



State of New Jersey
DEPARTMENT OF HEALTH

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Governor

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Lt. Governor

KAITLAN BASTON, MD, MSc, DFASAM
Commissioner

In Re Licensure Violation:

ACCLAIM REHABILITATION AND NURSING
CENTER

(NJ Facility ID# NJ60909)

DIRECTED PLAN OF CORRECTION

TO: Bobby Thariath, Administrator
Acclaim Rehabilitation and Nursing Center
198 Stevens Avenue
Jersey City, New Jersey 07305
BThariath@acclaimrehab.com

As more fully detailed below, on April 16, 2025, the New Jersey Department of Health (the Department) issued to Acclaim Rehabilitation and Healthcare Center (Acclaim) a verbal Directed Plan of Correction due to violations identified by Department surveyors that constitute an immediate and serious risk of harm to facility residents. This order memorializes the verbal directive and adds an additional directive to prohibit smoking inside the facility.

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 Health is authorized to inspect all health care facilities and to enforce the Standards for Licensure of Long-Term Care Facilities set forth at N.J.A.C. 8:39-1.1 et seq.

LICENSURE VIOLATIONS

Staff from the Department's Health Facility, Survey and Field Operations (HFS&FO) unit were on-site at Acclaim from March 31, 2025, through April 4, 2025, for a recertification, complaint investigation and life safety code survey. During this survey, the surveyors identified multiple violations, including, but not limited to, the following:

- The facility failed to provide a safe environment for all residents by instructing residents to smoke in a designated area that was located inside of the facility. During a tour of the facility's third floor, the surveyor observed double doors that led to the designated smoking room inside of the building. The surveyor observed that the windows inside the smoking room were unable to be opened, the balcony door was closed off and locked with no ventilation. There were two standing ashtrays and four outdoor "Cease-Fire" ashtrays that were missing the self-closing lids. The ceiling ventilation system was blowing hot air into the smoking room. The surveyor interviewed the staff member who was

monitoring the smoking room, who stated that the windows did not open and that the patio door was locked and closed off. During an interview with the administrator, the administrator acknowledged that the six ashtrays inside the smoking room did not have covers and also that indoor smoking had been taking place at the facility since April 2022.

- The facility administrator failed to develop and implement a facility smoking policy that ensured safe resident smoking in accordance with all local, state, and federal regulations.

As a result of these violations, all residents in the facility are at an immediate and serious risk of harm.

The New Jersey Smoke-Free Air Act, N.J.S.A. 26:3D-55 et seq., prohibits smoking inside an indoor public place and workplaces, except as specifically excepted from the Act. See N.J.S.A. 26:3D-58. See also N.J.A.C. 8:6-1.1 et seq. (Smoke-Free Air). An indoor public place by statutory definition includes a health care facility licensed pursuant to N.J.S.A. 26:2H-1 et seq. See N.J.S.A. 26:3D-57. Pursuant to N.J.S.A. 26:3D-62:

The Department of Health or the local board of health or the board, body, or officers exercising the functions of the local board of health according to law, upon written complaint or having reason to suspect that an indoor public place or workplace covered by the provisions of this act is or may be in violation of the provisions of this act, shall, by written notification, advise the person having control of the place accordingly, and order appropriate action to be taken. A person receiving that notice who fails or refuses to comply with the order is subject to a fine of not less than \$250 for the first offense, \$500 for the second offense, and \$1,000 for each subsequent offense. In addition to the penalty provided herein, the court may order immediate compliance with the provisions of this act.

In addition, pursuant to 42 C.F.R. 483.25(d)(1), the facility must ensure that "[t]he resident environment remains as free of accident hazards as is possible." See also N.J.A.C. 8:39-27.1 (Mandatory Policies, Procedures and Practices for Quality of Care). Finally, pursuant to 42 C.F.R. 483.70(b), "[t]he facility must operate and provide services in compliance with all applicable Federal, State, and local laws, regulations, and codes, and with accepted professional standards and principles that apply to professionals providing services in such a facility." See also N.J.A.C. 8:39-5.1(a)("[t]he facility shall comply with applicable Federal, State, and local laws, rules, and regulations").

