



State of New Jersey

DEPARTMENT OF HEALTH

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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

JUDITH M. PERSICILLI, RN, BSN, MA
Commissioner

IN RE:

Andover Subacute and Rehabilitation II
(NJ 61901)

EMERGENCY CURTAILMENT
OF ADMISSIONS ORDER AND
DIRECTED PLAN OF
CORRECTION

TO: Chaim Scheinbaum
Andover Subacute and Rehabilitation II
99 Mulford Road
P.O. Box 1279
Andover, New Jersey 07821-1279

Pursuant to Executive Order 103, Governor Philip D. Murphy declared that the spread of COVID-19, which is a novel coronavirus, within New Jersey constitutes an imminent public health hazard that threatens and presently endangers the health, safety, and welfare of the residents of one or more municipalities or counties of the State. As such, Governor Murphy declared the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act, N.J.S.A. 26:13-1 to -31, and a State of Emergency, pursuant to the Disaster Control Act, N.J.S.A. App.A:9-45 & App. A:9-47. These emergency declarations were thereafter continued by Executive Order No. 119.

Under the declared health emergency, the Commissioner is empowered, pursuant to N.J.S.A. 26:13-12, to "[t]ake all reasonable and necessary measures to prevent the transmission of infectious disease or exposure to toxins or chemicals and apply proper controls and treatment for infectious disease or exposure to toxins or chemicals." Pursuant to this authority, the Department of Health (Department), hereby orders the curtailment of admissions to Andover Subacute and Rehabilitation II and directs the following plan of correction:

I. EMERGENCY CURTAILMENT OF ADMISSIONS ORDER

Pursuant to the above-referenced authority, in order to slow the spread of COVID-19 in the community and protect vulnerable populations from contracting the virus, the Commissioner of the Department of Health hereby ORDERS the curtailment of all admissions to the facility. This emergency order and the directed plan of correction (DPOC) below are also issued based on the findings of the state and federal surveyors during on-site surveys conducted on April 16 and April 17, 2020.

The facility shall be prohibited from accepting admissions or readmissions of individuals until further notice. This Order is effective immediately upon your notification. This emergency order shall remain in effect until the Department lifts the order.

II. DIRECTED PLAN OF CORRECTION

Pursuant to the above-referenced authority, in order to slow the spread of COVID-19 in the community and protect vulnerable populations from contracting the virus, the Commissioner of the Department of Health hereby DIRECTS the following plan of correction. The facility shall:

- a. Retain the full-time, on-site services of an Administrative Consultant who is a Licensed Nursing Home Administrator to begin providing services to the facility no later than April 21, 2020. The facility shall provide the Department with the name and resume of the proposed Administrative Consultant by April 20, 2020. The resume should be sent to Donna.Koller@doh.nj.gov and Gene.Rosenblum@doh.nj.gov. The Administrative Consultant shall be present in the facility for no less than 40 hours per week, with documented coverage of all shifts and weekends, until further notice from the Department. The Administrative Consultant contract shall include provisions for immediate corrective action that ensures that applicable state licensing standards are met and that resident safety is not jeopardized. The Administrative Consultant shall:
 1. Assess the facility's compliance with all applicable state licensing standards and identify areas of non-compliance;
 2. Oversee the development, implementation and evaluation of corrective action plans;
 3. Develop and implement compliance management systems at the facility;
 4. Collaborate with facility leadership to ensure that operating procedures, systems and standards align with compliance requirements;

5. Ensure staff training needed to comply with applicable licensing standards; and,
6. Take other actions as may be necessary to ensure identification of compliance issues and implementation of timely corrective measures.

The facility should send weekly progress reports every Friday by 1:00 p.m. to Donna.Koller@doh.nj.gov. These weekly reports shall include timely status updates regarding:

1. Identified areas of non-compliance;
2. Corrective measures to address identified areas of non-compliance; and,
3. Status of corrective measures implementation.

In addition, the facility is directed to maintain timely communication with the Department, as may be required.

