

**Congress of the United States**  
Washington, DC 20515

March 16, 2022

**VIA ELECTRONIC TRANSMISSION**

The Honorable Merrick B. Garland  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

Attorney General Garland:

I am writing to request the Department of Justice (DOJ) investigate Woodland Behavioral and Nursing Center (Woodland) in Andover, New Jersey under the Civil Rights of Institutionalized Persons Act (CRIPA), 42 U.S.C. § 1997. Evidence suggests that Woodland has subjected its residents to egregious and flagrant conditions that have caused them to suffer serious physical and emotional harm.

On February 14, 2022, the New Jersey Department of Health suspended admission at Woodland after finding significant allegations of abuse and neglect of its hundreds of residents.<sup>1</sup> According to news outlets, New Jersey surveyors released a “blistering [16 page] report” detailing Woodland’s failures and licensure violations which included “failure to respond to residents in distress,” “verbal and other abuse of residents,” and “serious staffing shortages that would have left overloaded workers scrambling to bathe, feed, and clean patients.”<sup>2</sup> New Jersey surveyors also found Woodland failed to monitor for signs of COVID-19 among their residents, which could be why cases increased by 102 in the span of just one week between December 23, 2021 and January 1, 2022.<sup>3</sup> (As of February 25, 2022, the New Jersey Department of Health reported Woodland has an active viral outbreak with 250 reported cases of COVID-19 among residents, 145 cases of

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<sup>1</sup> Laura Strickler, *State Threatens to Take Over N.J. Nursing Home Where Bodies Were Stacked*, NBC NEWS (Feb. 14, 2022), <https://www.nbcnews.com/health/health-news/state-takes-new-jersey-nursing-home-17-bodies-stacked-morgue-rcna16208>; Ted Sherman, *Resident in Cardiac Arrest Left for Dead at Nursing Home, N.J. Alleges, in Scathing Report Citing Widespread Abuse*, NJ.COM (Feb. 14, 2022), <https://www.nj.com/news/2022/02/resident-in-cardiac-arrest-left-for-dead-at-nursing-home-nj-alleges-in-scathing-report-citing-widespread-abuse.html>.

<sup>2</sup> Ted Sherman, *Resident in Cardiac Arrest Left for Dead at Nursing Home, N.J. Alleges, in Scathing Report Citing Widespread Abuse*, NJ.COM (Feb. 14, 2022), <https://www.nj.com/news/2022/02/resident-in-cardiac-arrest-left-for-dead-at-nursing-home-nj-alleges-in-scathing-report-citing-widespread-abuse.html>.

<sup>3</sup> Laura Strickler, *State Threatens to Take Over N.J. Nursing Home Where Bodies Were Stacked*, NBC NEWS (Feb. 14, 2022), <https://www.nbcnews.com/health/health-news/state-takes-new-jersey-nursing-home-17-bodies-stacked-morgue-rcna16208>.

COVID-19 among staff, and 16 COVID-19 confirmed deaths.<sup>4</sup> These figures represent the highest rate of infection of any nursing home in the State.)

Sadly, allegations against Woodland are not new. In April 2020, police discovered seventeen bodies in a makeshift morgue at Woodland, then known as Andover Subacute Rehabilitation Center.<sup>5</sup> This discovery made national headlines, which promoted the Center for Medicare and Medicaid Services (CMS) to investigate the facility shortly thereafter. CMS investigators found numerous health and safety violations, including the facility's "failure to log residents' temperatures," "incorrect[] use[] of protective equipment (PPE)," and, "rooming COVID-19 patients with those that were asymptomatic."<sup>6</sup> CMS concluded Woodland was in "immediate jeopardy," imposed a civil penalty of \$220,235, and required Woodland to submit a "Plan of Correction" within ten days.<sup>7</sup> Separate from CMS's enforcement actions, Woodland currently maintains a one-star rating from CMS's "Nursing Home Compare" tool and has numerous documented deficiencies as of March 2020 relating to health inspections, staffing, and quality measures.<sup>8</sup>

On February 9, 2022, CMS threatened to terminate Woodland from participating in the Medicare and Medicaid programs "unless substantial compliance [was] achieved before March 3, 2022."<sup>9</sup> CMS has since extended their deadline to August 15, 2022, telling Woodland that "[more] corrections must be made in order for the facility to continue to participate in the Medicare and Medicaid programs."<sup>10</sup>

Due to the totality of these circumstances, the Federal government must intervene to prevent abuse and neglect of elderly patients at Woodland.<sup>11</sup> In March 2021, we encouraged DOJ

