



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

RE: Licensure Violation ) Notice of Assessment  
NJ Facility ID # 55A004 ) of Penalties

TO: Dionne Clark, Administrator  
Atria Tinton Falls  
44 Pine Street  
Tinton Falls, New Jersey 07753

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 the Department of Health (the "Department") is authorized to inspect all health care facilities and to enforce the Standards for Licensure of Assisted Living Facilities set forth at N.J.A.C. 8:36-1.1 et seq.

**LICENSURE VIOLATIONS & MONETARY PENALTIES:**

Staff of the Department visited Atria Tinton Falls ("Atria") on August 11, 2020 to conduct a Complaint survey. The report of this visit, which is incorporated herein by reference, revealed the following licensure violations:

- The facility was in violation of N.J.A.C. 8:36-3.4(a)(1) and N.J.A.C. 8:36-4.1(a)(1). On August 11, 2020, the facility failed to enforce and implement its "Resident Rights" policy for a resident and failed to implement intervention(s) from a "Resident Functional Needs Service Plan (FNSP)" to ensure a resident's safety during a bus trip. The resident did not return to the bus with the other residents and staff, and was inadvertently left at the venue. While at the venue unaccompanied, the resident fell and sustained multiple injuries: a laceration to the face, head, orbital fracture, C1 lateral fracture, seven sutures across the lower lip, and sutures to laceration of the head with scattered ecchymosis across the face, limbs, and edematous.

These violations pertain to the care of residents using the services at Atria. In accordance with N.J.S.A. 26:2H-13 and N.J.A.C. 8:43E-3.4(a)(10), the penalty assessed for violation of N.J.A.C. 8:36-3.4(a)(1) is \$2,500. In accordance with N.J.S.A. 26:2H-13 and N.J.A.C. 8:43E-3.4(a)(10), the penalty assessed for violation of N.J.A.C. 8:36-4.1(a)(1) is \$2,500. The total penalty is \$5,000.

The total amount of the penalty of \$5,000 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 X20040.**

**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 may request a formal hearing at the Office of Administrative Law as set forth herein below. Please note that facility rights to IDR and administrative law hearings are not mutually exclusive and both may be invoked simultaneously. 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  
Office of Program Compliance  
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.**

**FORMAL HEARING:**

Atria 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. Atria may request a hearing to challenge either the factual survey findings or the assessment of penalties, or both. Please note that a facility's rights to IDR and an administrative law hearing are not mutually exclusive and both may be invoked simultaneously. Atria 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

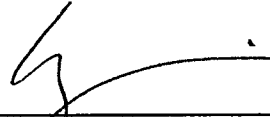
Corporations are not permitted to represent themselves in OAL proceedings. Therefore, if Atria is owned by a corporation, representation by counsel is required.

In the event of an OAL hearing regarding this matter, Atria 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.

Be advised that Department staff 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 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.



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Lisa King, Program Manager  
Office of Program Compliance

LK:cb

DATE: November 23, 2020  
REGULAR AND  
CERTIFIED MAIL:  
RETURN RECEIPT REQUESTED  
Control #X20040