



State of New Jersey  
DEPARTMENT OF HEALTH

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

PHILIP D. MURPHY  
Governor

TAHESHA L. WAY  
Lt. Governor

KAITLAN BASTON, MD, MSc, DFASAM  
Acting Commissioner

In Re Licensure Violation:

AMBULATORY SURGICAL CENTER OF  
NEW JERSEY, LLC  
(NJ Facility ID# R24540)

ORDER LIFTING CEASE AND  
DESIST ORDER AND IMPOSING  
A CURTAILMENT OF SERVICES

TO: Dr. Alex Russoniello, Administrator  
Ambulatory Surgical Center of New Jersey, LLC  
5 Progress Street, Suite 2  
Edison, New Jersey 08820  
[aprussoniello@comcast.net](mailto:aprussoniello@comcast.net)

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 Licensing of Ambulatory Care facilities set forth at N.J.A.C. 8:43A-1.1 et seq.

Pursuant to N.J.S.A. 26:2H-12, no health care service or health care facility may operate unless it has a license. In addition to possessing a license, an ambulatory care facility must also obtain ambulatory care accreditation from an accrediting body recognized by the Centers for Medicare and Medicaid Services as a condition of licensure. N.J.S.A. 26:2H-12(h). See also N.J.A.C. 8:43A-3.12(b).

**ORDER LIFTING CEASE AND DESIST ORDER AND IMPOSING A CURTAILMENT OF SERVICES**

As you were notified verbally on October 24, 2023, effective beginning October 26, 2023, the Department ordered Ambulatory Surgical Center of New Jersey to cease and desist providing services. This enforcement action was taken because Ambulatory Surgical Center of New Jersey's license expired on May 31, 2022, and, in addition, its accreditation with the Accreditation Association for Ambulatory Health Care, Inc. expired on December 11, 2021. On November 1, 2023, the Department issued to Ambulatory Surgical Center of New Jersey a license to operate that will expire on December 31, 2023. Because the facility is currently licensed, on November 2, 2023, the Department notified the facility via e-mail that the Department lifted the cease and desist order but imposed a curtailment of all services at the facility because the facility continues to lack the required accreditation. This formal order confirms that the cease and desist order was lifted on

November 2, 2023, and that, in its place, a curtailment of services has been imposed effective November 2, 2023.

Please be advised that N.J.A.C. 8:43E-3.4(a)(2) provides for a penalty of \$250 per patient, per day from the date of such admission to the date of discharge or lifting of the curtailment order.

This curtailment order shall remain in place until the facility is otherwise notified in writing by a representative of the Department. If the facility chooses to pursue accreditation, please contact the Department once an accreditation survey is scheduled so that the Department may temporarily lift the curtailment order.

### FORMAL HEARING

Ambulatory Surgical Center of New Jersey is entitled to contest the curtailment, pursuant to N.J.S.A. 26:2H-14, by requesting a formal hearing at the Office of Administrative Law (OAL). Ambulatory Surgical Center of New Jersey may request a hearing to challenge any or all of the following: the factual survey findings and/or the curtailment. Ambulatory Surgical Center of New Jersey must advise this Department within 30 days of the date of this letter if it requests an OAL hearing regarding the curtailment.

Please forward your OAL hearing request to:

Attention: OAL Hearing Requests  
Office of Legal and Regulatory Compliance, 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 Ambulatory Surgical Center of New Jersey is owned by a corporation, representation by counsel is required. In the event of an OAL hearing regarding the curtailment, Ambulatory Surgical Center of New Jersey is further required to submit a written response to each and every charge as specified in this notice, which shall accompany its written request for a hearing.

Failure to submit a written request for a hearing within 30 days from the date of this notice will render this a final agency decision. The final agency order shall thereafter have the same effect as a judgment of the court. The Department also reserves the right to pursue all other remedies available by law.

Due to the facility's lack of accreditation and the immediate and serious risk to its patients, the Department will not hold the curtailment in abeyance during any appeal of the curtailment.

Thank you for your attention to this important matter and for your anticipated cooperation. If you have any questions concerning the curtailment order, please contact Lisa King, Office of Program Compliance, at [Lisa.King@doh.nj.gov](mailto:Lisa.King@doh.nj.gov).

Sincerely,



Lisa King, Program Manager  
Office of Program Compliance  
Division of Certificate of Need and Licensing

Ambulatory Surgical Center of New Jersey  
Order Lifting Cease and Desist Order and Ordering Curtailment of Services  
November 8, 2023  
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DATED: November 8, 2023  
E-MAIL  
Control #AX23014

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