



State of New Jersey
DEPARTMENT OF HEALTH

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DR. RAYNARD E. WASHINGTON
Acting Commissioner

In Re Licensure Violation:	:	CURTAILMENT OF ADMISSIONS AND READMISSIONS ORDER AND DIRECTED PLAN OF CORRECTION
WHITING GARDENS REHABILITATION AND AND NURSING CENTER (NJ Facility ID# NJ61534)	:	
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TO: Aryeh Vinitsky, Administrator
Whiting Gardens Rehabilitation and Nursing Center
3000 Hilltop Road
Whiting, New Jersey 08759
AVinitsky@whitinggardensrehab.com

As more fully detailed below, on February 3, 2026, the New Jersey Department of Health (the Department) issued to Whiting Gardens Rehabilitation and Nursing Center (Whiting) a verbal order curtailing new admissions and readmissions to the facility and a Directed Plan of Correction due to violations identified by Department surveyors that constitute an immediate and serious risk of harm to facility residents.

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.*

LICENSURE VIOLATIONS

Staff from the Department's Health Facility, Survey and Field Operations (HFS&FO) unit were on-site at Whiting on February 3, 2026, to conduct an unannounced complaint investigation survey. Upon arrival, the Fire Marshall, Police Department, Office of Emergency Management (OEM), and Emergency Medical Services (EMS) were on-site. The surveyors were advised that there were 46 residents who were being transferred out of the facility to other facilities. The following concerns were identified:

- On February 2, 2026, at 10:30 p.m., the West Wing lost fire protection and the sprinkler system was not functioning. The fire department responded.
- At 2:45 a.m., a pipe burst in a bathroom in the South Wing. There were 56 residents occupying that area that needed to be evacuated. Out of the 56 residents, 13 residents were re-located to another area in the facility. There are isolated electrical issues. The Fire Marshal was condemning the South Wing.

The EMS chief stated there were three main issues:

- Flooding with contaminated water with sewer pipe breakage in South Wing.
- No working fire sprinkler system in entire building. They had a fire water truck on-site. There was no fire protection at this time for the entire facility. Facility was conducting a fire watch, which EMS reported the facility was not doing correctly.
- Electrical hazards. All electrical panels could not be identified.

The EMS chief stated that the facility has had ongoing issues all week with leaking/breaking pipes. They had been at the facility many times.

The survey team leader spoke to the administrator, who stated that he did not notify the Department. The administrator admitted that he was not aware that the Department had to be notified, and he did not know who was in charge. The EMS chief was meeting with the administrator to address the three concerns.

The surveyors were advised that 46 displaced residents would be transferred to Shore Gardens and Trenton Gardens and that the South Wing was officially condemned. Fire sprinklers were still down and there was only air going through the pipes. The patient census before transfer was 186.

Despite the local fire department and EMS being on site, the facility had not notified the Department or reviewed its emergency plan. Upon learning of the situation from the surveyors on site, the Department promptly dispatched a Life Safety Code surveyor to assess the situation.

Later in the day, it was determined that the South wing was condemned but not due to sewer as initially reported by EMS. There are four wings in the facility. Only the South and West Wings were affected and did not have sprinklers. The North and East are on a separate system, which was working. The vendor was on-site working on the sprinklers but reported that they have had on-going issues with leaking. A fire watch was in place with a water tanker on site manned by two firefighters. Upon inspection, it was determined that the pipes were not sewer and that the electric issue stemmed from the burst pipe occurring in the room housing the electrical panel.

The surveyors identified, among other things, the administrator's failure to notify the Department of the event, failure to be knowledgeable about and review the facility's emergency plan and failure to implement a fire watch consistent with facility policy.

