



State of New Jersey
DEPARTMENT OF HEALTH

PO BOX 360
TRENTON, N.J. 08625-0360

www.nj.gov/health

PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

KAITLAN BASTON, MD, MSc, DFASAM
Acting Commissioner

FOUNTAIN VIEW CARE CENTER

(NJ Facility ID# NJ061536)

.....
INFORMATION REQUIREMENT
ORDER
.....

TO: Yeshaya Seeve, Administrator
Fountain View Care Center
527 River Drive
Lakewood, New Jersey 08701
YSEEVE@FOUNTAINVIEWCARECENTER.COM

The New Jersey Department of Health (Department) is vested with the responsibility of carrying out the provisions of the Health Care Facilities Planning Act (Act), N.J.S.A. 26:2H-1 to -27, which was enacted, in part, to ensure that all hospitals, long-term care and related health care services, rendered in the State of New Jersey are of the highest quality. Pursuant to N.J.S.A. 26:2H-5(a), and the Department's rules, 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. In particular, the commissioner is empowered to inquire into health care services and the operation of health care facilities and to conduct periodic inspections of such facilities with respect to the fitness and adequacy of the premises, equipment, personnel, rules and bylaws and the adequacy of financial resources and sources of future revenues. Further, pursuant to N.J.S.A. 26:2H-5(e), at the request of the commissioner, health care facilities shall furnish to the Department such reports and information as it may require to effectuate the provisions and purposes of the Act. Moreover, pursuant to N.J.S.A. 26:2H-42.1(c), the Department may take appropriate actions to ensure continuity of care for, and the safety of, residents of long-term care facilities that are in financial distress.

Effective immediately, the Department is issuing Fountain View Care Center ("Fountain View") this Information Requirement Order. As detailed more fully below, Fountain View's financial viability, and consequently the provision of services to residents in its care, is threatened by its anticipated suspension, and the suspension of its owners, from the New Jersey Medicaid program.

FINANCIAL STATUS

This Information Requirement Order is based on information the Department received from the State of New Jersey, Office of the State Comptroller, Medicaid Fraud Division (MFD). Specifically, the Department

became aware that on November 9, 2023, MFD issued Self-Executing Notices of Disqualification stating its intent to disqualify Gail Bogner, effective sixty (60) days from the date of the notice, from the New Jersey Medicaid program and any other program administered in whole or in part by the Division of Medical Assistance and Health Services ("DMAHS"). On December 19, 2023, MFD issued a Notice of Suspension ("MFD Suspension Notices") to become effective in 100 days from that date, suspending Fountain View, and its owners, Shore Health Care Center, Inc., d/b/a Fountain View Care Center, and Gail Bogner, from the New Jersey Medicaid program and any other program administered in whole or in part by DMAHS. The notice of suspension directed Fountain View to contact MFD if it addresses Bogner's ownership prior to the effective date of the suspensions so MFD could determine whether such action would affect Fountain View's suspension from the Medicaid Program.

The notices of suspension from the Medicaid Program state that the proposed suspensions are based upon the mismanagement by owner Gail Bogner of Princeton Nursing Home and Rehabilitation Center, Inc., doing business as Princeton Care Center (PCC), which resulted in the Department issuing a curtailment of admissions and directed plan of correction to PCC on August 9, 2023 and the Department issuing a notice of intent to summarily suspend the long-term care license of PCC on August 10, 2023 because of its dire financial state and numerous deficiencies, including the failure to provide necessary care, the failure to adequately staff PCC, the failure to pay vendors and the failure to make payroll. On August 31, 2023, PCC notified the Department that it would be evacuating its residents because of insufficient funds to pay for its ongoing operations, and on September 1, 2023, PCC began executing its emergency evacuation plan. On September 5, 2023, the Department notified PCC that its long-term care license was void because it had ceased operations.

Given the facts currently before the Department, specifically that 76% of the bed days Fountain View billed for in the first quarter of 2023 were paid by Medicaid revenue; therefore, when the suspensions take effect, Fountain View may be unable to pay for its staff and for the goods and services necessary to operate the long-term care facility. Such failure will subject the residents of the facility to either actual harm, or an immediate and serious risk of harm, because the facility will not be able to provide its residents with necessary care and services.

INFORMATION REQUIREMENT ORDER

In accordance with N.J.S.A. 26:2H-5, N.J.S.A. 26:2H-42.1(c) and N.J.A.C. 8:43E- 3.1, the Department hereby notifies Fountain View that it shall have until January 16, 2024 to provide the following information.

A. FINANCIAL PLAN

By January 16, 2024, Fountain View shall provide information demonstrating its financial ability to continue to operate its long-term care facility. Specifically, Fountain View shall, on or before January 16, 2024, submit to the Department the following:

1. Proof of its ability to meet payroll for 60 days beyond the March 29, 2024 effective date of the MFD suspension notices; and
2. Proof of its ability to meet all its operating expenses, including but not limited to medication, supplies, food, and contracted services, to ensure continuity of care and delivery of services to residents for 60 days beyond the March 29, 2024 effective date of the MFD suspension notices; and
3. If Fountain View plans to demonstrate its ability to meet payroll and all its operating expenses beyond March 29, 2024 by transferring Gail Bogner's ownership of the facility to another

owner, Fountain View shall, at minimum, identify the proposed new owner and the closing date, and provide evidence of confirmation of same by the proposed new owner.

Please note if the facility is not financially viable or intends to close, pursuant to N.J.S.A. 26:2H-126, a long-term care facility is required to provide its residents, its residents' legal representatives, if any, and the Department with written notice when the facility is slated for closure. Such notice must be provided at least 60 days prior to the closure. While the statute permits the Department to waive the 60-day notice requirement, such a waiver is limited to emergency situations that warrant a more immediate closure of the facility.

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

Sincerely,



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

DATED: January 11, 2024
E-MAIL
REGULAR AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Control #X 24005

C.
Pamela Lebak, Health Facility Survey and Field Operations