



**State of New Jersey**  
**DEPARTMENT OF HEALTH**  
 PO BOX 358  
 TRENTON, N.J. 08625-0358  
[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:	:	
	:	
Serenity Gardens at Brick	:	CURTAILMENT OF
	:	ADMISSIONS ORDER, AND
(NJ Facility ID# NJ D3501)	:	DIRECTED PLAN OF
	:	CORRECTION
	:	
	:	
	:	
	:	
	:	

TO: Julie Treadway, Administrator ([julie@serenitygardens@brick.com](mailto:julie@serenitygardens@brick.com))  
 320 Herbertville Road  
 Brick, New Jersey 08724

Dear Ms. Treadway:

On January 12, 2023, the Department of Health (hereinafter, "the Department") issued a verbal order curtailing all admissions to Serenity Gardens at Brick dementia care facility (hereinafter "Serenity gardens"), excluding readmissions. Effective immediately, the Department orders that the January 12, 2023, curtailment is continued, and the Department is now ordering a Directed Plan of Correction (hereinafter "DPOC"), requiring Serenity Gardens to hire an Administrator Consultant and an infection control practitioner (ICP). Serenity Gardens is also directed to suspend its certified medication aide program until further notice by the Department

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 with regard to infection control and the certified medication aide program observed by Department staff at Serenity Gardens during its 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 Dementia Care Facilities set forth at N.J.A.C. 8:37.

#### **LICENSURE VIOLATIONS:**

Based on observation and interviews, it was determined at the survey on January 10 and 11, 2023 that Serenity Gardens violated N.J.A.C. 8:37-2.3 because it did not have an administrator responsible for the day-to-day operations of the facility to ensure compliance with N.J.A.C. 8:37.

In addition, the survey determined that the facility failed to comply with the requirements of N.J.A.C. 8:37-6.2 for the administration of medication. N.J.A.C. 8:37-6.2 requires facilities that employ certified medication aides to comply with the requirements of N.J.A.C. 8:36-11.5(a). This rule requires facilities to have an RN available for the delegation of medications, but at the time of the survey, Serenity Gardens did not have an RN to oversee delegation of medication administration to certified medication aides. The facility also did not have a policy and procedure applicable to its certified medication aide program.

The survey team also determined that Serenity Gardens failed to comply with the infection preventionist requirements of N.J.S.A. 26:2H-87.3 (e) and (f) because it did not employ an infection preventionist. This statute requires a licensed dementia care home to employ an infection preventionist who is a licensed health care provider and who possesses five years of experience in infection control, or an individual who has successfully completed an infection prevention course through the federal Centers for Disease Control and Prevention or the American Health care Association course with a valid certificate.

The survey team determined 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 Serenity Gardens, 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](mailto:Kiisha.johnson@doh.nj.gov), [Gene.Rosenblum@doh.nj.gov](mailto:Gene.Rosenblum@doh.nj.gov) and [Lisa.King@doh.nj.gov](mailto:Lisa.King@doh.nj.gov) by 12:00 noon on January 20, 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, January 23, 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 January 27, 2023 and continuing each Friday thereafter. The progress reports shall be submitted to [Kiisha.johnson@doh.nj.gov](mailto: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](mailto: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. Serenity Gardens shall retain the full-time services of an infection preventionist (IP) in accordance with the requirements of N.J.S.A. 26:2H-87.3e to begin providing services to the facility no later than January 23, 2023. The IP must be approved by the Department. The facility shall provide the Department with the name and resume of the IP by 12:00 noon January 20, 2023. The resume should be sent to [Kiisha.johnson@doh.nj.gov](mailto:Kiisha.johnson@doh.nj.gov), [Gene.Rosenblum@doh.nj.gov](mailto:Gene.Rosenblum@doh.nj.gov) and [Lisa.King@doh.nj.gov](mailto:Lisa.King@doh.nj.gov). The IP 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 IP 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 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 [Kiisha.johnson@doh.nj.gov](mailto:Kiisha.johnson@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

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:**

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

Finally, be advised that Department staff will monitor compliance with this notice to determine whether corrective measures are implemented by Serenity Gardens 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.

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,



Lisa King  
Regulatory Officer  
Division of Certificate of Need and Licensing

DATE: January 13, 2023  
FACSIMILE  
E-MAIL (julie@serenitygardens@brick.com)  
REGULAR AND CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
Control # X23001