

12TH ANNUAL NJ HEALTHCARE MARKET REVIEW

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The Current Regulatory and Business Environment Surrounding ASCs

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Carol Grelecki, Esq.
Member, Brach Eichler LLC

Carol Grelecki represents the Firm's healthcare clients in a wide variety of corporate and transactional matters. Her clients include physicians and physician groups, specialty practice societies, independent practice associations, hospitals, clinical laboratories, utilization managers, billing companies, and other medical professionals.

Carol also advises clients with regard to compliance, including matters pertaining to Medicare billing, fraud and abuse, and the Stark and Codey Laws. Additionally, she represents clients in regulatory matters, including healthcare facility licensing issues and the preparation of required policies and procedures. She also reviews and negotiates managed care participation agreements and handles provider complaints against managed care companies.

PANELISTS



Stefanie Mozgai

Assistant Commissioner, New Jersey Department of Health

Stefanie Mozgai is the Assistant Commissioner of Certificate of Need and Licensing at the Department of Health where she maintains oversight and accountability of the licensing process of all state licensed healthcare facilities to ensure access to services and that those services meet the licensing standards. She also oversees the Office of Program Compliance which is responsible for the administration of both State enforcement and Federal penalties issued on behalf of the Centers for Medicare and Medicaid Services.

The Division of Certificate of Need and Licensing also houses the Behavioral Health and Substance Use Disorder Program which licenses and inspects mental health and substance use disorder programs for compliance with the applicable regulations. The nurse aide certification program and the licensed nursing home administrator board are also included within CN&L.

Prior to assuming that role in January of 2022, Stefanie was the Assistant Commissioner of Health Facility Survey and Field Operations and had the responsibility for ensuring compliance with state and federal requirements and the overall management of the survey and certification process for over 2000 licensed and certified health care facilities including hospitals, ambulatory care, and long-term care facilities.

Stefanie spent one year at the Centers for Medicare and Medicaid Services functioning as Director of the Division of Continuing and Acute Care Providers which developed survey policies and protocols for all acute care providers.

PANELISTS



Cori Prisco, RN, DNP, MSJ
Vice President, NJAASC

Cori Prisco, RN, DNP, MSJ has a strong background in accreditation and regulatory survey preparation, compliance, and management, and has successfully managed numerous state and Federal surveys. Cori has worked in various areas of the business and clinical operations, gaining valuable experience in all aspects of healthcare administration.

She currently serves as an administrator of a multispecialty ASC and Vice President of the New Jersey Association of Ambulatory Surgery, where she is actively involved in shaping policies and regulations for ambulatory surgery centers.

Cori is highly respected in her field and is frequently sought after to serve on advisory committees and task forces for special projects. She has a proven track record of implementing patient safety processes, introducing new service lines, and improving professional relationships within healthcare organizations.

In addition to her nursing degrees, Cori also holds a master's degree in science of jurisprudence with a focus on health law from Seton Hall Law School. This unique combination of nursing and legal expertise allows her to navigate complex healthcare regulations and advocate for patient care.

PANELISTS



Edward J. Yun, Esq.
Member, Brach Eichler LLC

Edward helps clients resolve the broad spectrum of legal and business challenges that confront the healthcare industry. He has broad, yet in-depth, experience representing individual professionals, multispecialty practices, ambulatory surgery centers, health technology companies, clinical laboratories, substance use disorder treatment facilities, home health agencies, hospitals, clinically integrated networks, clinical research foundations, and other health-related businesses. He often counsels healthcare clients in addressing complex issues that arise in healthcare transactions, facility license transfers, payor audits and recoupments, and day-to-day business affairs.

Edward's prior experience includes defending healthcare providers in Medicare, Medicaid, and insurance audits, licensing and administrative proceedings, commercial litigation, and appeals. He also defended healthcare providers against claims of medical malpractice, negligence, and products liability.

Who's Who at NJDOH?

