



State of New Jersey
DEPARTMENT OF HEALTH

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www.nj.gov/health

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

JUDITH M. PERSICHILLI, RN, BSN, MA
Commissioner

June 29, 2021

Via E-mail (Patrick.ahearn@rwjbh.org)

Patrick Ahearn, CEO
Community Medical Center
99 Route 37 West
Toms River, New Jersey 08755

Re: Directed Plan of Correction and Extension of Curtailment of Services Order

Dear Mr. Ahearn:

On June 10, 2021, the Department of Health (Department) ordered Community Medical Center to curtail all services at Operating Rooms One through Five. This action was taken after Community Medical Center staff experienced various adverse medical symptoms in the identified operating rooms caused by an unidentified source of noxious odors that required the response of the local fire department, a HAZMAT unit and Occupational Safety and Health Administration representatives (OSHA). In addition, on June 21, 2021, Department survey staff visited Community Medical Center after receiving a complaint regarding noxious fumes in Minor Procedure rooms One and Two. In response to the curtailment order, the facility shifted surgeries involving general anesthesia to other rooms not designed for that purpose. At this time, the cause of the noxious odors remains unidentified, and the facility has not conducted a root cause analysis to identify the cause and implement necessary changes to prevent its recurrence. Therefore, the Department is imposing the following directed plan of correction and extending the curtailment of services order.

Directed Plan of Correction

The facility must conduct a Root Cause Analysis (RCA) regarding the incidents of noxious odors in the facility, including, but not limited to, staff interviews. The RCA can assist with performing a systemic review of deficiencies identified. It should consider physical, human and organizational causes. The following are elements of an effective RCA:

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- Identify the root cause resulting in the facility's failure. This includes asking the Who, What, Where, When, and Why questions which can be done by conducting internal investigations.
- Develop solutions and systemic changes that need to be taken to address the root cause.
- Implement changes to eliminate the root causes
- Measure the success of changes

Please send the results of the RCA to the Department at Lisa.Kiernan@doh.nj.gov and Gene.Rosenblum@doh.nj.gov.

Extension of Curtailment

The curtailment of all services at Operating Rooms One through Five remains in effect. In addition, the curtailment is hereby extended to curtail providing any services that cannot be performed under local or no anesthesia from being performed in rooms that are not designed for surgeries under general anesthesia, including, but not limited to, Minor Treatment Rooms One and Two, Endoscopy and Cardiac Catherization.

Please confirm in writing that any general anesthetic procedures scheduled for the curtailed rooms have been canceled.

Please be advised that N.J.A.C. 8:43E-3.4(a)(2) provides for a penalty of \$250 per day for each patient serviced in violation of this curtailment order. Please also be advised that you may be subject to other enforcement remedies in addition to the curtailment order.

Formal Hearing

Community Medical Center is entitled to a prompt formal hearing at the Office of Administrative Law (OAL) to challenge this curtailment. Community Medical Center may request a hearing to challenge either the factual findings or the curtailment of patient services, or both.

Community Medical Center must advise this Department, in writing, within 30 days of receipt of this letter to request 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

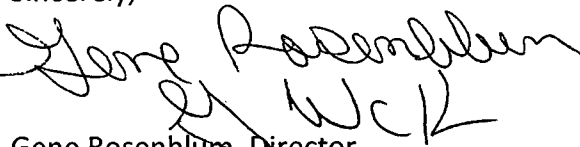
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New Jersey State Department of Health
P.O. Box 360
Trenton, New Jersey 08625-0360

A corporation is not permitted to represent itself in an OAL hearing. Therefore, if Community Medical Center is owned by a corporation, representation by counsel is required.

If Community Medical Center requests an OAL hearing regarding this matter, the facility is further required to submit a written response to each and every charge as specified in this order, which shall accompany the written request for a hearing.

If you have questions regarding the survey, please contact Lisa Kiernan at (609) 292-9900. If you have any questions regarding this curtailment, please call Lisa King at (609) 984-8128.

Sincerely,

Gene Rosenblum, Director
Office of Program Compliance
Division of Certificate of Need and Licensing
New Jersey Department of Health

GR:ilm
Control # AX21006
c. Lisa Kiernan
Kimberly Hansen
Kara Morris
Donna Bonacorso (donna.bonacorso@rwjbn.org)