



**State of New Jersey**  
**DEPARTMENT OF HEALTH**  
PO BOX 358  
TRENTON, N.J. 08625-0358  
[www.nj.gov/health](http://www.nj.gov/health)

PHILIP D. MURPHY  
*Governor*

SHEILA Y. OLIVER  
*Lt. Governor*

SHEREEF M. ELNAHAL, MD, MBA  
*Acting Commissioner*

February 21, 2018

Ms. Galina Markovich  
Millennium Memory Care at Holmdel  
92 Stillwell Road  
Holmdel, NJ 07733

Via Email: [galina@millenniumpmemorycare.com](mailto:galina@millenniumpmemorycare.com)  
and Facsimile: 732-523-5799, Certified Mail, RRR

**RE: Curtailment of Admissions Order, Directed Plan of Corrections and  
Notice of Penalty Assessment  
Facility ID# NJD35027**

Dear Ms. Markovich:

This will confirm yesterday's phone call between you, me and staff of Health Facility Survey and Field Operations (Survey") and the Office of Program Compliance of the Department of Health (DOH), wherein you were advised of the Curtailment of Admissions and Directed Plan of Correction set forth below. In addition, a Notice of Penalty Assessment is set forth below. Please be advised that you may be subject to other enforcement remedies in addition to the orders set forth below.

These actions are being taken based on a recommendation from Health Facility Survey and Field Operations (Survey) staff who, during an on-site complaint survey, identified multiple deficiencies related to resident care, safety, and rights, and medication administration, including a serious uncorrected violation posing an immediate jeopardy to residents. The report of this survey, dated February 5, 2018, is attached hereto and incorporated herein by reference. The deficiencies found include, but are not limited to:

- The facility failed to provide one staff member per two residents that cannot self-evacuate, which resulted in an immediate jeopardy situation that was identified on February 5, 2018. An acceptable plan of correction to remove the immediate jeopardy has not been provided by the facility.
- The facility failed to protect a resident from physical abuse, failed to timely report the incident to the Department, and failed to immediately remove the perpetrator from resident care.

- Two resident's requiring advanced levels of care for Stage IV pressure ulcers were not transferred out of the facility as required.
- The RN did not review and sign off the Medication Administration Record (MAR) for medications which were administered by the Certified Medication Aide (CMA).
- A CMA failed to discontinue Seroquel as ordered by the physician and the resident required hospitalization.

**The following ORDERS are effective immediately:**

**A. Curtailment;**

A curtailment was issued during the telephone call yesterday requiring you to curtail all new admissions and re-admissions to Millennium Memory Care at Holmdel, effective immediately. Your current census is 11 with 1 resident in the hospital that may not be readmitted upon discharge from the hospital.

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 in violation of this curtailment order

**B. Directed Plan of Correction (DPOC):**

A Directed Plan of Correction was issued during the telephone call yesterday requiring the facility to:

1. Immediately, by 5:00 p.m. today, have on site at all times a minimum of four full-time staff who are capable of assisting residents to evacuate the facility.
2. Retain the services of a Consultant Administrator and a Consultant Nurse who is a N.J. Registered Nurse (RN). Each consultant, upon prior approval of the Department, will be required to work on site for at least 20 hours per week beginning February 26, 2018. The consultants 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 consultants must be approved in advance by the Department, and a resume for each consultant must be submitted to Gene.Rosenblum@doh.nj.gov by 12:00 p.m. on Friday, February 23, 2018. The consultants shall be retained no later than the close of business on Tuesday, February 27, 2018. The contract with the consultants shall include provisions for immediate corrective action pursuant to all applicable state licensing standards. The facility administrator shall submit by email weekly progress reports, signed off by each consultant, beginning on March 6, 2018, and continuing each Tuesday thereafter, until this DPOC is lifted by the Department. The progress reports shall be submitted by email to Donna.Koller@doh.nj.gov and Gene.Rosenblum@doh.nj.gov.

### **C. Notice of Penalty Assessment:**

Based upon the identification of an Immediate Jeopardy ("IJ") situation during the complaint investigation set forth in the February 5, 2018 report, which was related to the facility's failure to provide one staff member per two residents that cannot self-evacuate, in violation of N.J.A.C. 8:37-7.10 (a) (1) (i) and N.J.A.C. 8:37-3.1(a)(12), and as a result of the facility's continued failure to provide Survey with an acceptable plan of correction for the removal of the IJ, please be advised that in accordance with the provisions set forth in N.J.A.C. 8:43E-3.4(a)(10), a \$2,500 per day penalty is being assessed. The penalty begins on February 5, 2018, when the facility's Executive Director was notified of the IJ, and will continue until Survey receives an acceptable plan of correction for removal of the IJ.

### **FORMAL HEARING**

Millennium Memory Care at Holmdel is entitled to a prompt formal hearing at the Office of Administrative Law (OAL) to challenge the curtailment.

Millennium Memory Care at Holmdel must advise the department within 30 days of this letter to request 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 State Department of Health  
P.O. Box 360  
Trenton, New Jersey 08625-0360

Corporations are not permitted to represent themselves in OAL proceedings. Therefore, if Millennium Memory Care at Holmdel is owned by a corporation, representation by counsel is required.

In the event of an OAL hearing regarding this matter, Millennium Memory Care at Holmdel is further required to submit a written response to each finding of the February 5, 2018 report, which shall accompany your written request for a hearing.

### **INFORMAL DISPUTE RESOLUTION (IDR)**

N.J.A.C. 8:43E-2.3 provides facilities the option to challenge factual survey findings by requesting Informal Dispute Resolution with Department representatives. IDR requests must be made in writing within ten (10) business days from receipt of this letter and must state whether the facility opts for an in-person conference at the Department, a telephone

conference, or review of facility documentation only. The request must include an original and ten (10) copies of the following:

1. The written survey findings;
2. A list of each specific deficiency the facility is contesting;
3. A specific explanation of why each contested deficiency should be removed; and
4. Any relevant supporting documentation.

Any supporting documentation or other papers submitted later than 10 business days prior to the scheduled IDR may not be considered at the discretion of the IDR panel.

Send the above-referenced information to:

Darlene Jackson  
Program Compliance & Health Care Financing  
New Jersey Department of Health  
P.O. Box 358  
Trenton, New Jersey 08625-0358

The IDR review will be conducted by professional Department staff who do not participate in the survey process. Requesting IDR review does not delay the imposition of any enforcement remedies.

Please call 609-984-8128 if you have any questions regarding the contents of this letter.

Sincerely,



Gene Rosenblum, Director  
Program Compliance and Health Care  
Financing  
Division of Certificate of Need and Licensing  
New Jersey Department of Health

GR/jn  
Control #X18004