



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:	:	
	:	
Hudson Hills North Bergen	:	CURTAILMENT OF
	:	ADMISSIONS ORDER AND
(NJ Facility ID# NJ 30901)	:	DIRECTED PLAN OF
	:	CORRECTION
	:	
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TO: Ovadiah Ben-Jacob, Executive Director (administrator@harbourviewsl.com)
3161 Kennedy Blvd
North Bergen, New Jersey 07047

Dear Mr. Ben-Jacob:

On May 11, 2023, the Department of Health (hereinafter, "the Department") issued a verbal order curtailing all admissions to Hudson Hills North Bergen assisted living facility (hereinafter "the Facility"), excluding readmissions. Effective immediately, the Department orders that the May 11, 2023, curtailment is continued, and the Department is now ordering a Directed Plan of Correction (hereinafter "DPOC"), requiring Hudson Hills to hire a full-time consultant Administrator, consultant DON, and consultant Dietitian.

These enforcement actions are being 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 deficiencies regarding the Facility's documentation and policies of resident weight loss as observed by Department staff during an on-site inspection.

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 Assisted Living Facilities set forth at N.J.A.C. 8:36.

LICENSURE VIOLATIONS:

Based on observation and interviews, it was determined at the survey on May 10, 2023, that Hudson Hills violated N.J.A.C. 8:36-3.4 because it did not have a policy or procedure regarding residents' weight loss and weight gain to ensure compliance with N.J.A.C. 8:36-4.1(a)(2).

In addition, the survey determined that the facility failed to comply with the requirements of N.J.A.C. 8:36-10.4 for the responsibilities of dietitians at the facility. This rule provides that the facility dietitian is responsible for: "Assessing the nutritional needs of the resident. If indicated, preparing the dietary portion of the health care plan based on the assessment, providing dietary services to the resident as specified in the dietary portion of the health plan, reassessing the resident, and revising the dietary portion of the health care plan. Each of these activities shall be documented in the resident's record." N.J.A.C. 8:36-10.4(1)(a)

At the time of the survey, the facility provided a job description for the dietitian, it was signed 2/6/2023. Review of the dietitian's job description revealed that the dietitian must ensure that charted dietary notes are informative and descriptive of the services provided and of the resident's response to the service; and must review and revise care plans and assessments as necessary, but at least quarterly.

The surveyor asked for dietary/ nutritional notes from December 2022 to present for sampled residents. The facility was unable to provide dietary/ nutritional notes for the sampled residents. However, the facility did provide the surveyor with a note created 5/10/2023, the date of the survey, with an effective date of 5/8/2023, for an unsampled resident that lost 19.3 pounds between November 2022 and May 2023. The surveyor also identified a resident who gained 6 pounds between December 2022 and May 2023. The note on 5/10/2023 is written by the physician and the DON. There was no note from the dietitian or a note stating that the dietitian was consulted.

On 5/10/2023, during a telephone interview with the dietitian, it was revealed that the dietitian does not document interventions or consultations with residents. It was revealed that the dietitian and the LPN review the residents' weights verbally on a monthly basis. Therefore, there was no documentation of residents' weight loss/gain or any dietary and nutritional interventions.

The survey team determined that the facility's non-compliance with these requirements had caused, or was likely to cause, serious injury, harm, impairment, or death to residents.

The factual findings will be set forth in greater detail in the survey report.

CURTAILMENT:

The Department hereby orders the continuation of curtailment of all admissions to Hudson Hills North Bergen Assisted Living Facility, except readmissions.

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 at the facility in violation of this curtailment order.

DIRECTED PLAN OF CORRECTION:

a. The facility must retain the full-time, on-site services of an Administrator Consultant who is responsible for the day-to-day operations of the facility in accordance with N.J.A.C. 8:37-2.3. The facility shall provide the name and resume of the proposed Administrator Consultant by submitting the name and resume to Kiisha.johnson@doh.nj.gov and Lisa.King@doh.nj.gov by 12:00 noon on May 17, 2023 . The Administrator Consultant shall be present in the facility for no less than 40 hours per week, with documented coverage of all shifts and weekends, until further notice from the Department. The approved Administrator Consultant shall be retained no later than the close of business, May 19, 2023. The contract with the consultant shall include provisions for immediate corrective action with applicable state licensing standards. 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 Administrator Consultant and facility shall submit weekly progress reports, beginning on May 26, 2023 and continuing each Friday thereafter. The progress reports shall be submitted to Kiisha.johnson@doh.nj.gov.

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.

The weekly progress reports by the Administrator Consultant and the facility should be sent every Friday by 1:00 p.m. to Kiisha.johnson@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.

b. The facility shall retain the full-time services of a Consultant Director of Nursing. The Consultant DON shall be Registered Nurse and must be approved by the Department. The facility shall provide the Department with the name and resume by 12:00 noon on May 17, 2023. The resume should be sent to Kiisha.johnson@doh.nj.gov and Lisa.King@doh.nj.gov. The consultant DON shall be on-site for no less than 40 hours per week, with documented coverage of all shifts and weekends, until further notice from the Department. The approved Consultant Director of Nursing shall be retained no later than the close of business, May 19, 2023. They shall be responsible for ensuring that immediate corrective action is taken to ensure resident safety is not jeopardized and applicable state licensing standards are met.

c. The facility shall retain the full-time services of a Consultant Dietician. The Consultant Dietitian shall be a Registered Dietitian and must be approved by the Department. The facility shall provide the Department with the name and resume by 12:00 noon on May 17, 2023. The resume should be sent to Kiisha.johnson@doh.nj.gov and Lisa.King@doh.nj.gov. The consultant Dietician shall be on-site for no less than 40 hours per week, with documented coverage of all shifts and weekends, until further notice from the Department. The approved consultant Dietitian shall be retained no later than the close of business, May 19, 2023. They shall be responsible for ensuring that immediate corrective action is taken to ensure resident safety is not jeopardized and applicable state licensing standards are met.

The curtailment and DPOC shall remain in place until the Facility is otherwise notified in writing by a representative of this Department. Department staff will monitor facility compliance with this order 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. Please also be advised that you may be subject to other enforcement remedies in addition to this order.

FORMAL HEARING:

Hudson Hills North Bergen 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). Hudson Hills may request a hearing to challenge any or all of the following: the factual survey findings and/or the curtailment. Hudson Hills North Bergen 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 Hudson Hills North Bergen is owned by a corporation, representation by counsel is required. In the event of an OAL hearing regarding the curtailment, Hudson Hills 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.

Due to the immediate and serious risk of harm posed to the residents, please be advised that the Department will not hold the curtailment or the DPOC in abeyance during any appeal of the curtailment.

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,



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

DATE: May 12, 2023
FACSIMILE
E-MAIL (administrator@harbourviewsl.com)
REGULAR AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Control # X23016