



State of New Jersey
DEPARTMENT OF HEALTH

PHILIP D. MURPHY
Governor

PO BOX 358
TRENTON, N.J. 08625-0358

TAHESHA L. WAY
Lt. Governor

www.nj.gov/health

KAITLAN BASTON, MD, MSc, DFASAM
Commissioner

In Re Licensure Violation:	:	
	:	
Riverview Estates Rehabilitation and Senior Living Center, LLC	:	NOTICE OF ASSESSMENT OF PENALTIES
	:	
(NJ Facility ID# NJ 30301)	:	
	:	

TO: Matthew Davis, Administrator
 Riverview Estates Rehabilitation
 And Senior Living Center, LLC
 303 Bank Avenue
 Riverton, NJ 08077
mdavis@riverviewestates.org

Dear Mr. Davis:

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. Assisted living residence facilities are licensed in accordance with N.J.S.A. 26:2H-1 and N.J.A.C. 8:36. Pursuant to the Act and N.J.A.C. 8:36, Standards for Licensure of Assisted Living Residences, Comprehensive Personal Care Homes, and Assisted Living Programs, and N.J.A.C. 8:43E, General Licensure Procedures and Standards Applicable to All Licensed Facilities, the Commissioner of the Department of Health (the "Department") is authorized to inspect all assisted living facilities and to enforce N.J.A.C. 8:36-11.4(b) and N.J.A.C. 8:36-11.5(e).

LICENSURE VIOLATIONS:

Staff from the Department visited the Riverview Estates Rehabilitation and Senior Living Center, LLC (the Facility) on March 25, 2024, for the purpose of a conducting a complaint survey. The report of this visit, which is incorporated herein by reference, substantiated violations of N.J.A.C. 8:36- 11.4(b) and N.J.A.C. 8:36-11.5(e). N.J.A.C. 8:36-11.4(b) requires that all medications shall be administered by qualified personnel in accordance with prescriber orders, facility or program policy, manufacturer's requirements, cautionary or accessory warnings, and all federal and State laws and regulations. N.J.A.C. 8:36-11.5(e) requires a registered professional nurse to report medication errors and to document medication errors in a resident's record. The facts substantiating the violations of these rules are set forth below.

On March 25, 2024, the surveyor reviewed the Medication Administration Record (MAR) for November 2023, which revealed that a resident was prescribed Bumex on September 1, 2023, and that the resident received his/her afternoon dose that day. Bumex is used for the treatment of congestive heart failure (CHF). The prescriber ordered 2 tablets of Bumex Oral tablet 2mg to be taken by mouth in the morning for CHF, and 1 tablet of Bumex Oral tablet 2mg to be taken by mouth in the afternoon for CHF. This order was not followed from November 19, 2023 through November 25, 2023, when the resident did not receive the Bumex. The surveyor's review of the MAR showed multiple charting blanks for November 19, 2023 through November 25, 2023, which indicated the medications were not administered in accordance with the prescriber's orders. The Progress Notes indicated the medication was not available from November 19, 2023 through November 25, 2023, due to a pending delivery from an outside pharmacy. Thus, a total of 14 doses, or 42 milligrams, of Bumex was missed. The resident was not given the required medications for 7 days due to the medication not being available at the facility.

The Registered Nurse (RN) failed to report any of the medication errors to the prescriber and the consultant pharmacist, and failed to document the incident in the resident's medical record.

As a result, the resident was sent to the hospital on November 26, 2023, for shortness of breath and a wheeze, and was diagnosed with an exacerbation of the resident's Chronic Obstructive Pulmonary Disease.

In summary, in violation of N.J.A.C. 8:36-11.4(b) and N.J.A.C. 8:36-11.5(e), the survey determined that the Facility failed to comply with proper administration of medications by qualified personnel in accordance with prescriber orders, facility or program policy, manufacturer's requirements, cautionary or accessory warnings, and all federal and State laws and regulations, and the Facility failed to comply with requirements for reporting and documenting of medication errors.

MONETARY PENALTIES:

N.J.A.C. 8:43E-3.4(a)10 provides that the Department may assess a monetary penalty of \$2,500 per violation resulting to an actual harm to a patient or resident, or in an immediate and serious risk of harm. The \$2,500 may be assessed for each day noncompliance is found. The Department is assessing a \$2,500 per day penalty for the Facility's failure to comply with requirements for the proper administration of medications pursuant to N.J.A.C. 8:36-11.4(b), or $\$2,500 \times 7 \text{ days} = \$17,500$. This violation of the proper administration of medication resulted in a serious risk of harm to the resident, resulting in the resident being hospitalized for shortness of breath on November 26, 2023.

N.J.A.C. 8:43E-3.4(a)8 provides that where there are multiple deficiencies related to patient care or physical plant standards throughout a facility, and/or such violations represent a direct risk that a patient's physical or mental health will be compromised, or where an actual violation of a resident's or patient's rights is found, a penalty of \$ 1,000 per violation may be assessed for each day noncompliance is found. The Department is assessing a \$1000 penalty per day for the Facility's failure to comply with requirements to report medication errors to the prescriber and the pharmacist pursuant to N.J.A.C. 8:36-11.5(e), or $\$1000 \times 7 = \$7,000$. The violation of these requirements represented a direct risk that the physical health of the resident concerned could be compromised.

Therefore, the total penalty for these violations is \$24,500 for these violations under N.J.A.C. 8:36-11.4(b) and N.J.A.C. 8:36-11.5(e).

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 X24052.**

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:

Riverview Estates Rehabilitation and Senior Living, LLC 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). Riverview Estates Rehabilitation and Senior Living, LLC may request a hearing to challenge any or all of the following: the factual survey findings and/or the assessed penalties. Riverview Estates Rehabilitation and Senior Living, LLC must advise this Department within 30 days of the date of this letter if it requests an OAL hearing regarding the findings and/or penalty.

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

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.

Corporations are not permitted to represent themselves in OAL proceedings. Therefore, if Riverview Estates Rehabilitation and Senior Living, LLC is owned by a corporation, representation by counsel is required. In the event of an OAL hearing, Riverview Estates Rehabilitation and Senior Living, LLC is 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.

Finally, be advised that Department staff will monitor compliance to determine whether corrective measures are implemented by Riverview Estates Rehabilitation and Senior Living, LLC to comply with N.J.A.C. 8:36-11.4(b) and N.J.A.C. 8:36-11.5(e). 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. 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, Program Director
Director, Office of Program Compliance
Division of Certificate of Need and Licensing

GR:RSM:nj

DATE: July 17, 2024

E-MAIL: mdavis@riverviewestates.org

REGULAR AND CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Control# AX24052