



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

IN RE: LICENSURE VIOLATION : NOTICE OF
 : ASSESSMENT OF
NJ Facility ID #: NJD35007 : PENALTIES

TO: Galina Markovich, CEO
Millennium Memory Care at Ocean
11 Bowne Rd.
Ocean Township, NJ 07712

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.A.C. 8:37-1.1 et seq.

LICENSURE VIOLATIONS & MONETARY PENALTIES:

In accordance with N.J.A.C. 8:37-4.1(a), prior to a prospective resident's admission to a dementia care home, the prospective resident shall receive a medical assessment from a physician and obtain a certification from that physician stating that a dementia care home is appropriate to meet the needs of the prospective resident. In accordance with N.J.A.C. 8:37-4.2, a resident must be transferred from a dementia care home to a facility that offers a higher level of care if the resident requires treatment of stage two, three, or four pressure sores.

Millennium Memory Care at Ocean ("facility") indicated that resident V.B. transferred to the facility from out of state on April 19, 2023 to be closer to family. The resident has a stage two pressure ulcer wound on her back and another on her hip related to end-stage life expectancy that requires a higher level of specialized care. In violation of the regulation, the facility admitted the resident on April 19, 2023 without receiving a waiver to admit the resident to the facility. The facility discharged the resident on May 9, 2023 to the hospital.

In accordance with N.J.A.C. 8:43E-3.4(a)(8), because the violations represent a direct risk that a patient's physical or mental health will be compromised, a penalty of \$1,000 per violation is assessed for each day noncompliance is found. The penalty is assessed from April 19, 2023 to May 9, 2023.

The violations pertain to the care of residents using the services at Millennium Memory Care. In accordance with N.J.S.A. 26:2H-13 and N.J.A.C. 8:43E-3.4(a), Millennium Memory Care is hereby assessed penalties amounting to \$21,000.

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 X23016.**

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. 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 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.

FORMAL HEARING:

Millennium Memory Care 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. Millennium Memory Care may request a hearing to challenge the assessment of penalties. Millennium Memory Care 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

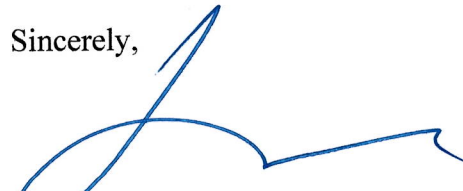
Corporations are not permitted to represent themselves in OAL proceedings. Therefore, if Millennium Memory Care is owned by a corporation, representation by counsel is required by law.

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

Be advised that Department staff will monitor facility compliance 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.

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.

Sincerely,



Lisa King, Program Manager
Office of Program Compliance

LK:mdj
DATE: May 15, 2023
EMAIL (galina@millenniumpmemorycare.com)
REGULAR AND
CERTIFIED MAIL:
RETURN RECEIPT REQUEST
Control # X23016