



State of New Jersey
DEPARTMENT OF HEALTH
PO BOX 367
TRENTON, N.J. 08625-0367

www.nj.gov/health

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

JUDITH M. PERSICHILLI, RN, BSN, MA
Commissioner

IN RE: Licensure Violation) Notice of Directed Plan of Correction (DPOC)
NJ Facility ID # 10713)
CMS # 310096)

TO: Dr. Alan Sickles
St. Michael's Medical Center
111 Central Avenue
Newark, NJ 07102

As we discussed during our telephone conversation yesterday, effective immediately, the Department of Health (Department) is ordering a Directed Plan of Correction (DPOC) requiring St. Michael's Medical Center (the Hospital), among other things detailed below, to remain on divert status in its Emergency Department until temperatures are within the required regulatory range and the Department authorizes the facility to return to active status. This action is taken in accordance with the provisions set forth at N.J.A.C. 8:43E-2.4 in response to a record of deficiencies observed by Department staff in the Hospital.

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 Hospital Licensing Standards set forth at N.J.A.C. 8:43G-1.1 et seq.

LICENSURE VIOLATIONS:

N.J.A.C. 8:43G-5.16 (Disaster planning) requires the hospital to maintain temperature consistent with industry guidelines as follows:

- (k) The hospital shall take corrective action if the temperature of the hospital is not in compliance for a continuous period of four hours or longer with Guidelines for Design and Construction of Residential Health, Care, and Support Facilities, 2014 edition. Facility Guidelines Institute; American Society for Healthcare Engineering, which is incorporated

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herein by reference, as amended and supplemented, and which is available from the Facility Guidelines Institute, Inc., 350 N. Saint Paul St., Suite 100, Dallas, TX 75201. Website: www.fgiguilines.org. E-mail: info@fgiguilines.org. The hospital shall notify the Department if the corrective action is not effective.

FGI 2018 guidelines indicate that the temperatures be in range in the following areas:

Patient rooms: 70 -75 degrees Fahrenheit. Max 60% humidity.
ED: 70 to 75 degrees Fahrenheit. Max 60/65 % humidity.
ICU/CCU: 70 -75 degrees Fahrenheit. 30-60 % humidity.
OR: 68-75 degrees Fahrenheit. 20 to 60 percent humidity.

On August 7, 2022, the Hospital reported to the Department that it was unable to maintain temperatures within the regulatory standards throughout the facility. The Hospital specified the following areas that could not be maintained and their temperatures:

OR, Cath lab, PACU, Radiology, ED, CSD, A4
OR sterile room – 94.4/51.4% RH
ED exam rooms range from 98.7
ED waiting room – 99.5
ED triage – 99.1
ED radiology – 98.6
Dietary – 91.4
OR, cardiac cath, PACU, Endoscopy and outpatient radiology closed.

During a complaint survey of the Hospital on August 8, 2022, Department survey staff made the following findings:

The following temperatures were out of range in the Emergency Department Patient Occupied Areas/Rooms:

At 1:30 PM, HB13: 79.1 degrees Fahrenheit
At 1:31 PM, HB 1: 78.9 degrees Fahrenheit
At 1:31 PM, HB5: 79.7 degrees Fahrenheit
At 1:32 PM, HB 7: 82.7 degrees Fahrenheit
At 1:32 PM, HB 8: 86.4 degrees Fahrenheit
At 1:33 PM, Triage area was 84.4 degrees Fahrenheit

At 1:39 PM, Triage Room #1: 79.6 degrees Fahrenheit.

Triage Room #2: 79.6 degrees Fahrenheit

The patient occupied holding area was 82.6 degrees Fahrenheit

At 1:53 PM, there were 7 patients in the waiting area and temperature was around 79.6 degrees Fahrenheit

At 1:40 PM to 2:00 PM, the following was identified in Fast Track areas where patients were occupied:

Fast Track 29: 84.6 degrees Fahrenheit

Fast Track 28: 81.4 degrees Fahrenheit;

Fast Track 27: 81.1 degrees Fahrenheit

Fast Track 26: 80 to 81.0 degrees Fahrenheit

Fast Track Hallway: 82.1 degrees Fahrenheit

Nursing station: 81.3 degrees Fahrenheit

At 2:51 PM Fast Track 26: 80 degrees Fahrenheit

At 2:52 PM, Fast Track 28: 80 degrees Fahrenheit

At 2:52 PM, Fast track 29: 81.6 degrees Fahrenheit

On August 7, 2022, there were four patients who had been admitted. On August 8, 2022, at 3:00 p.m., there were two patients that had been admitted. At the time of the survey, the Hospital was gathering information on the total number of portable rental air conditioning units. As of August 8, 2002, at noon, the census was 46 patients.

DIRECTED PLAN OF CORRECTION:

Based upon the Hospital reporting and survey findings, the Hospital's steps to address the elevated temperatures have been inadequate. The Department has, therefore, ordered, effective as of verbal notification yesterday, as follows:

1. The Hospital shall remain on divert status in its Emergency Department until the temperatures in the Emergency Department are within the required regulatory range of 70 to 75 degrees and until the Department authorizes the Hospital to return to active status.

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2. The Hospital shall procure more portable air conditioning units to assure temperatures are maintained at the proper regulatory levels, and the Hospital shall immediately communicate with the Essex County Office of Emergency Management and report to the Department by 9:00 a.m. on August 9, 2022, the status of procuring additional units.
3. The Hospital shall monitor temperatures throughout the facility hourly and shall report the findings to the Department every four hours. These reports should be sent to Health Facility Survey and Field Operations, Attention: Kimberly Hansen, Acute Care Program Manager, Kimberly.Hansen@doh.nj.gov.
4. The Hospital shall maintain timely communication with the Essex County Office of Emergency Management and the Department of Health, as may be required by Department staff.

This DPOC shall remain in place until the Hospital is otherwise notified by a representative of this Department. 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 in the Office of Program Compliance at Lisa.King@doh.nj.gov.

Sincerely,



Jean Markey, Regulatory Officer
Office of Program Compliance
Division of Certificate of Need and Licensing

JLM:jc

E-MAIL (asickles@primehealthcare.com)
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- c. Stefanie Mozgai
Pamela Lebak
Kimberly Hansen
Lisa Kiernan
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