



State of New Jersey
DEPARTMENT OF HEALTH

PHILIP D. MURPHY
Governor

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TAHESHA L. WAY
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KAITLAN BASTON, MD, MSc, DFASAM
Commissioner

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| In Re Licensure Violation: | : | CURTAILMENT OF ADMISSIONS AND |
| | : | READMISSIONS ORDER AND |
| MEDFORD CARE CENTER | : | DIRECTED PLAN OF CORRECTION |
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| (NJ Facility ID# NJ60313) | : | |
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TO: Richard Pineles, Administrator
Medford Care Center
185 Tuckerton Road
Medford, New Jersey 08055
RPineles@Medfordcare.com

As more fully detailed below, on November 14, 2024, the New Jersey Department of Health (the Department) issued to Medford Care Center (Medford) a verbal order curtailing new admissions and readmissions to the facility and a Directed Plan of Correction due to violations identified by Department surveyors that constitute an immediate and serious risk of harm to facility residents.

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 Medford on November 13 and 14, 2024, for a recertification, complaint investigation, life safety code and state licensure survey. During this survey, the surveyors identified multiple violations, including, but not limited to, the following:

- The facility failed to ensure that the administrator was onsite full-time as required for a facility with 100 beds or more. N.J.A.C. 8:39-92.2(a)2. The administrator of record confirmed by interview that he has not been onsite at the building in over six months. Instead, the facility had an individual who was identified as the "Executive Director" onsite running the day-to-day operations who is not a licensed nursing home administrator. During the visit, the administrator introduced himself to the facility's Director of Nursing, who has been in the position for six months.

- The facility failed to ensure that the facility had hot water on a consistent basis, attempting to service the entire facility with one faulty boiler. Testing at the time of the survey identified water temperatures between 68 and 70 degrees. Surveyors determined that no showers had been given in months and that residents are only receiving sponge baths.
- Surveyors identified concerns regarding the facility food supply due to the facility being on a cash-on-delivery basis with food vendors, and the facility was forced to make food substitutions because the facility did not have on hand all of the food set forth in the meal plan menus.
- Surveyors found evidence that trash and recycling at the facility had not been picked up.
- The facility failed to produce for surveyors evidence of a surety bond covering the residents' personal needs funds deposited with the facility (the facility produced an expired bond). N.J.A.C. 8:39-9.5(c)3.
- The facility's evacuation plan provides for residents to be transferred to Wiley Christian Retirement Community and Aspen Hills Healthcare Center, but the Department is not in receipt of the transfer agreements despite requesting a copy of the current signed contracts with Wiley Mission and Aspen Hills as required by N.J.A.C. 8:39 31.6.

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

CURTAILMENT OF ADMISSIONS AND READMISSIONS

As you were notified by telephone yesterday, effective immediately upon notification, the Department ordered the curtailment of new admissions and readmissions to Medford. The facility census at the time of the order was 93. This enforcement action was taken in accordance with the provisions set forth at N.J.A.C. 8:43E-2.4 (Plan of Correction), 3.1 (Enforcement Remedies Available) and 3.6 (Curtailment of Admissions) in response to serious violations observed by Department staff in Medford during its on-site inspection as detailed above. Please be advised that N.J.A.C. 8:43E-3.4(a)(2) provides for a penalty of \$250 per day for each resident admitted to the facility in violation of this curtailment order.

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. The facility must retain the full-time, on-site services of a registered dietitian to begin providing services to the facility as a consultant Dietitian. In addition to assessing the facility's compliance with all applicable dietary licensing standards and identifying areas of the noncompliance, the consultant Dietitian shall evaluate all residents for weight loss on a weekly basis.
- c. The facility shall provide evidence to the Department by 12:00 p.m. on November 15, 2024, of a repair order for the boiler equipment, ensuring that hot water is being provided to the facility on a consistent basis.
- d. The facility shall provide evidence to the Department by 12:00 p.m. on November 15, 2024, that it has on hand a three-day emergency supply of food and water as required by N.J.A.C. 8:39-31.6.
- e. The facility shall provide to the Department by 12 p.m. on November 15, 2024, copies of the current signed contracts with Wiley Mission and Aspen Hills.
- f. The facility shall provide evidence to the Department by 12:00 p.m. on November 18, 2024, of a surety bond covering the residents' personal funds deposited with the facility.

The two consultants 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, Lisa.King@doh.nj.gov, Jean.Markey@doh.nj.gov, and Gene.Rosenblum@doh.nj.gov by 12 p.m. on November 18, 2024. The approved consultants shall be retained and begin work no later than the close of business on November 20, 2024. The consultants 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 consultants 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.

The facility should send weekly progress reports every Friday by 1:00 p.m. to Kara.Morris@doh.nj.gov and Carol.Hamill@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.
3. Status of corrective measures implementation.
4. Results of weekly weight checks of residents.
5. Invoices demonstrating food purchases to meet seven-day menu plans.

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

Department staff will monitor facility compliance with this order to confirm compliance with this order and 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 Curtailment of Admissions and Readmissions and Directed Plan of Correction shall remain in place until the facility is otherwise notified in writing by a representative of this Department.

FORMAL HEARING

Medford is entitled to contest the curtailment, pursuant to N.J.S.A. 26:2H-14, by requesting a formal hearing at the Office of Administrative Law (OAL). Medford may request a hearing to challenge any or all of the following: the factual survey findings and/or the curtailment. Medford must advise this Department within 30 days of the date of this letter if it requests an OAL hearing regarding the curtailment.

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 Medford is owned by a corporation, representation by counsel is required. In the event of an OAL hearing regarding the curtailment, Medford 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.

Due to the emergent situation and the immediate and serious risk of harm posed to the residents, the Department will not hold the curtailment in abeyance during any appeal of the curtailment.

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

Sincerely,

A handwritten signature in blue ink that reads "Lisa King / nm".

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

LK:JLM:nj
DATED: November 15, 2024
E-MAIL
Control #X24126

C. Order Distribution List