

Attached is the line-listing for today, April 15, 2020. We apologize for the clerical errors that appeared on line listing from April 9 to April 12, 2020.

I also write to address the content of your e-mail below. First, it appears you arrived at your decision without sufficient information about the actual status of our compliance with applicable COVID-19 guidelines as described in our comprehensive COVID Key Action Protocol (copy attached). You also did not have the benefit of speaking with Dr. Stephen Williams, MD, our Director of Infectious Diseases and Antibiotic Stewardship, who developed and is personally overseeing our cohort practices. Attached is an e-mail from him which makes it clear that we established, and remain compliant with, an appropriate cohort regime. After reading the April 13, 2020 Emergency Conditional Curtailment of Admissions Order issued by the N.J State Department of Health Dr. Williams determined that, in his professional opinion, the cohort and management of patients (including new admissions) meets the requirements under the Emergency Conditional Order.

Second, we also have appropriate infection prevention and outbreak control measures as per DOH guidelines and guidance, including appropriate use of PPE as per CDC guidance. Finally, we have adequate staff that is appropriately assigned to minimize the potential for cross-contamination. Based on our assessment of the factors in the Commissioner's Conditional Curtailment Order, we are not closed to admissions or readmissions. As you know, the Order is conditional and because we do not meet the conditions precedent, the order is not applicable here.

We also want to call to your attention that a declaration by the County cannot contradict, attempt to circumvent, or alter the Commissioner's directive. Earlier this month, we confirmed with the Assistant Commissioner of DOH, that "closed to admission" directives issued by local health departments are not sanctioned by the State, and that only the NJ State Department of Health has the authority to curtail admissions at a facility licensed by DOH. Under the terms of the State's Conditional Order, Care One at Madison Avenue continues to adhere to the guidelines set forth in the Order. In addition, CareOne at Madison Avenue continues to abide by the Commissioner's Order issued March 31, 2020, mandating that we admit COVID-19 positive patients for admission. For all these reasons, your admonition to "suspend admissions for 14 days" places us in an untenable position, is without legal basis or authority and directly contravenes Orders of the Commissioner of Health which we firmly believe take precedence.

If you have any questions concerning the conclusions reached above, please contact Linda Martin, Chief Compliance Officer, who is copied on this e-mail.

[REDACTED]
Chief Compliance Officer
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Thank you.

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