



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

IN RE: LICENSURE VIOLATIONS)
) NOTICE OF REVOCATION OF
) LICENSE

TO: Darlene Tranquilli, Administrator
Selah Care Center
131/133 Fourth Street
Belvidere, New Jersey 07823

The Health Care Facilities Planning Act, ("the Act"), N.J.S.A. 26:2H-1 et seq., 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 Enforcement of Licensure Regulations, the Commissioner of Health is authorized to inspect all health care facilities and to enforce the Licensing Standards for Dementia Care Homes set forth at N.J.A.C. 8:37-1.1 et seq.¹

Department staff visited Selah Care Center (also referred to hereinafter as "Selah") on October 26, 2016 to conduct a complaint survey. The report of this visit, which is enclosed herewith and incorporated herein by reference, revealed the existence of potentially harmful and dangerous conditions at your facility, including three violations of the governing regulations which posed a risk of immediate jeopardy to the health, safety and welfare of Selah's residents.

Department staff also visited Selah on November 13 and 14, 2017 to conduct a complaint survey. On November 13, 2017, in violation of the Act and the implementing regulations, you refused to allow the surveyors to observe care provided to residents at your licensed dementia care home and you directed them to leave the premises. The Department notified Selah that it must admit Department surveyors to the facility to complete a full inspection or it would be subject to enforcement action by telephone and letter of November 13, 2017. Department staff returned to Selah on November 14, 2017 to conduct a complaint survey. The report of the survey of November 13 and 14, 2017, which is enclosed herewith and incorporated herein by reference, revealed the existence of potentially harmful and dangerous conditions at your facility, including a violation of the

¹ The licensing of dementia care homes was transferred to the Department of Health from the Department of Community Affairs by the Dementia Care Home Act, N.J.S.A. 26:2H-148 et seq., and N.J.S.A. 55:13B-5.1 (P.L. 2015, c. 125), effective June 1, 2016.

governing regulations which posed a risk of immediate jeopardy to the health, safety and welfare of Selah's residents.

Among the violations found during the November 13 and 14, 2017 survey, the Department surveyors found that on September 27, 2017, the house manager (HM), who was the husband of the owner, had physically and verbally abused a resident. Selah did not investigate the abuse or report it to the Department, and the HM was permitted to continue to provide direct care for residents, including the resident he abused. Selah was advised by Department staff that this created an immediate jeopardy situation, putting all the residents at risk of harm.

Department staff visited Selah again on December 11, 2017, to conduct a monitoring visit. The Department surveyors found that the HM continued to be employed by Selah, and continued to provide direct care to residents.

Due to the seriousness of cited deficiencies and the ongoing violation which continued to place all residents at risk of harm, on January 3, 2018 the Department imposed the following enforcement remedies: curtailment of admissions; assessment of a penalty of \$2,500 per day for the violation posing an immediate jeopardy to residents; prohibition on employing the abuser; and a Directed Plan of Correction (DPOC) requiring a certification from Selah's Registered Nurse regarding her responsibilities, and requiring Selah to engage an administrator-consultant for 25 hours a week, and to provide weekly reports beginning on January 23, 2018. On January 25, 2018, the Department issued a Notice of Penalty Assessment, imposing a penalty of \$2,500 per day for 50 days, from November 14, 2017 until January 2, 2018, for a total of \$125,000. Selah requested an administrative hearing to contest the penalty assessment and the curtailment, and requested an Informal Dispute Resolution (IDR). An IDR has been scheduled, and the matter has been transmitted to the Office of Administrative Law for a hearing.

Selah has failed to comply with the requirements of the DPOC. On January 26, 2018, the administrator-consultant notified the Department that he was no longer working at Selah. The consultant advised the Department that he had been at Selah for one week only, for a total of 25 hours. On February 5, 2018, Selah submitted a weekly consultant report for one week only.

On January 31, 2018, the surveyors visited Selah to conduct a revisit survey for the Complaint survey conducted on November 14, 2017. The report of this visit, which is enclosed herewith and incorporated herein by reference, revealed the existence of potentially harmful and dangerous conditions at your facility. Among the violations found at the time, one posed a risk of immediate jeopardy to the health, safety and welfare of Selah's residents.

On February 5, 2018, Selah's owner advised the Department via email that she had transferred the facility's license to her husband. Her email stated that: "[w]ith the assistance of our attorney, I have transferred my share of the business to Mark Tranquilli. I no longer own any percentage of the company." This violated the governing regulations

at N.J.A.C. 8:37-2.1(g), (h), (i), (n), which require prior approval by the Department of any transfer of ownership. On February 6, 2018, the Department advised Selah's owner by telephone and email that transferring ownership without Department approval violated the regulations governing dementia care homes, that as the owner, she is not permitted to provide health care services to Selah's residents, and that Selah may be subject to enforcement remedies. Selah's owner denied that she had transferred the ownership of Selah, but had merely notified the Department of her plans to do so. She was advised that the Department would require proof that the ownership had not been transferred because she had first advised the Department that she had already transferred ownership. Selah has not provided such proof.