- b. Retain the full-time, on-site services of a registered nurse consultant to begin providing services to the facility as a consultant Director of Nursing no later than April 21, 2020. The facility shall provide the Department with the name and resume of the consultant by April 20, 2020. The resume should be sent to Donna.Koller@doh.nj.gov and Gene.Rosenblum@doh.nj.gov. The registered nurse consultant shall be on-site for no less than 40 hours per week, with documented coverage of all shifts and weekends, until further notice from the Department. The contract with this registered nurse consultant shall include provisions for immediate corrective action ensuring resident safety is not jeopardized and applicable state licensing standards are met.
- c. Retain the full-time services of a Certified Infection Control Practitioner (ICP) consultant to begin providing services to the facility no later than April 21, 2020. The facility shall provide the Department with the name and resume of the consultant by April 20, 2020. You may contact the Association of Professionals in Infection Control and Epidemiology (apic.org) to obtain the names of ICPs in your area. The facility shall provide the Department with the name and resume of the consultant. The resume should be sent to Donna.Koller@doh.nj.gov and Gene.Rosenblum@doh.nj.gov. The ICP consultant shall be on-site for no less than 40 hours per week, with documented coverage of all shifts and weekends, until further notice from the Department. The contract with this consultant shall include provisions for immediate corrective action ensuring resident safety is not jeopardized and applicable state licensing standards are met. The facility should send weekly reports every Friday by 1:00 p.m. to the Communicable Disease Services (CDS) Healthcare Associated Infections Coordinator, Jason Mehr, MPH,

CIC, at Jason.Mehr@doh.nj.gov with a copy to Donna.Koller@doh.nj.gov. These weekly reports shall include timely updates regarding the outbreak investigation, identified cases (as defined by CDS) and the progress of infection prevention. In addition, the facility is directed to maintain timely communication with the Department as may be required by CDS staff, including both the facility's infection prevention team and the consultants.

- d. Immediately train all staff in the proper donning and doffing of personal protective equipment and infection control procedures and document the completion of the training.
- e. Provide to the Department a daily report by 3:00 p.m. each day delineating the number of current staff and any staffing needs. This report should be sent to Donna.Koller@doh.nj.gov.
- f. Provide to the Department the facility's policy and procedure for disposal of deceased residents. This report should be sent to Donna.Koller@doh.nj.gov.

Under this curtailment order and DPOC, the facility shall comply with the applicable standards in N.J.A.C. 8:39-1 et seq. (Standards for Licensure of Long-Term Care Facilities) as modified by the operational waivers, the unwaived Medicare conditions of 42 C.F.R. 483.1 et seq. (Requirements for Long Term Care Facilities), and the conditions as modified by the Centers for Medicare & Medicaid Services 1135 blanket waivers and the New Jersey specific 1135 waivers.

This curtailment and DPOC shall remain in place until the facility is otherwise notified in writing by a representative of this Department. Please also be advised that Department staff will monitor facility compliance with this order to determine whether corrective measures are implemented by the facility in a timely fashion.

RIGHT TO HEARING:

Pursuant to N.J.S.A. 26:13-8(a)(2), the facility has the right to request a hearing regarding the Emergency Curtailment of Admissions Order before the New Jersey Superior Court.

OTHER REMEDIES:

Failure to comply with this Emergency Order may result in the imposition of penalties and/or other applicable remedies.

Thank you for your attention to this important matter and for your anticipated cooperation. If you have any questions regarding this Emergency Curtailment of Admissions Order and Directed Plan of Correction, please contact Lisa King in the Office of Program Compliance at Lisa.King@doh.nj.gov. For other questions, please contact the New Jersey

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Coronavirus and Poison Center Hotline at (800) 222-1222. For COVID-19 updates, please continue to check the Department's website for routinely updated information at <https://www.nj.gov/health/cd/topics/ncov.shtml>.



Jean Markey, Regulatory Officer
Office of Program Compliance
Division of Certificate of Need and
Licensing
New Jersey Department of Health

GR:jlw

DATE: April 18, 2020

Control X20031

Via E-MAIL