CURTAILMENT OF ADMISSIONS AND READMISSIONS

As you were notified by telephone yesterday, effective immediately upon notification, the Department ordered the curtailment of new admissions and readmissions to Whiting Gardens. This enforcement action was taken in accordance with the provisions set forth at N.J.A.C. 8:43E-2.4 (Plan of Correction), 3.1 (Enforcement Remedies Available) and 3.6 (Curtailment of Admissions) in response to serious violations observed by Department staff in Whiting during its on-site inspection as detailed above.

Please be advised that N.J.A.C. 8:43E-3.4(a)(2) provides for a penalty of \$250 per day for each resident admitted to the facility in violation of this curtailment order.

DIRECTED PLAN OF CORRECTION

The Commissioner of the Department of Health hereby directs the following plan of correction:

- a. The facility must retain the full-time, on-site services of an Administrator Consultant who is a New Jersey Licensed Nursing Home Administrator. The Administrator Consultant shall:
 1. Assess the facility's compliance with all applicable state licensing standards and identify areas of non-compliance;
 2. Oversee the development, implementation and evaluation of corrective action plans;
 3. Develop and implement compliance management systems at the facility;
 4. Collaborate with facility leadership to ensure that operating procedures, systems and standards align with compliance requirements;
 5. Ensure staff training needed to comply with applicable licensing standards; and,
 6. Take other actions as may be necessary to ensure identification of compliance issues and implementation of timely corrective measures.
- b. The facility must conduct a fire watch by qualified personnel every 30 minutes on the West and South wings in accordance with facility policy. The facility shall provide the Department with a copy of the fire watch logs by close of business on Friday, February 6, 2026, and weekly thereafter every Friday by close of business. These logs shall include the staff member assigned, and date and time conducted, and should be sent to Kara.Morris@doh.nj.gov, Kimberly.Hansen@doh.nj.gov, and Carol.Hamill@doh.nj.gov. Staff assigned to fire watch shall have no other duties.

The administrator consultant shall be approved in advance by the Department. The facility shall provide the names and resumes of the proposed consultants by sending them to Kara.Morris@doh.nj.gov, Kimberly.Hansen@doh.nj.gov, Carol.Hamill@doh.nj.gov, Lisa.King@doh.nj.gov, Jean.Markey@doh.nj.gov, and Gene.Rosenblum@doh.nj.gov by 5 p.m. on February 9, 2026. The approved consultant shall be retained and begin work no later than the close of business on February 11, 2026. The consultant shall have no previous or current ties to the facility's principals, management and/or employers or other related individuals of any kind, including, but not limited to employment, business, or personal ties. The consultant shall be present in the facility for no less than 40 hours per week until further notice from the Department, with documented coverage of all shifts and weekends.

The facility should send weekly progress reports every Friday by 1:00 p.m. to Kara.Morris@doh.nj.gov and Carol.Hamill@doh.nj.gov. These weekly reports shall include timely status updates regarding:

1. Identified areas of non-compliance.
2. Corrective measures to address identified areas of non-compliance.
3. Status of corrective measures implementation.
4. Results of weekly weight checks of residents.
5. Invoices demonstrating food purchases to meet seven-day menu plans.

In addition, the facility is directed to maintain timely communication with the Department, as may be required.

Department staff will monitor facility compliance with this order to confirm compliance with this order and Directed Plan of Correction and 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.

The Curtailment of Admissions and Readmissions and Directed Plan of Correction shall remain in place until the facility is otherwise notified in writing by a representative of this Department.

FORMAL HEARING

Whiting 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). Whiting may request a hearing to challenge any or all of the following: the factual survey findings and/or the curtailment. Whiting 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 Whiting is owned by a corporation, representation by counsel is required. In the event of an OAL hearing regarding the curtailment, Whiting 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 emergent situation and the immediate and serious risk of harm posed to the residents, 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 of Admissions and Readmissions Order or Directed Plan of Correction, please contact Lisa King, Office of Program Compliance, at Lisa.King@doh.nj.gov.

Sincerely,



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

GR:JLM:eg
DATED: February 5, 2026
E-MAIL
Control #X26050

C. Order Distribution List