The pattern of licensing violations posing a serious risk of harm to the health, safety and welfare of residents continues to exist in your facility, as specified in the survey reports dated October 26, 2016, November 14, 2017 and January 31, 2018.

Accordingly, the Department of Health hereby

FINDS that, based upon the Survey Reports of October 26, 2016, November 14, 2017 and January 31, 2018, and as further set forth herein, Selah Care Center is neither fit, competent nor qualified to provide an adequate Dementia Care Home to the residents of the State of New Jersey and that Selah Care Center lacks the ability to provide competent and adequate Dementia Care Home services, in accordance with applicable laws, rules and regulations, in the future, including but not limited to N.J.S.A. 8:37-1.1 et seq.; and N.J.A.C. 8:43E-1.1 et seq.; and the Department of Health further

FINDS that Selah Care Center has failed to comply with licensing requirements set forth at N.J.S.A. 8:37-1.1 et seq., as detailed in the enclosed survey reports, and as further set forth herein, posing an immediate and serious risk of harm or actual harm to the health, safety and welfare of residents, and the facility has not corrected such violations in accordance with a Directed Plan of Correction; and the Department of Health further

FINDS that Selah Care Center has exhibited a pattern and practice of violating licensing requirements, posing a serious risk of harm to the health, safety and welfare of residents of the facility. This pattern and practice of violating licensing requirements is demonstrated by the repeated violation of substantially-related licensing regulations during three consecutive surveys and by the issuance of civil monetary penalties pursuant to N.J.A.C. 8:43E-3.4 and other enforcement actions. The three consecutive surveys are set forth in the reports dated October 26, 2016, November 14, 2017 and January 31, 2018.

Accordingly, Selah Care Center shall take

NOTICE that, the License granted to Selah Care Center be and is hereby **REVOKED**, in accordance with the provisions set forth in N.J.A.C. 8:43E-3.1,

N.J.A.C. 8:43E-3.2, N.J.A.C. 8:43E-3.3, N.J.A.C. 8:43E-3.9(a)(1) and N.J.A.C. 8:43E-3.9(a)(2); and Selah Care Center shall take further

NOTICE that the effective date of this NOTICE OF REVOCATION OF LICENSE shall be **30 days after the date of this Notice**; and Selah Care Center shall take further

NOTICE that on or before **30 days after the date of this Notice**, Selah Care Center shall surrender to this Department its license to operate. Should the facility fail to surrender its license to operate, the license shall nevertheless be deemed null and void in accordance with the provisions set forth in this NOTICE OF REVOCATION OF LICENSE and all applicable laws, rules and regulations. Should the facility continue to fail to conform to the requirements of this NOTICE OF REVOCATION OF LICENSE and/or all applicable rules and regulations beyond the effective date of this NOTICE OF REVOCATION OF LICENSE, the facility shall be subject to additional enforcement action which may not be set forth in this NOTICE OF REVOCATION OF LICENSE, but which may include, but not be limited to civil money penalties, in accordance with all applicable laws, rules and regulations; and Selah Care Center shall take further

NOTICE that Selah Care Center shall IMMEDIATELY notify all residents of this NOTICE OF REVOCATION OF LICENSE and shall clarify to all residents, in a language they are able to understand, that the facility shall cease and desist all operations upon the effective date of this NOTICE OF REVOCATION OF LICENSE, and that should any resident continue to require dementia care home services, each should be relocated to an alternate facility of the resident's choosing, to meet all resident requirements; and Selah Care Center shall take further

NOTICE that, the facility is entitled to contest this NOTICE OF REVOCATION OF LICENSE by requesting a **FORMAL HEARING** to be held at the Office of Administrative Law, pursuant to N.J.S.A. 26:2H-13 and N.J.A.C. 8:43E-4.1. Any request for a hearing must be made in writing, **within 30 days of the date of this NOTICE OF REVOCATION OF LICENSE**, to the following address:

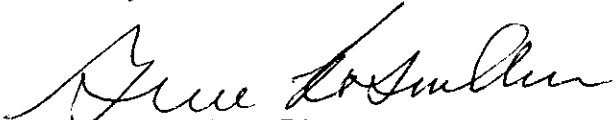
Joy Lindo, Director
Office of Legal and Regulatory Compliance
New Jersey Department of Health
P.O. Box 360
Trenton, New Jersey 08625-0360

In the event the facility requests a hearing, this revocation shall be held in abeyance until such time as the hearing has been concluded and a final decision has been rendered. Failure to do so shall constitute a waiver of the right to hearing; and Selah Care Center shall take further

NOTICE that, corporations are not permitted to represent themselves in Office of Administrative Law proceedings. Therefore, if the facility is owned by a corporation, representation by legal counsel is required.

Should you have questions concerning this Notice of Revocation of License, you may contact me at (609) 984-8128 or you may contact Lisa King of my staff, at (609) 984-8161. On all correspondence related to this matter, please refer to Control# X17042.

Sincerely,



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

DATE: February 21, 2018

cc: Stefanie Mozgai
Control # X17042