DIRECTED PLAN OF CORRECTION

The Commissioner of the Department of Health hereby directs the following plan of correction:

- a. The facility must retain the full-time, on-site services of an Administrator Consultant who is a New Jersey Licensed Nursing Home Administrator. The Administrator Consultant shall:
 1. Assess the facility's compliance with all applicable state licensing standards and identify areas of non-compliance;
 2. Oversee the development, implementation and evaluation of corrective action plans;
 3. Develop and implement compliance management systems at the facility;
 4. Collaborate with facility leadership to ensure that operating procedures, systems and standards align with compliance requirements;
 5. Ensure staff training needed to comply with applicable licensing standards; and,

6. Take other actions as may be necessary to ensure identification of compliance issues and implementation of timely corrective measures.
- b. It is hereby ordered that smoking shall be prohibited inside of the facility in accordance with the New Jersey Smoke-Free Air Act. If the facility fails or refuses to comply with this order it shall be subject to a fine of not less than \$250 for the first offense, \$500 for the second offense, and \$1,000 for each subsequent offense under the Smoke-Free Air Act and may be subject to additional enforcement remedies available under the Department's rules. See N.J.A.C. 8:43E-3.1 et seq.

The consultant shall be approved in advance by the Department. The facility shall provide the names and resumes of the proposed consultants by sending them to Kara.Morris@doh.nj.gov, Carol.Hamill@doh.nj.gov, Christina.Farkas@doh.nj.gov, Christine.Farfalla@doh.nj.gov, Veronica.Parent@doh.nj.gov, Marie.Chapman@doh.nj.gov, Gene.Rosenblum@doh.nj.gov, Lisa.King@doh.nj.gov, and Jean.Markey@doh.nj.gov by close of business on April 25, 2025. The approved consultant shall be retained and begin work no later than April 30, 2025. The consultant shall have no previous or current ties to the facility's principals, management and/or employers or other related individuals of any kind, including, but not limited to employment, business, or personal ties. The consultant shall be present in the facility for no less than 40 hours per week until further notice from the Department, with documented coverage of all shifts and weekends.

Beginning on Friday, May 2, 2025, the facility should send weekly progress reports every Friday by 1:00 p.m. to Kara.Morris@doh.nj.gov, Carol.Hamill@doh.nj.gov, Christina.Farkas@doh.nj.gov, Christine.Farfalla@doh.nj.gov, Veronica.Parent@doh.nj.gov and Marie.Chapman@doh.nj.gov. These weekly reports shall include timely status updates regarding:

1. Identified areas of non-compliance;
2. Corrective measures to address identified areas of non-compliance; and,
3. Status of corrective measures implementation.

In addition, the facility is directed to maintain timely communication with the Department, as may be required.

This enforcement action is taken in accordance with the provisions set forth at N.J.A.C. 8:43E-2.4 (Plan of Correction) and 3.1 (Enforcement Remedies Available) and N.J.S.A. 26:3D-55 et seq., in response to serious violations observed by Department staff in Acclaim during its on-site inspection as detailed above.

Department staff will monitor facility compliance with this order to confirm compliance with the Directed Plan of Correction and 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 penalties.

The Directed Plan of Correction shall remain in place until the facility is otherwise notified in writing by a representative of this Department.

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Thank you for your attention to this important matter and for your anticipated cooperation. If you have any questions concerning the Directed Plan of Correction, please contact Lisa King, Office of Program Compliance, at Lisa.King@doh.nj.gov.

Sincerely,



Gene Rosenblum, Director
Office of Program Compliance
Division of Certificate of Need and Licensing

GR:JLM:nj
DATED: April 23, 2025
E-MAIL
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C. Order Distribution List