



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:	:	CURTAILMENT OF
	:	ADMISSIONS ORDER AND
	:	DIRECTED PLAN OF
Morris Adult Day Care	:	CORRECTION
(NJ Facility ID# NJ14007)	:	
	:	
	:	
	:	

TO: Eleanor Barnes (morrisadc@gmail.com)
Morris Adult Day Care
784 Route 46
Parsippany, New Jersey 07054

Dear Ms. Barnes:

Effective as of May 18, 2023, the Department of Health (hereinafter, "the Department") is ordering the curtailment of all admissions of new participants to Morris Adult Day Care (hereinafter "Morris Adult"), and a Directed Plan of Correction (hereinafter "DPOC"), requiring Morris Adult to immediately retain a consultant Administrator, a Certified Infection Control Practitioner consultant (ICP), a consultant Director of Nursing (DON), and a full-time Registered Nurse (RN).

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), N.J.A.C. 8:43E-3.1 (Enforcement Remedies Available), N.J.A.C. 8:43E-3.6 (Curtailment of Admissions), N.J.A.C. 8:36-3.1 (Appointment of Administrator), N.J.A.C. 8:36-8.2 (Nurse Staffing Requirements), N.J.A.C. 8:39-43.16 (Nurse Aide Functions), and N.J.A.C. 13:37-6.2 (Delegation of Selected Nursing Tasks).

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 Adult Day Health Services Facilities set forth at N.J.A.C. 8:43F-1.1 et seq.

LICENSURE VIOLATIONS:

Staff from the Department's Health Facility Survey and Field Operations (HFS&FO) were on-site conducting a Complaint Survey at Morris Adult on May 16, 2023 and May 17, 2023. The surveyors identified egregious and deficient practices that pose an immediate and serious risk of harm to the participants using services at Morris Adult. These violations pertain to the care of participants using the services at Morris Adult.

The surveyors conducted an inspection of Morris Adult. The surveyors found infection control issues. (N.J.A.C. 16.1(a); N.J.A.C. 16.2(i)1-8 iv; N.J.A.C. 16.1(b)1-4). During the inspection surveyors also identified that the facility had no Director of Nursing (DON), or Registered Nurse as required although its policy stated that the DON was responsible for the Infection Control Prevention Program (N.J.A.C. 8:43F-7.4; N.J.A.C. 8:43F-16.1; N.J.A.C. 8:43F-16.2). The Certified Nurse Aides were engaged in taking participants' blood sugars, which is outside of their scope of practice (N.J.A.C. 13:37-6.5). A Licensed Practical Nurse began working at Morris Adult on May 16, 2023, with no history, physical, or results of a tuberculosis test (purified protein derivative "PPD") in her employee file (N.J.A.C. 8:43F-6.3).

These are representative findings and do not necessarily include all survey findings, which will be detailed in the survey report.

CURTAILMENT:

The Department hereby orders the curtailment of new participants to Morris Adult.

Please be advised that N.J.A.C. 8:43E-3.4(a)(2) provides for a penalty for each participant admitted for services in violation of this curtailment order.

DIRECTED PLAN OF CORRECTION:

The Department of Health directs the following plan of correction pursuant to N.J.A.C. § 8:43E-2.4.

The facility is directed to hire a Registered Nurse (RN) who shall be designated in writing as the director of nursing services and shall be always on duty when participants are present in the facility in accordance with N.J.A.C. 8:43F-7.1. The Registered Nurse shall meet all requirements of N.J.A.C. 13:37-5.1 and N.J.A.C. 8:43F-7.4.

The Department also hereby directs Morris Adult to immediately retain a Certified Infection Control Practitioner consultant (ICP), an Administrator consultant, and a consultant Director of Nursing (DON). The Facility must retain the full-time, on-site services of these

three consultants. The Facility shall provide the Department with the names and resumes of the consultants no later than end of business day of **Wednesday, May 24, 2023**. Morris Adult shall report to the Department by **May 29, 2023** to confirm that all the noted positions have been filled by qualified individuals. The consultants shall begin providing services to the Facility no later than **May 30, 2023**. The facility shall provide the names and resumes of the proposed consultants to Kiisha.Johnson@doh.nj.gov and Lisa.King@doh.nj.gov.