Certificate of Need and Licensing:

Stefanie Mozgai, Assistant Commissioner

Michael Kennedy, Director Licensing

Gene Rosenblum, OPC

Health Facility Survey and Field Operations:

Pam Lebak, Assistant Commissioner

Kara Morris, Director

Kimberly Hansen, Program Manager



Certificate of Need and Licensing

Michael Kennedy,
Director

Gene Rosenblum,
Director

Luisa Alexopoulos,
Program Manager

Lisa King,
Program Manager

Renee Ingram,
Program Manager



Handy Websites

Renew Facility License: at <https://dohlicensing.nj.gov/>

Renewal Questions:

cnandlicensingrequests@doh.nj.gov

Send License Applications to: CNLapps@doh.nj.gov

Send Waiver applications to: CNLapps@doh.nj.gov



Handy Websites

Pay Fees online:

<http://www.nj.gov/health/healthfacilities/epayments.shtml>

Applications Forms: <https://healthapps.state.nj.us/forms>

Report a Change in the Administrator:

For acute: CNandLicensingRequests@doh.nj.gov



Enforcement Activity

- § 8:43E-3.4 Civil monetary penalties
- § 8:43E-3.6 Curtailment of admissions
- § 8:43E-3.8 Suspension of a license
- § 8:43E-3.9 Revocation of a license



Reportable Event Requirements

- 8:43 E General Licensure Regulations and Standards Applicable to All Licensed Facilities
 - 8:43E-10.11 Other reporting requirements unrelated to the Patient Safety Act
 - 8:43E-10.11(a) Immediately report all actual and potential criminal acts to police
 - 8:43E-10.11(b)2 The facility must report “immediately,” which means within 3 hours after discovery of the event.



Chapter 43E General Licensure Regulations

Reporting Requirements

8:43E-10.11(c)1-5: Examples of reportable events in the nature of physical plant and operational interruptions:

- Loss of heat or air conditioning;
- Loss of significant reduction of water, electrical power or other essential utility;
- Fires, disasters, or accident resulting in injury or death of patients of employees, or in evacuation from any part of the facility;
- Labor stoppage or staffing shortage that requires temporary closure of service;
- Notices of a potential strike that a facility receives from an employee bargaining unit

8:43E-10.11(d)1-4: Examples of reportable events in the nature of potentially criminal acts:

- Any instance of care ordered or provided by someone impersonating a physician, nurse, pharmacist or other licensed health care provider;
- Abduction of a patient of any age;
- Sexual assault on a patient, visitor or employee within or on the grounds of the facility;
- Death or significant injury of a patient, visitor or employee resulting from a physical assault that occurs within or on the grounds of the facility



How to Report: Reportable Events

- NoviSurvey is the web-based electronic form used to submit reportable events to the Department of Health:
 - **Formerly known as Hippocrates**
 - **Informs Acute Care Survey and Certification Only**
 - **Does not replace any other reporting requirements**
- Request account/link by contacting: nonltc.reportables@doh.nj.gov
 - **Will receive a response with instructions**
 - **Accounts are linked to the email address**
 - **Email questions or call 800-792-9770, Option #2**
 - **Fax 609-943-3013**
- Instructions for viewing the regulations can be found at <http://nj.gov/health/healthfacilities/rules.shtml>



Healthcare Professional Responsibility and Reporting Enhancement Act

The Health Care Facility Inquiry Regarding Health Care Professional or CN-9 is available on the NJ DOH website.

Maintain records of occurrence that triggered the creation of the report to the Clearinghouse

CMPs may be issued for failing to report, retain records, cooperate with a request for information



Healthcare Professional Responsibility and Reporting Enhancement Act

All healthcare entities must be in compliance with 8:30

Health care entities shall:

Notify the Clearinghouse Coordinator

Use the required form to notify the Coordinator

Cooperate with requests for information by the Division, a board, or the Medical Review Panel

Execute a joint report to the Coordinator with a healthcare professional



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