



State of New Jersey  
DEPARTMENT OF HEALTH

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[www.nj.gov/health](http://www.nj.gov/health)

PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lt. Governor

JUDITH M. PERSICILLI, RN, BSN, MA  
Commissioner

In Re Licensure Violation:

NEW JERSEY VETERANS  
MEMORIAL HOME MENLO PARK  
(NJ Facility ID# NJ51225)

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CURTAILMENT OF  
ADMISSIONS ORDER,  
DIRECTED PLAN OF  
CORRECTION

TO: Jennifer Causer, Administrator  
New Jersey Veterans Memorial  
Home Menlo Park  
132 Evergreen Road  
Edison, New Jersey 08818

Dear Ms. Causer:

This letter confirms the telephone call of November 17, 2022 between you and the Department of Health, Office of Program Compliance (Department), wherein you were ordered to curtail all admissions at New Jersey Veterans Memorial Home Menlo Park (hereinafter "Veterans Memorial Home" or "Facility"), excluding readmissions.

The Department is also now ordering a Directed Plan of Correction (hereinafter "DPOC"), requiring Veterans Memorial Home to hire an Administrator consultant, and an Infection Control Practitioner (ICP) consultant in addition to or in place of the ICP consultant currently retained by the Facility. The Administrator consultant and new ICP consultant will each be required to work on site for at least 40 hours per week.

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.

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 (Curtailement of Admissions) after Staff from the Department's Health Facility Survey and Field Operations (HFS&OF or Survey) were on-site at Veterans Memorial Home and found significant deficiencies posing an immediate and serious threat of harm to residents.

**LICENSURE VIOLATIONS:**

Staff from Survey were on-site at Veterans Memorial Home on November 17, 2022. Based on observations, interviews, and review of pertinent Facility documentation, it was determined that the Facility failed to:

1. Implement its plan of correction by failing to perform complete documented contact tracing to identify specific staff who may have been exposed to COVID-19 positive residents;
2. Implement its plan of correction by failing to take immediate action to prevent the spread of COVID-19 (a deadly virus) by failing to conduct immediate and comprehensive resident testing for residents who were exposed on November 1, 2022 to a staff member that tested positive for COVID-19 on November 3, 2022;
3. Monitor infection control practices related to a COVID-19 outbreak that began November 23, 2021; and
4. Fully complete the revised "Contact Tracing Form" and follow the updated "Contact Tracing Policy."

The Facility's failure to take immediate action to remove exposure risks placed all residents and staff at risk for contracting COVID-19 during an ongoing COVID-19 outbreak. Additionally, all residents are at an increased risk for serious and adverse outcomes that include serious injury, serious harm, serious impairment, or death because of the Facility's failures to remove the exposure risks, which increased the likelihood for transmission of COVID-19.

The deficient practices were identified by Survey after review of the Facility's line listing that revealed a Certified Nurse Aide (CNA) was symptomatic for COVID-19 on November 1, 2022 after working a resident care shift. The Facility provided documents that revealed the staff member was not tested for COVID-19 until November 3, 2022, at which time the CNA tested positive for COVID-19. Fourteen residents were listed as being in close contact with the CNA that tested positive for COVID-19 on November 3, 2022. The Facility's ICP was unable to verify completed COVID-19 testing for the fourteen residents in response to the COVID-19 Positive CNA pursuant to the Facility's policy.

Furthermore, the Facility provided no evidence of a completed Contact Tracing Questionnaire to ensure complete contact tracing. The ICP acknowledged that the testing documentation was incomplete and was unable to provide completed documentation.

You will receive a complete inspection report detailing all deficiencies and factual findings.

**CURTAILMENT:**

The Department hereby orders the curtailment of all admissions to Veterans Memorial Home, 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:**

The Facility must retain the full-time, on-site services of an Administrator Consultant, who is a Licensed Nursing Home Administrator, and who shall be approved in advance by the Department. The Facility shall provide the name and resume of the proposed Administrator Consultant by submitting the name and resume to Lisa.King@doh.nj.gov and Kara.Morris@doh.nj.gov by close of business on December 2, 2022. 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, December 9, 2022. 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 December 16, 2022 and continuing each Friday thereafter. The progress reports shall be submitted to Kara.Morris@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 shall be sent every Friday by 1:00 p.m. to Kara.Morris@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.

Veterans Memorial Home shall also retain the full-time services of a Certified Infection Control Practitioner (ICP) consultant, in addition to or in place of the ICP consultant currently retained by the Facility, to begin providing services to the Facility no later than December 9, 2022. The Facility shall provide the Department with the name and resume of the consultant by December 2, 2022. You may contact the Association of Professionals in Infection Control and Epidemiology ([apic.org](http://apic.org)) to obtain the names of ICPs in your area. The resume should be sent to [Kara.Morris@doh.nj.gov](mailto:Kara.Morris@doh.nj.gov) and [Lisa.King@doh.nj.gov](mailto:Lisa.King@doh.nj.gov).

The ICP consultant shall be onsite for no less than 40 hours per week, with documented coverage of all shifts and weekends, until further notice from the Department. The contract with the consultant shall include provisions for immediate corrective action ensuring resident safety is not jeopardized and applicable state licensing standards are met. The Facility should 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](mailto:Jason.Mehr@doh.nj.gov) with a copy to [Kara.Morris@doh.nj.gov](mailto:Kara.Morris@doh.nj.gov). These weekly reports shall include timely updates regarding the outbreak investigation, identified cases (as defined by CDS) and the progress of infection prevention. In addition, the Facility is directed to maintain timely communication with the Department as may be required by CDS staff, including both the Facility's infection prevention team and the consultants. In addition, the Facility is directed to maintain timely communication with the Department, as may be required.

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:**

Veterans Memorial Home is entitled to contest the curtailment by requesting a formal hearing at the Office of Administrative Law (OAL). Veterans Memorial Home may request a hearing to challenge the factual survey findings and the curtailment. Veterans Memorial Home 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 Veterans Memorial Home is owned by a corporation, representation by counsel is required. In the event of an OAL hearing regarding the curtailment, Veterans Memorial Home 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 residents, 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,



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

DATE: November 18, 2022  
E-MAIL ([Jennifer.Causer@dmava.nj.gov](mailto:Jennifer.Causer@dmava.nj.gov))  
REGULAR AND CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
Control # X21052

Cc: Nursing Home Administrators Licensing Board  
Frank Skrajewski  
Donna Koller, Health Facility Survey and Field  
Operations

Pamela Lebak, Health Facility Survey and Field  
Operations  
Laurie Brewer