

Director (AD), who was employed at the facility for 8 months. The AD stated that the facility does not have staff to cover the front desk, so it is left unattended.

The surveyor interviewed an alert and oriented resident in the common area on the day of survey. The resident stated the facility has not had anyone at the front desk for months. The resident also offered that visitors come in and are supposed to sign into the visitor's log, but not all visitors know to do so. The surveyor did not observe any signs posted that would instruct visitors to sign in upon entrance to the facility. On June 7, 2023, June 13, 2023, and June 14, 2023, the surveyor called the facility and was unable to leave a voice message because the voicemailbox was full. On June 7, 2023, the surveyor sent an email to the ED and DON requesting the facility's security policy and a means of contact. The surveyor did not receive a response to these requests.

The facility is in violation of N.J.A.C. 8:36-17.1(a) for failing to take the appropriate measures to assure the safety of the residents in the common area near the front desk. The front door of the facility was left unlocked with no one at the front desk, which allowed residents or anyone to come in and leave the facility. This poses a risk to all of the residents who reside at the facility.

In accordance with N.J.A.C. 8:43E-3.4(a)(10), and because the violations of N.J.A.C. 8:36-17.1(a) resulted in an immediate and serious risk of harm to residents, a penalty of \$2,500 per violation is assessed for June 5, 2023, the day the facility failed to take appropriate measures to assure the safety of the residents by leaving the front door unlocked and unattended. Thus, the total penalty assessed for this violation is \$2,500.

The total penalty imposed for these violations is \$2,500.

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 X23032.**

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. Please note that the facility's rights to IDR and administrative hearings are not mutually exclusive and both may be invoked simultaneously. 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:

1. The written survey findings;
2. A list of each specific deficiency the facility is contesting;
3. A specific explanation of why each contested deficiency should be removed; and
4. 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 does not delay the imposition of any enforcement remedies.

FORMAL HEARING:

Clare Estate is entitled to challenge the assessment of penalties pursuant to N.J.S.A. 26:2H-13, by requesting a formal hearing at the Office of Administrative Law (OAL). The facility may request a hearing to challenge any or all of the following: the factual survey findings and/or the assessed penalties. Clare Estate must advise this Department within 30 days of the date of this letter if it requests an OAL hearing.

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 Clare Estate is owned by a corporation, representation by counsel is required.

In the event of an OAL hearing regarding the curtailment, Clare Estate 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.

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.

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

Thank you for your attention to this important matter and for your anticipated cooperation. Should you have any questions concerning this notice, please contact Lisa King, Office of Program Compliance at Lisa.King@doh.nj.gov.

Sincerely,



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

GR:LK:jc:nj
DATE: September 27, 2023
E-MAIL: DMANZI@CISNJ.COM
REGULAR AND CERTIFIED MAIL, RETURN RECEIPT REQUESTED
Control# X23032