



State of New Jersey
DEPARTMENT OF HEALTH
PO BOX 358
TRENTON, N.J. 08625-0358
www.nj.gov/health

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

SHEREEF M. ELNAHAL, MD, MBA
Acting Commissioner

Darlene Tranquilli, Owner/Administrator
Selah Care Center
131/133 Fourth Street
Belvidere, NJ 07823

NJ Facility ID # NJD35026

Dear Ms. Tranquilli,

Enclosed please find the Notice of Assessment of Penalties for Selah Care Center. This notice pertains to the Notice of Penalty Assessment which was contained in the January 3, 2018 Curtailment of New Admissions and Other Orders, Directed Plan of Correction, and Notice of Penalty Assessment issued to Selah Care Center.

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

DATE:
REGULAR AND
CERTIFIED MAIL: 7009 1680 0002 1239 4697
RETURN RECEIPT REQUESTED
Control #X17041



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IN RE: Licensure Violation) Notice of Assessment
 NJ Facility ID # D35026) of Penalties

TO: Darlene Tranquilli
 Selah Care Center
 131/133 Fourth Street
 Belvidere, NJ 07823

This Notice of Assessment of Penalties pertains to the January 3, 2018 Notice of Penalty Assessment contained in the Curtailment of New Admissions and Other Orders, Directed Plan of Correction, and Notice of Penalty Assessment issued to Selah Care Center ("January 3, 2018 Notice").

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 Licensing Standards for Dementia Care Homes set forth at N.J.A.C. 8:37-1.1 et seq.

LICENSURE VIOLATIONS AND MONETARY PENALTIES:

The January 3, 2018 Notice was issued to Selah Care Center ("Selah") based upon a complaint survey conducted at Selah by staff of the Department's Division of Health Facility Survey and Field Operations ("Survey") on November 13, 2017, November 14, 2017 and December 11, 2017, including observations, interviews and record review, as well as review of pertinent facility documents. The report of this survey, which is incorporated herein by reference, revealed the following licensure violations, among other violations:

1. The facility failed to investigate a report of abuse of a resident by a staff member and a bruise of unknown origin, and it failed to report the abuse and bruise of unknown origin to the Department as required, in violation of N.J.A.C. 8:37-2.6(a) (recodified at N.J.A.C. 8:37-2.8(a), effective December 18, 2017).

2. Additionally, the facility failed to protect a resident from physical and verbal abuse, which occurred on September 27, 2017, in violation of N.J.A.C. 8:37-3.1(a)(12).
3. Based on observation, interview and record review it was determined that the facility failed to protect a resident from abuse when the House Manager ("HM") physically and verbally abused Resident #1 in the presence of staff at the day care center ("Day Care"). This failure resulted in an Immediate Jeopardy ("IJ") situation for all residents at Selah.
4. On September 27, 2017, Mark Tranquilli, Selah's HM, who is the husband of Darlene Tranquilli, physically and verbally abused Resident #1 in the presence of Day Care staff. When he was interviewed by the surveyor on November 13, 2017, the HM admitted that on September 27, 2017, when he was at the Day Care and saw Resident #1 yelling, kicking and cursing, he wrapped his arms around Resident #1 when walking him/her out of Day Care. The HM also admitted that he yelled and cursed at Resident #1. An incident report, received on November 15, 2017, revealed that the HM became very angry when Resident #1 was verbally abusing, kicking and hitting the staff. The HM was yelling loudly and physically held Resident #1 from behind while holding Resident #1's arms in front of him/her.
5. On the day it occurred, this abuse was reported to Darlene Tranquilli, Chief Operating Officer ("COO"), and owner of Selah. The COO is also a Certified Medication Aide ("CMA") who may provide services only pursuant to the delegation and supervision of a Registered Nurse pursuant to N.J.A.C. 8:36-11.5 and N.J.A.C. 13:37-6.1 et seq.
6. Selah did not investigate the report of abuse, nor did it report this abuse to the Department as required by N.J.A.C. 8:37-2.6(a) (recodified at N.J.A.C. 8:37-2.8(a), effective December 18, 2017).
7. The facility failed to ensure that Resident #1 was protected from abuse, and allowed the HM to continue to provide care to the residents without supervision. This deficient practice violates the regulations at N.J.A.C. 8:37-1.1 et seq. and posed a risk of immediate jeopardy ("IJ") to the safety of all residents at Selah.
8. Pursuant to N.J.A.C. 8:37-3.1(a)(12), each resident is entitled to a safe and decent living environment and considerate and respectful care that recognizes the dignity and individuality of the resident. Pursuant to N.J.A.C. 8:37-5.3(a), "[n]o licensee shall employ or continue to employ any person known to the licensee to have engaged in conduct violative of the rights of residents set forth at N.J.A.C. 8:37-3.1 or who the licensee has reason to believe would be likely to engage in such conduct."

