

N.J.A.C. 8:43E-3.4(a1) allows the Department to impose a civil monetary penalty (CMP) of \$1,000 per day for operation of a health care facility without a license.

In accordance with N.J.A.C. 8:43E-3.4(a)1, the penalty assessed for each day on which noncompliance was found is \$1,000 per day. Pursuant to N.J.A.C. 8:43E-3.4(b), except for violations deemed to be immediate and serious threats, the Department may decrease the penalty assessed based on the compliance history of the facility; the number, frequency and/or severity of violations by the facility; the measures taken by the facility to mitigate the effects of the current violation, or to prevent future violations; the deterrent effect of the penalty; and/or other specific circumstances of the facility or the violation.

The total penalty that may be assessed for the violations (or the days the facility was not in compliance) is \$450,000 for the 450 days that Carneys Point operated without a license from April 30, 2022 through July 23, 2023 (450 days x \$1,000). In accordance with N.J.A.C. 8:43E-3.4(b) and because of the compliance history of the facility, the deterrent effect of the penalty and the specific circumstances of the violation, **the Department is decreasing the penalty to \$45,000. Carneys Point is reminded that it is the facility's responsibility to ensure that its license is renewed and that the Department could have imposed a \$450,000 CMP for Carneys Point's failure to comply with N.J.S.A. 26:2H-12 and N.J.A.C. 8:43A-2.2.**

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 X23041.**

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. Please note that the facility's rights to IDR and administrative 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:

Nadine Jackman

Carneys Point Family Practice
Notice of Assessment of Penalties
October 31, 2023
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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 does not delay the imposition of any enforcement remedies.**

FORMAL HEARING:

Carneys Point is entitled to contest the assessment of penalties pursuant to N.J.S.A. 26:2H-13, by requesting a formal hearing at the Office of Administrative Law (OAL). Carneys Point request a hearing to challenge any or all of the following: the factual findings and/or the assessed penalties. Carneys Point must advise this Department within 30 days of the date of this letter if it requests an OAL hearing.

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 Carneys Point is owned by a corporation, representation by counsel is required. In the event of an OAL hearing regarding the penalty, Carneys Point is further required to submit a written response to each and every charge as specified in this notice, which shall accompany its written request for a hearing.

Failure to submit a written request for a hearing within 30 days from the date of this notice will render this a final agency decision. The final agency order shall thereafter have the same effect as a judgment of the court. The Department also reserves the right to pursue all other remedies available by law.

Thank you for your attention to this important matter and for your anticipated cooperation. Should you have any questions concerning this order, please contact Lisa King, Office of Program Compliance at (609) 376-7751.

Sincerely,



Lisa King, Program Manager
Office of Program Compliance
Division of Certificate of Need and Licensing

WCK
DATE: October 31, 2023
FACSIMILE
E-MAIL (FKIGER@CHRISTIANACARE.ORG)
REGULAR AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Control # X23041