



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 Licensure Violation:

WOODLAND BEHAVIORAL
AND NURSING CENTER
(NJ Facility ID# NJ61901)

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DIRECTED PLAN OF
CORRECTION -- SOCIAL
WORK CONSULTANTS

TO: Menachem (Michael) Spiegel, Administrator
Woodland Behavioral and Nursing Center
99 Mulford Road
PO Box 1279
Andover, New Jersey 07821

Dear Mr. Spiegel:

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 Standards for Licensure of Long-Term Care Facilities set forth at N.J.A.C. 8:39-1.1 et seq.

The Department's January 14, 2022, Directed Plan of Correction required the facility to submit a plan detailing its measures to hire and retain staff and to submit weekly progress reports regarding its implementation of the staffing plan. In the Department's February 17, 2022, correspondence responding to the facility's 30-60-90 day plan, the Department notified the facility that staffing at the facility must meet the needs of the residents in accordance with state law and required the facility to submit an acceptable plan to address the staffing shortage and meet required staffing ratios by increasing staff, reducing the facility census or a combination of both.

STAFFING REQUIREMENTS:

N.J.A.C. 8:39-39.3 requires the facility to “provide an average of at least 20 minutes of social work services per week for each resident, which **requires at least one full-time equivalent social worker for every 120 residents.**” N.J.A.C. 8:39-39.3(a)(emphasis supplied).

N.J.S.A. 45:15BB-4 provides that “no person shall engage in the practice of social work as a certified or licensed social worker or present, call or represent himself as a certified or licensed social worker unless certified or licensed.” N.J.S.A. 45:15BB-6 sets forth the following requirements to be licensed or certified as a social worker:

- a. The board shall issue a license as a “licensed clinical social worker” to an applicant who has:
 - (1) Received a master’s degree in social work from an educational program accredited, or in candidacy for accreditation, by the Council on Social Work Education, or a doctorate in social work from an accredited institution of higher education;
 - (2) Had at least two years of full-time experience in the practice of clinical social work under the supervision of a clinical social worker licensed by this State or who, by virtue of the supervisor’s education and experience, is eligible for licensure in this State as a licensed clinical social worker, or any other supervisor who may be deemed acceptable to the board;
 - (3) Satisfactorily completed minimum course requirements established by the board to ensure adequate training in methods of clinical social work practice; and
 - (4) Passed an appropriate examination provided by the board for this purpose.
- b. The board shall issue a license as a “licensed social worker” to an applicant who has:
 - (1) Received a master’s degree in social work from an educational program accredited, or in candidacy for accreditation, by the Council on Social Work Education or a doctorate in social work from an accredited institution of higher education; and
 - (2) Passed an appropriate examination provided by the board for this purpose.
- c. The board shall certify an applicant who has:

(1) received a baccalaureate degree in social work from an educational program accredited, or in candidacy for accreditation, by the Council on Social Work Education; or

(2) on or before the effective date of this act, acquired a baccalaureate degree in a field related to human services from an accredited institution of higher education and has engaged in full-time social work for at least one year prior to the effective date of P.L.1995, c. 66.

In addition, federal law requires that “[a]ny facility with more than 120 beds must employ a qualified social worker on a full-time basis”. 42 C.F.R. §483.70(p). The minimum requirements for a qualified social worker under federal law include:

(1) An individual with a minimum of a bachelor’s degree in social work or a bachelor’s degree in a human services field including, but not limited to, sociology, gerontology, special education, rehabilitation counseling, and psychology; and

(2) One year of supervised social work experience in a health care setting working directly with individuals.

42 C.F.R. §483.70(p)(1)-(2).

With a census of 411, the facility should have 3.5 social workers. According to facility reporting, however, the facility currently has only a Director of Social Work and Behavioral Services, a part-time social worker and an independent social work consultant. A Unit Social Worker is listed as out on a leave of absence. In addition, two Unit Social Workers recently resigned. Failure to have at least the minimum required social work staff violates state law and impedes the facility’s efforts to reduce its census if needed to assure adequate certified nurse aide and nurse staffing for all residents. Moreover, adequate social work staffing is critical to providing all the social work services to residents (and their families) mandated by N.J.A.C. 8:39-39.4 and necessary to meet their needs.

DIRECTED PLAN OF CORRECTION:

The facility must retain the full-time, on-site services of a minimum of two Social Work Consultants who meet the state and federal requirements and shall be approved in advance by the Department. The facility shall provide the names and resumes of the proposed Social Work Consultants by submitting the names and resumes to Gene.Rosenblum@doh.nj.gov and Pam.Lebak@doh.nj.gov by close of business on March 28, 2022. The Social Work Consultants 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 approved Social Work Consultants shall be retained no later than the close of business, March 31, 2022.

Woodland Behavioral and Nursing Center
Directed Plan of Correction – Social Work Consultants
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This DPOC shall remain in place until the Facility is otherwise notified in writing by a representative of this Department. The facility may, however, seek the Department's approval to reduce the number of Social Work Consultants if it employs social work staff that is actively working and is sufficient in number to satisfy the state law ratio of at least one full-time equivalent social worker for every 120 residents. The facility shall continue to report its social work staffing, including both employees and consultants, to the Department on a weekly basis. The Department may require additional social work consultants if needed based on the facility's census and actively working social work staff and consultants.

Department staff will monitor facility compliance with this order to determine whether corrective measures are implemented by the facility in a timely fashion. Failure to comply with these and any other applicable requirements, as set forth in pertinent rules and regulations, may result in the imposition of penalties.

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 (609) 376-7751.

Sincerely,



Gene Rosenblum, Director
Office of Program Compliance
Division of Certificate of Need and Licensing

March 23, 2022
E-MAIL (Mspiegel@woodlandbehavioral.com)
REGULAR AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Control # X21030

Cc: Nursing Home Administrators Licensing Board
Frank Skrajewski
Donna Koller, Health Facility Survey and Field
Operations
Pamela Lebak, Health Facility Survey and Field
Operations
Bonnie G. Stevens
Kiisha Johnson