9. The IJ situation was identified by Survey staff on November 14, 2017. Concurrently, the Chief Operating Officer/ Certified Medication Aide (COO/CMA) was notified. The COO/CMA was informed that the IJ situation would continue until an acceptable plan of correction was submitted by Selah and accepted by the Department.
10. On November 13, 2017, the surveyor observed a bruise around a Resident #1's right eye. The HM informed the surveyor that the bruise occurred a week ago; however, the HM claimed he did not witness the incident. The COO/CMA stated that she did not document, nor investigate the incident.
11. The January 3, 2018 Notice included the above-described violations.
12. The facility failed to provide the Department with an acceptable plan of correction for the removal of the IJ until January 7, 2018. The Department determined that the plan of correction removed the immediacy of the IJ, effective on January 3, 2018.

These violations pertain to the care of participants using the services at Selah Care Center. **In accordance with the provisions set forth in N.J.S.A. 8:37-1.1 et seq. and N.J.A.C. 8:43E-3.4(a)(10), the penalty assessed for this violation is \$2,500 per day, beginning on November 14, 2017 until January 2, 2018, for a period of 50 days. Therefore, Selah Care Center is hereby assessed penalties amounting to \$125,000.**

The total amount of this penalty is required to be paid within 30 days of receipt of this letter by certified check or money order made payable to the "Treasurer of the State of New Jersey" and forwarded to Office of Program Compliance and Health Care Financing, New Jersey Department of Health, P.O. Box 358, Trenton, New Jersey 08625-0358, Attention: Lisa King. **On all future correspondence related to this Notice, please refer to Control X 17041.**

FORMAL HEARING:

Selah is entitled to a prompt formal hearing at the Office of Administrative Law ("OAL") to challenge this assessment of penalties pursuant to N.J.S.A. 26:2H-13. Selah may request a hearing to challenge either the factual survey findings or the assessment of penalties, or both. Selah must advise this Department **within 30 days** of receipt of this letter if it requests an OAL hearing regarding this matter.

Please forward your OAL hearing request to:

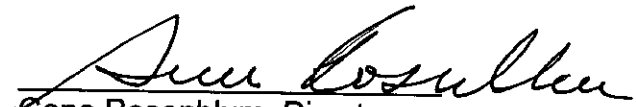
Attention: OAL Hearing Requests
Office of Legal and Regulatory Compliance, Room 805
New Jersey Department of Health
P.O. Box 360
Trenton, New Jersey 08625-0360

Corporations are not permitted to represent themselves in OAL proceedings. Therefore, if Selah is owned by a corporation, representation by counsel is required.

In the event of an OAL hearing regarding this matter, Selah is further required to submit a written response to each and every charge as specified in this Notice, which shall accompany your written request for a hearing.

Finally, be advised that Department staff will monitor facility compliance with this Notice to determine whether corrective measures are implemented by the facility and whether assessed penalties are paid 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 additional penalties.

In accordance with N.J.A.C. 8:43E-3.5(c)(1), failure to pay the penalty assessed in this Notice within 30 days of the date it is due and owing may result in the issuance of a final agency order assessing the amount of the penalty and, at the request of the Department, the Clerk of the Superior Court or the Clerk of the Superior Court, Law Division, Special Civil Part shall record the final order assessing the penalty on the judgment docket of the court, in accordance with N.J.S.A. 2A:58-10.


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

GR:jn:
DATE: January 25, 2018
Control #X17041