



State of New Jersey
DEPARTMENT OF HEALTH

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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
	:	PENALTIES
NJ FACILITY ID #: NJ80A003	:	
	:	

TO: Farrah Molfetta
Executive Director
The Chelsea at Warren
247 King George Road
Warren, New Jersey 07059
Fax: 856-488-9523

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 The Chelsea at Warren ("facility") on July 15, 2020 in response to a Complaint. 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. 8:36-7.4(c)(2), Resident Assessments and Care Plans, Health Care Services – Survey Tag A767. Based on interviews, observations, and record review, it was determined that the facility’s staff failed to assess and monitor the condition of all residents, and the facility failed to develop and implement written policies and procedures to monitor the condition of all residents on an as needed basis. In particular, the Health Service Director failed to take required actions when the Assistant Activity Director’s reported a resident’s statement that he/she wanted to jump out a window, and the resident was subsequently found on the ground outside her/his second-floor apartment. The Acute Care Hospital later pronounced the resident dead from the trauma suffered from the fall.

Specifically, in violation of N.J.A.C. 8:36-7.4(c)(2) after the resident stated he was going to commit suicide on June 22, 2020 until the day the resident was found on the ground on June 27, 2020:

- a) the facility's staff failed to call 911, as was required by the facility's policy;
- b) the Health Director did not instruct the Resident Attendant or Certified Medication Aide to conduct visual checks of the resident every two hours, as was required pursuant to the facility's policies based on the resident's placement on the Falling Star Program and threats of suicide; and
- c) the facility did not conduct a Geriatric Depression Assessment of the resident, as was required by the facility's policy after the resident's threat of suicide.

In accordance with N.J.A.C. 8:43E-3.4(a)(10), and because such multiple deficiencies resulted in actual harm or an immediate and serious risk of harm to a resident, a \$2,500 penalty is assessed for each violation for each day for the six days of noncompliance from June 22, 2020 to June 27, 2020. The date, June 28, 2020, on which the facility found the resident is not counted in the assessment of the penalty. The total amount of the penalty assessed for these three violations is \$45,000.

The facility also did not ensure the second and third floor common area windows were secured after the Assistant Activity Director reported to the Health Service Director the resident's statement that he/she wanted to jump out a window, and the facility staff subsequently found the resident on the ground outside the resident's second floor apartment. The Acute Care Hospital later pronounced the resident dead from the trauma suffered from the fall.

In accordance with N.J.A.C. 8:43E-3.4(a)(8), and because the violation of licensure regulations related to resident care or physical plant standards that represented a risk to the health, safety, or welfare of the residents of a facility, the penalty assessed for this violation is \$1000 per violation where the deficiency was isolated and did not represent a pattern or widespread practice throughout the facility. The total penalty assessed for the violation is \$1000.

These violations pertain to the care of residents of The Chelsea at Warren. In accordance with N.J.S.A. 26:2H-13 and N.J.A.C. 8:43E-3.4(a), The Chelsea at Warren is hereby assessed penalties amounting to \$46,000.

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 X19001.**

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 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:

- 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:

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:

The Chelsea at Warren 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. The Chelsea at Warren must advise this Department within 30 days of receipt of this letter if it requests an OAL hearing regarding this matter.

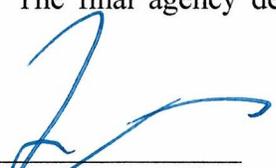
Please forward your OAL hearing request to:

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 The Chelsea at Warren is owned by a corporation, representation by counsel is required by law.

In the event of an OAL hearing regarding this matter, The Chelsea at Warren 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.



Lisa King, Regulatory Officer
Office of Program Compliance

MDJ:mdj

DATE: September 11, 2020
REGULAR AND
CERTIFIED MAIL:
RETURN RECEIPT REQUESTED
Control # X19001