
Lt. Governor

KAITLAN BASTON, MD, MSc, DFASAM  
Commissioner

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In Re:

STERLING MANOR  
(NJ Facility ID# NJ060312)

INFORMATION REQUIREMENT  
ORDER

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TO: Lowell Fein, Administrator  
Sterling Manor  
794 North Forklanding Road  
Maple Shade, New Jersey 08052  
[LFein@sterlingmanorNC.com](mailto:LFein@sterlingmanorNC.com)

Mordechay Weitz  
H.W. Weidco/Ster  
1155 Bloomfield Avenue  
Clifton, New Jersey 07012  
[Mark@markweisz.com](mailto:Mark@markweisz.com)

As more fully detailed below, the New Jersey Department of Health (the Department) hereby orders Sterling Manor to submit to the Department by January 21, 2025, information that is needed to verify the proper retention of resident medical records as required by statute and regulation. On January 8, 2025, Sterling Manor advised the Department that it would "be closing with an anticipated closing date of January 31, 2025, and/or until all residents had been safely discharged to an alternate location." Subsequently, Sterling Manor informed the Department that all residents had been relocated as of January 10, 2025.

The 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. 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 enforce the Standards for Licensure of Long-Term Care Facilities set forth at N.J.A.C. 8:39-1.1 et seq. Pursuant to N.J.S.A. 26:2H-5e, "[a]t the request of the commissioner, health care facilities shall furnish to the Department of Health and Senior Services such reports and information as it may require to effectuate the provisions and purposes of this act, excluding confidential communications from patients."

N.J.A.C. 8:39-35.1 provides that "[a]t least 14 days before a facility plans to cease operations, it shall notify the New Jersey Department of Health, in writing, of the location and method of retrieval of medical records."

N.J.A.C. 8:39-35.2(k) provides that "[t]he record shall be protected against loss, destruction, or unauthorized use" and that "[m]edical records shall be retained for a period of 10 years following the most recent discharge of the resident, or until the resident reaches the age of 23 years, whichever is the longer period of time." Further, "[a] summary sheet of each medical record shall be retained for a period of 20 years, and X-ray films or reproductions thereof shall be retained for a period of five years." N.J.A.C. 8:39-35.1 and 35.2 implement the medical records retention requirements of N.J.S.A. 26:8-5.

## INFORMATION REQUIREMENT ORDER

By close of business on January 21, 2025, Sterling Manor shall provide to the Department the records retention plan that Sterling Manor intends to implement for any records that are under control of the facility. The plan shall include:

1. The climate-controlled location and method of retrieval of medical records;
2. Steps taken to ensure that records can be timely retrieved when requested and contact information for requesting medical records; and,
3. Steps taken to secure the medical records from loss, destruction and unauthorized use in accordance with all applicable State and federal law, including, but not limited to, the requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) at 42 C.F.R. Subtitle A, Subchapter C, Parts 160-164,

The information required pursuant to this order shall be emailed to: Stefaniej.Mozgai@doh.nj.gov, Pam.Lebak@doh.nj.gov, Carol.Hamill@doh.nj.gov, Gene.Rosenblum@doh.nj.gov, Lisa.King@doh.nj.gov, and Jean.Markey@doh.nj.gov.

N.J.A.C. 8:43E-3.4(a)11 provides a \$250 penalty for the failure to report information to the Department as required by statute or licensing regulation, after reasonable notice and an opportunity to cure the violation, which may be assessed for each day noncompliance is found.

Further, failure of the facility to comply with the records retention requirements set forth in this letter will necessitate additional legal action by the Department, as appropriate, to ensure compliance by Sterling. In addition, non-compliance will demonstrate an unacceptable track record for the owner to be used in accordance with the requirements of N.J.A.C. 8:33-4.10, N.J.A.C. 8:39-2.2(d) and N.J.A.C. 8:43E-5.1.

Thank you for your attention to this important matter and for your anticipated cooperation. If you have any questions concerning this order, 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:JLM:nj  
DATED: January 17, 2025  
E-MAIL  
REGULAR AND CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
Control #X25015