The ICP consultant contract shall include provision for immediate corrective action that ensures that applicable state licensing standards are met, and that participant safety is not jeopardized. You may contact the Association of Professionals in Infection Control and Epidemiology (apic.org) to obtain the names of ICPs in your area. The organization is located at 1400 Crystal Drive, Suite 900, Arlington, VA 22202, and can be reached at: Main number: 202-789-1890, Toll free numbers: 1-800-650-9570 or 1-800-650-9883, Fax: 202-789-1899; info@apic.org; info@apicconsulting.com. The ICP consultant shall possess training and experience in surveillance, prevention, and control of infectious diseases.

The Administrator consultant shall possess training and experience in all areas of adult day care facility operations to include: ensuring the development, implementation, and enforcement of all policies and procedures, including participant rights; planning for, and administration of, the managerial, operational, fiscal, and reporting components of the facility; ensuring that all personnel are assigned duties based upon their ability and competency to perform the job and in accordance with written job descriptions; ensuring the provision of staff orientation and staff education; establishing and maintaining liaison relationships and communication with facility staff and services and with participants and their families; and establishing and maintaining liaison relationships and communications with community hospitals, social service agencies, and mental health service agencies.

The DON Consultant shall: immediately evaluate Nursing and Medical Service licensure requirements including but not limited to performance of health history and medical examination of participants; and immediately evaluate medication administration practice, documentation of participants' medication, including but not limited to compliance with physician orders. The Registered Nurse shall ensure that provisions for immediate corrective action are taken to ensure that resident safety is not jeopardized and that applicable state licensing standards are met.

The ICP, Administrator, and DON 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 completely independent of Morris Adult. The contracts with the consultants shall include provisions for immediate corrective action to ensure patient safety is not jeopardized and applicable state licensing standards are met.

The ICP, Administrator, and DON consultants are to begin providing services to the Facility upon approval of the Department. The consultants shall be on-site for no less than 40 hours per week, until further notice from the Department. Beginning on June 2, 2023, the

Facility shall send weekly reports every Friday by 1:00 P.M. to the Communicable Disease Services (CDS) Healthcare Associated Infections Coordinator, Jason Mehr, MPH, CIC, at Jason.Mehr.doh.nj.gov with a copy 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.

In addition, Morris Adult is directed to maintain timely communication with the Department, including both the facility's infection prevention team and the consultants.

The Department will review the weekly progress reports and determine whether the number of hours the ICP, Administrator, and DON Consultants are required to be on-site may be reduced.

Please be advised that this curtailment and DPOC shall remain in place until Morris Adult is otherwise notified by the Department.

Department staff will monitor compliance with this notice to determine whether corrective measures are implemented by Morris Adult in a timely fashion. Failure to comply with these and any other applicable requirements, as set forth in pertinent rules and regulations, will result in the imposition of further enforcement remedies, including but not limited to, civil monetary penalties, and may include summary suspension and/or license revocation.

FORMAL HEARING:

Morris Adult is entitled to contest the curtailment by requesting a formal hearing at the Office of Administrative Law (OAL). Morris Adult may request a hearing to challenge either the factual survey findings or the curtailment, or both. Morris Adult 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 Morris Adult is owned by a corporation, representation by counsel is required. In the event of an OAL hearing regarding the curtailment, Morris Adult 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 emergent situation and the immediate and serious risk of harm posed to the participants, please be advised that the Department will not hold the curtailment or the DPOC in abeyance during any appeal of the curtailment.

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.

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,

Marquis D. Jones, Jr. /F/

Lisa King, Program Manager
Office of Program Compliance
Division of Certificate of Need and
Licensing
New Jersey Department of Health

LK:mdj

DATE: May 19, 2023
REGULAR AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Control #AX23009

- c. Pamela Lebak
- Gene Rosenblum
- Kiisha Johnson
- Michelle Palicia
- Kara Morris