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<sup>4</sup> LTC Facilities Outbreaks List, STATE.NJ.GOV, [https://www.state.nj.us/health/healthfacilities/documents/LTC\\_Facilities\\_Outbreaks\\_List.pdf](https://www.state.nj.us/health/healthfacilities/documents/LTC_Facilities_Outbreaks_List.pdf) (last viewed Mar. 1, 2022)

<sup>5</sup> Lori Comstock, *Patients in Andover Nursing Home Were in Immediate Jeopardy, Report Says*, N.J. HERALD (May 7, 2020), <https://www.njherald.com/story/news/new-jersey/2020/05/07/andover-nj-nursing-home-patients-were-immediate-jeopardy-report-says/3093452001/>.

<sup>6</sup> Lori Comstock, *Patients in Andover Nursing Home Were in Immediate Jeopardy, Report Says*, N.J. HERALD (May 7, 2020), <https://www.njherald.com/story/news/new-jersey/2020/05/07/andover-nj-nursing-home-patients-were-immediate-jeopardy-report-says/3093452001/>.

<sup>7</sup> Lori Comstock, *Patients in Andover Nursing Home Were in Immediate Jeopardy, Report Says*, N.J. HERALD (May 7, 2020), <https://www.njherald.com/story/news/new-jersey/2020/05/07/andover-nj-nursing-home-patients-were-immediate-jeopardy-report-says/3093452001/>.

<sup>8</sup> Woodland Behavioral and Nursing Center, MEDICARE.GOV, <https://www.medicare.gov/care-compare/details/nursing-home/315248?id=5c51ba4c-0fee-4933-acc7-f2af368f668f&state=NJ> (last viewed Mar. 1, 2022).

<sup>9</sup> Ted Sherman, *Residents Are At Extreme Risk, Feds Say, As They Threaten to Essentially Shut Down Troubled N.J. Nursing Home*, NJ.COM (Feb. 17, 2022), <https://www.nj.com/news/2022/02/residents-lives-at-extreme-risk-feds-say-as-they-threaten-to-essentially-shut-down-troubled-nj-nursing-home.html>.

<sup>10</sup> Ted Sherman, *N.J. Nursing Home Blasted for Endangering Residents Gets a Reprieve. For Now*, NJ.COM (Mar. 6, 2022), <https://www.nj.com/news/2022/03/nj-nursing-home-blasted-for-endangering-residents-gets-a-reprieve-for-now.html>.

<sup>11</sup> Woodland owner and operator—Louis Schwartz—previously worked as an executive at Skyline Health which collapsed in 2019 amid accusations of neglect and financial mismanagement. Laura Strickler, *State Threatens to Take Over N.J. Nursing Home Where Bodies Were Stacked*, NBC NEWS (Feb. 14, 2022),

to conduct a full and complete investigation into nursing home deaths at facilities in New York, New Jersey, and Pennsylvania, and Michigan.<sup>12</sup> DOJ declined to open a CRIPA investigation into nursing homes in New York, Pennsylvania, or Michigan, but indicated it opened a CRIPA investigation into two nursing facilities operated by the State of New Jersey, including Memorial Home at Menlo Park and the Veterans Memorial Home at Paramus.<sup>13</sup> We strongly urge the DOJ to consider expanding its investigation to include Woodland as well, especially in light of other related ongoing investigations.

Thank you for your prompt attention to this matter.



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Charles E. Grassley  
Ranking Member  
Judiciary Committee  
U.S. Senate



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Tim Scott  
Ranking Member  
Select Committee on Aging  
U.S. Senate



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Thom Tillis  
U.S. Senator

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<https://www.nbcnews.com/health/health-news/state-takes-new-jersey-nursing-home-17-bodies-stacked-morgue-rcna16208>.

<sup>12</sup> Press Release, Grassley Questions DOJ Decision Not to Open Civil Rights Investigation of COVID Nursing Home Scandal (July 29, 2021), <https://www.judiciary.senate.gov/press/rep/releases/grassley-questions-doj-decision-not-to-open-civil-rights-investigation-of-covid-nursing-home-scandals>.

<sup>13</sup> Press Release, Grassley Questions DOJ Decision Not to Open Civil Rights Investigation of COVID Nursing Home Scandal (July 29, 2021), <https://www.judiciary.senate.gov/press/rep/releases/grassley-questions-doj-decision-not-to-open-civil-rights-investigation-of-covid-nursing-home-scandals>.