



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

JUDITH M. PERSICILLI, RN, BSN, MA
Commissioner

IN RE: LICENSURE VIOLATION : NOTICE OF ASSESSMENT OF
NJ FACILITY ID # NJ15A116 : PENALTIES
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TO: **VIA REGULAR and EMAIL**
Annette Nilsen, Administrator
Artis Senior Living of Brick
466 Jack Martin Boulevard
Brick, NJ 08724
(anilsen@artismgmt.com)

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. Assisted-living residence facilities are licensed in accordance with N.J.S.A. 26:2H-1 and N.J.A.C. 8:36. Pursuant to the Act and N.J.A.C. 8:36-1.1 et seq., General Licensure Procedures and Standards Applicable to All Licensed Facilities, and Standards for Licensure of Assisted Living Residences, Comprehensive Personal Care Homes, and Assisted Living Programs, the Commissioner of the Department of Health (the "Department") is authorized to inspect all assisted living facilities and to enforce N.J.A.C. 8:36-1.1 et. seq.

LICENSURE VIOLATIONS & MONETARY PENALTIES:

Survey Staff of the Department visited Artis Senior Living of Brick ("facility") on May 4, 2022 to conduct a complaint survey. The report of this visit, which is incorporated herein by reference, revealed the following licensure violations among others:

The Facility was in violation of N.J.A.C. 8:36-7.3(a), Resident Assessments and Care Plans – Survey Tag A749. Survey determined that the Facility failed to develop and ensure that a Service Plan (SP) was revised and implemented to include specific interventions to reduce the risk of elopement for a resident.

The surveyor reviewed Resident #6's April 6, 2022, nurse's notes written by the Licensed Practical Nurse (LPN) that identified the resident's constant exit seeking behaviors, and that the resident had to be redirected several times away from the lobby door. Additionally, the LPN documented

that a Care Partner saw the resident trying to climb a gate by stacking two tables together to climb over. After facility staff redirected the resident back into the building, the resident went back outside approximately ten minutes later to climb the gates. Additionally, the community police returned the resident back to the facility on April 10, 2022, after the Registered Nurse received a phone call that the resident was possibly walking down the highway near the facility. The speed limit on the highway was 45 m.p.h. The facility later found 3 tables outside in front of a gate, and the resident stated he jumped over the fence.

On review of Resident #6's SP, the surveyor found that the facility only provided interventions for the resident's exit seeking behavior inside the facility. However, the facility failed to develop and implement interventions including monitoring Resident #6 when outside in the facility's courtyard, where the resident had previously stacked furniture to exit the facility grounds. Furthermore, the LPN informed the surveyor that there were no assigned staff to individually monitor residents.

In accordance with N.J.A.C. 8:43E-3.4(a)(8), because the violations were related to patient care or physical plant standards that represent a direct risk to the health, safety, or welfare of patients or residents of a facility or the general public, \$1,000.00 per violation is assessed. Thus, \$1,000 per violation is assessed from April 6, 2022 to April 26, 2022, Resident #6's discharge date, for a total of 20 violations, amounting to \$20,000.

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, 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 X21038.**

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. Facilities wishing to challenge only the assessment of penalties are not entitled to IDR review, but such facilities may request a formal hearing at the Office of Administrative Law as set forth herein below. 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 a telephone conference, or review of Facility documentation only. The request must include an original and ten (10) copies of the following:

- The written survey findings;
- A list of each specific deficiency the facility is contesting;
- A specific explanation of why each contested deficiency should be removed; and
- 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:

Nadine Jackman
Certificate of Need and Licensing
NJ Department of Health
120 S. Stockton Street
Trenton, New Jersey 08625-0367

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.**

FORMAL HEARING:

Artis Senior Living of Brick 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. Please note that a facility's rights to IDR and an administrative law hearing are not mutually exclusive and both may be simultaneously invoked by the Facility. Artis Senior Living of Brick 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
New Jersey Department of Health
P.O. Box 360
Trenton, New Jersey 08625-0360

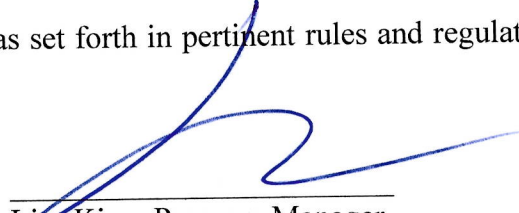
Corporations are not permitted to represent themselves in OAL proceedings. Therefore, if Artis Senior Living of Brick is owned by a corporation, representation by counsel is required by law.

In the event of an OAL hearing regarding this matter, Artis Senior Living of Brick is further required to submit a written response to every charge as specified in this Notice, which shall accompany its written request for a hearing.

In accordance with N.J.A.C. 8:43E-3.5(c)(1), failure to submit a written request for a hearing within 30 days from the date of receipt of this notice will render this a final agency decision assessing the amount of the penalty, which shall then become due and owing. Further, 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. The final agency decision shall thereafter have the same effect as a judgment of the court.

Finally, be advised that Department staff will monitor compliance with this notice to determine whether corrective measures are implemented by the facility 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.



Lisa King, Program Manager
Office of Program Compliance
New Jersey Department of Health

LK:mdj

DATE: October 27, 2022
REGULAR AND
CERTIFIED MAIL:
RETURN RECEIPT REQUESTED
Control # X21038