



State of New Jersey  
DEPARTMENT OF HEALTH

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Commissioner

FOUNTAIN VIEW CARE CENTER  
(NJ Facility ID# NJ061536)

REVISÉD INFORMATION  
REQUIREMENT ORDER

TO: Yeshaya Seeve, Administrator  
Fountain View Care Center  
527 River Drive  
Lakewood, New Jersey 08701  
YSEEVE@FOUNTAINVIEWCARECENTER.COM

The New Jersey Department of Health (Department) is vested with the responsibility of carrying out the provisions of the Health Care Facilities Planning Act (Act), N.J.S.A. 26:2H-1 to -27, which was enacted, in part, to ensure that all hospitals, long-term care and related health care services, rendered in the State of New Jersey are of the highest quality. Pursuant to N.J.S.A. 26:2H-5(a), and the Department's rules, 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. In particular, the commissioner is empowered to inquire into health care services and the operation of health care facilities and to conduct periodic inspections of such facilities with respect to the fitness and adequacy of the premises, equipment, personnel, rules and bylaws and the adequacy of financial resources and sources of future revenues. Further, pursuant to N.J.S.A. 26:2H-5(e), at the request of the commissioner, health care facilities shall furnish to the Department such reports and information as it may require to effectuate the provisions and purposes of the Act. Moreover, pursuant to N.J.S.A. 26:2H-42.1(c), the Department may take appropriate actions to ensure continuity of care for, and the safety of, residents of long-term care facilities that are in financial distress.

Effective immediately, the Department is issuing Fountain View Care Center ("Fountain View") this Revised Information Requirement Order. As detailed more fully below, Fountain View's financial viability, and consequently the provision of services to residents in its care, is threatened by its anticipated suspension, and the suspension of its owners, from the New Jersey Medicaid program.

**FINANCIAL STATUS**

This Revised Information Requirement Order is based on information the Department received from the State of New Jersey, Office of the State Comptroller, Medicaid Fraud Division (MFD). On January 11, 2024,

the Department issued an initial Information Requirement Order because on November 9, 2023, MFD issued Self-Executing Notices of Disqualification stating its intent to disqualify Gail Bogner, effective sixty (60) days from the date of the notice, from the New Jersey Medicaid program and any other program administered in whole or in part by the Division of Medical Assistance and Health Services ("DMAHS"). On December 19, 2023, MFD issued a Notice of Suspension ("MFD Suspension Notices") to become effective in 100 days from that date, suspending Fountain View, and its owners, Shore Health Care Center, Inc., d/b/a Fountain View Care Center, and Gail Bogner, from the New Jersey Medicaid program and any other program administered in whole or in part by DMAHS. The notice of suspension directed Fountain View to contact MFD if it addresses Bogner's ownership prior to the effective date of the suspensions so MFD could determine whether such action would affect Fountain View's suspension from the Medicaid Program. On January 31, 2024, the MFD extended the effective date of Gail Bogner's suspension date from the Medicaid Program 60 days, from April 29, 2024 to June 29, 2024.

The notices of suspension from the Medicaid Program state that the proposed suspensions are based upon the mismanagement by owner Gail Bogner of Princeton Nursing Home and Rehabilitation Center, Inc., doing business as Princeton Care Center (PCC), which resulted in the Department issuing a curtailment of admissions and directed plan of correction to PCC on August 9, 2023 and the Department issuing a notice of intent to summarily suspend the long-term care license of PCC on August 10, 2023 because of its dire financial state and numerous deficiencies, including the failure to provide necessary care, the failure to adequately staff PCC, the failure to pay vendors and the failure to make payroll. On August 31, 2023, PCC notified the Department that it would be evacuating its residents because of insufficient funds to pay for its ongoing operations, and on September 1, 2023, PCC began executing its emergency evacuation plan. On September 5, 2023, the Department notified PCC that its long-term care license was void because it had ceased operations.

Given the facts currently before the Department, specifically that 76% of the bed days Fountain View billed for in the first quarter of 2023 were paid by Medicaid revenue, when the suspensions take effect, Fountain View may be unable to pay for its staff and for the goods and services necessary to operate the long-term care facility. Such failure will subject the residents of the facility to either actual harm, or an imminent and serious risk of harm, because the facility will not be able to provide its residents with necessary care and services.

#### **INFORMATION REQUIREMENT ORDER**

In accordance with N.J.S.A. 26:2H-5, N.J.S.A. 26:2H-42.1(c) and N.J.A.C. 8:43E- 3.1, the Department hereby notifies Fountain View that it shall have until April 10, 2024 to provide the following information.

##### **A. FINANCIAL PLAN**

By April 10, 2024, Fountain View shall provide information demonstrating its financial ability to continue to operate its long-term care facility. Specifically, Fountain View shall, on or before April 10, 2024, submit to the Department the following:

1. Proof of its ability to meet payroll for 60 days beyond the June 29, 2024 effective date of the MFD suspension notices; and
2. Proof of its ability to meet all its operating expenses, including but not limited to medication, supplies, food, and contracted services, to ensure continuity of care and delivery of services to residents for 60 days beyond the June 29, 2024 effective date of the MFD suspension notices; and
3. If Fountain View plans to demonstrate its ability to meet payroll and all its operating expenses beyond June 29, 2024 by transferring Gail Bogner's ownership of the facility to another owner,

Fountain View shall, at minimum, identify the proposed new owner and the closing date, and provide evidence of confirmation of same by the proposed new owner.

- a. The transfer of Gail Bogner's ownership in Fountain View to one or more of the current owners who have a 10 percent or greater ownership interest in Fountain View may be accomplished and approved after written notice to the Department at least 30 days prior to the reorganization, in accordance with N.J.A.C. 8:33 3.3(h)4. If the facility plans to transfer ownership of Gail Bogner's interest in Fountain View to a new owner or to a current owner with less than a 10 percent interest in Fountain View, then the ownership transfer would be subject to the long-term care transfer of ownership process. The transfer of ownership process must comply with the requirements of N.J.S.A. 26:2H-7.25-7.26 et seq. A transfer of ownership subject to the transfer of ownership process may not meet the June 29, 2024, Medicaid suspension deadline. Fountain View must demonstrate that it can satisfy the transfer of ownership requirements prior to the June 29, 2024, Medicaid suspension deadline.

Please note if the facility is not financially viable or intends to close, pursuant to N.J.S.A. 26:2H-126, a long-term care facility is required to provide its residents, its residents' legal representatives, if any, and the Department with written notice when the facility is slated for closure. Such notice must be provided at least 60 days prior to the closure. While the statute permits the Department to waive the 60-day notice requirement, such a waiver is limited to emergency situations that warrant a more immediate closure of the facility.

Thank you for your attention to this important matter and for your anticipated cooperation. If you have any questions concerning this matter, please contact Lisa King, Office of Program Compliance, at [Lisa.King@doh.nj.gov](mailto:Lisa.King@doh.nj.gov).

Sincerely,



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

DATED: April 2, 2024  
E-MAIL  
REGULAR AND CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
Control #X 24005

C.  
Pamela Lebak, Health Facility Survey and Field Operations