



State of New Jersey
DEPARTMENT OF HEALTH

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www.nj.gov/health

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Governor

SHEILA Y. OLIVER
Lt. Governor

JUDITH M. PERSICILLI, RN, BSN, MA
Commissioner

IN RE: LICENSURE VIOLATION : NOTICE OF
NJ FACILITY ID #NJ25A002 : ASSESSMENT OF
: PENALTIES
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:
:

TO: Dawn Watkins, Administrator
([via email dwatkins@springoakliving.com](mailto:dwatkins@springoakliving.com))
Spring Oak Assisted Living at Vineland
1611 South Main Road
Vineland New Jersey 08360

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 Assisted Living Residences set forth at N.J.S.A. §26:2H-1 et seq. and N.J.A.C. 8:36-1.1 et seq.

LICENSURE VIOLATIONS & MONETARY PENALTIES:

Staff of the Department visited Spring Oak Assisted Living at Vineland (Facility or Spring Oak) on April 11, 2023 to conduct a complaint survey. The report of this visit, which is incorporated herein by reference, revealed the following licensure violations:

1. The Facility violated N.J.A.C. 8:36-5.1(b), Types of services provided to residents-Survey Tag A0449. This regulation requires that an assisted living residence be capable of providing at least the following services: assistance with personal care, nursing, pharmacy, dining, activities, recreational, and social work services to meet the individual needs of each resident.

The Facility's administration failed to meet the social work service needs for Resident #2. When the Facility issued an eviction notice to the resident, it failed to provide social work services to assist Resident #2 and his/her family in finding alternate placement.

In accordance with N.J.A.C. 8:43E-3.4(a)(7), because such violation related to patient care that represented a risk to the health, safety, or welfare of the residents, and the violation was isolated or occasional and did not represent a pattern or widespread practice throughout the facility, the penalty assessed is \$500 for each violation, for a total of \$500.

2. The Facility violated N.J.A.C. 8:36-21.1(b)(4), Quality Improvement Program-Survey Tag A1401. This regulation requires the facility to establish and implement a written plan for a quality improvement program for resident care that includes quality improvement activities of resident care services, staffing, infection prevention and control, housekeeping, sanitation, safety, maintenance of physical plant and equipment, resident care statistics, and discharge planning services.

The Facility failed to provide quality improvement activities related to resident safety because it failed to implement twenty-four-hour measurable interventions to ensure the safety of all residents after it discovered Resident #2 smoking cigarettes or burning incense and candles in his/her room on December 28, 2022, February 20, 2023, February 24, 2023, April 5, 2023, and April 11, 2023. .

In accordance with N.J.A.C. 8:43E-3.4(a)(10), because such violations represented an immediate and serious risk of harm to the health, safety, or welfare of the residents, the penalty assessed is \$2,500 for each violation that occurred on December 28, 2022, February 20, 2023, February 24, 2023, April 5, 2023, and April 11, 2023, for a total of \$12,500.

These violations relate to the care of residents at Spring Oak Assisted Living at Vineland. In accordance with N.J.S.A. §26:2H-13 and N.J.A.C. 8:43E-3.4(a), Spring Oak is hereby assessed penalties totaling \$13,000.

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 X23019.**

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 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:

Nadine Jackman
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:

Spring Oak 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. Spring Oak 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, Room 805
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, representation by counsel is required by law if Spring Oak is owned by a corporation.

In the event of an OAL hearing regarding this matter, Spring Oak 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, 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.



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

LK:mdj
DATE: July 27, 2023
REGULAR AND
CERTIFIED MAIL:
RETURN RECEIPT REQUESTED
Control # X23019