



State of New Jersey  
DEPARTMENT OF HEALTH

PO BOX 358  
TRENTON, N.J. 08625-0358

www.nj.gov/health

PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lt. Governor

JUDITH M. PERSICILLI, RN, BSN, MA  
Commissioner

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IN RE: LICENSURE VIOLATION : NOTICE OF  
 : ASSESSMENT OF  
 : PENALTIES  
 NJ FACILITY ID #NJ35005 :  
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TO: Galina Markovich, Administrator  
Millennium Memory Care at Matawan  
447 Matawan Avenue  
Cliffwood, New Jersey 07721

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 the Department of Health (the "Department") is authorized to inspect all health care facilities and to enforce the Standards for Licensure of Dementia Care Homes set forth at N.J.S.A. §26:2H-149 and N.J.A.C. 8:37 et seq.

**LICENSURE VIOLATIONS & MONETARY PENALTIES:**

Staff of the Department visited Millennium Memory Care at Matawan (Facility) on December 2, 2020 to conduct a complaint survey. The report of this visit, which is incorporated herein by reference, revealed the following licensure violations among others:

1. The facility violated N.J.A.C. 8:37-3.1(a)(12), Resident's Rights-Survey Tag R365. The facility failed to ensure that it provided a safe environment and considerate, respectful care that recognized the dignity and individuality of Resident #2 who Survey reviewed for physical abuse and concluded that a Certified Medication Aide (CMA) struck Resident #2 on the right side of the head after review of the Facility's surveillance tape of November 23, 2020. Survey also reviewed the Facility's surveillance tape of November 24, 2020 and discovered that the CMA assaulted Resident #2 resulting in a black and blue left eye to Resident #2.

In accordance with N.J.A.C. 8:43E-3.4(a)(10), because such violations resulted in actual harm to a resident, the penalty assessed is \$2,500 for each violation.

These violations relate to the care of residents at Millennium Memory Care at Matawan. In accordance with N.J.S.A. 26:2H-13 and N.J.A.C. 8:43E-3.4(a), Millennium Memory Care at Matawan is hereby assessed penalties totaling \$5,000.

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 X21007.**

**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:**

Millennium Memory Care at Matawan 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. Millennium Memory Care at Matawan 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:

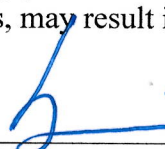
Attention: OAL Hearing Requests  
Office of Legal and Regulatory Compliance  
New Jersey Department of Health  
P.O. Box 360  
Trenton, New Jersey 08625-0360

Corporations are not permitted to represent themselves in OAL proceedings. Therefore, if Millennium Memory Care at Matawan is owned by a corporation, representation by counsel is required by law.

In the event of an OAL hearing regarding this matter, Millennium Memory Care at Matawan is further required to submit a written response to every charge as specified in this Notice, which shall accompany your 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.

Be advised that Department staff shall monitor whether the Facility complies with this Notice to determine whether corrective measures are implemented by the Facility and whether assessed penalties are paid 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 additional penalties.



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Lisa King, Regulatory Officer  
Office of Program Compliance

MDJ:mdj

DATE: February 19, 2021  
REGULAR AND  
CERTIFIED MAIL:  
RETURN RECEIPT REQUESTED  
Control # X21007