

## State of New Jersey DEPARTMENT OF HEALTH

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KAITLAN BASTON, MD, MSc, DFASAM Acting Commissioner

In Re Licensure Violation:

AMBULATORY SURGICAL CENTER OF NEW JERSEY, LLC (NJ Facility ID# R24540) ORDER TEMPORARILY LIFTING CURTAILMENT OF SERVICES FOR PURPOSES OF ACCREDITATION SURVEY (DECEMBER 14, 2023 ONLY)

TO:

Dr. Alex Russoniello, Administrator Ambulatory Surgical Center of New Jersey, LLC 5 Progress Street, Suite 2 Edison, New Jersey 08820 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. NJ.S.A. 26:2H-12(h). See also N.J.A.C. 8:43A-3.12(b).

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 was memorialized in a formal order issued on November 8, 2023.

Ambulatory Surgical Center of New Jersey Order Temporarily Lifting Curtailment of Services Order November 17, 2023 Page 2

## ORDER TEMPORARILY LIFTING CURTAILMENT OF SERVICES ORDER

The Department hereby orders that the curtailment of services is lifted **for December 14, 2023, only**, to allow the Accreditation Association for Ambulatory Health Care, Inc. to conduct an accreditation survey. Until that date, the curtailment remains in effect, and the curtailment will resume again on December 15, 2023. Otherwise, the curtailment of services shall remain in place until the facility is otherwise notified in writing by a representative of the Department.

Please be advised that <u>N.J.A.C</u>. 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.

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.

Sincerely

Lisa King, Program Manager Office of Program Compliance

Division of Certificate of Need and Licensing

LK:JLM:nj DATED: November 17, 2023 E-MAIL Control #AX23014

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