



State of New Jersey  
DEPARTMENT OF HEALTH  
PO BOX 358  
TRENTON, N.J. 08625-0358

CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

[www.nj.gov/health](http://www.nj.gov/health)

CATHLEEN D. BENNETT  
Commissioner

IN RE: Licensure Violation ) Notice of Assessment  
NJ Facility ID # 15A005 ) of Penalties

TO: Joanne Schwartz, Administrator  
Premier Cadbury of Cherry Hill  
501 Laurel Oak Road  
Voorhees, NJ 08043

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 Manual of Standards for Licensure of Assisted Living Residences, Comprehensive Personal Care Homes, and Assisted Living Programs set forth at N.J.A.C. 8:36-1.1 et seq.

**LICENSURE VIOLATIONS AND MONETARY PENALTIES:**

Staff of the Department of Health (Department) visited Premier Cadbury of Cherry Hill on February 3, 2017, for the purpose of conducting a complaint survey. The report of this visit, which is incorporated herein by reference, revealed the following licensure violations:

1. The facility failed to maintain records for all residents and have the records kept available on the premises for review at any time by representatives of the Department, in violation of N.J.A.C. 8:36-15.2.
  - Based on interview, record review and facility documentation for 2 of 7 sampled residents, it was determined that the facility failed to provide the complete medical records and make them available to the surveyor for review on the day of the survey for Residents #4 and #6.
  - The surveyor requested the closed medical records for Residents #4 and #6 on January 31, 2017. The Administrator and the Healthcare Administrator notified

the surveyor that the medical records for Residents #4 and #6 were not available for review.

- The Healthcare Administrator further told the surveyor that the attorney for the previous owner would not release the records and stated, "neither the facility or the Department of Health had rights to the records."
- Phone calls were placed by the Office of Program Compliance on both February 2, 2017 and February 3, 2017 to the attorney for the previous owner, who was in possession of the medical records which had been requested by the surveyor. Despite requesting the medical records, they were not made available to the surveyor.
- The surveyor was unable to perform a complete investigation for Residents #4 and #6.
- The facility has not yet provided the Department with a complete medical record for Residents #4 and #6.

In accordance with the provisions set forth in N.J.A.C. 8:43E-3.4(a)(11), the penalty assessed for this violation is \$250 per day from the date of the request of the medical records, January 31, 2017, until the facility notifies the Department's surveyors in writing and email that the medical records that have been requested are onsite at the facility and availability for Department review.

This violation pertains to the care of residents using the services at Premier Cadbury of Cherry Hill. **In accordance with N.J.S.A. 26:2H-14 and N.J.A.C. 8:43E-3.4(a), Premier Cadbury of Cherry Hill will be assessed the penalty of \$250 per day noted above. On all future correspondence related to this Notice, please refer to Control # X17003.**

#### **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 may request a formal hearing at the Office of Administrative Law as set forth herein below. Please note that facility rights to IDR and administrative law 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 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:

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:

Darlene Jackson  
Program Compliance & Health Care Financing  
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:**

Premier Cadbury of Cherry Hill 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. Premier Cadbury of Cherry Hill may request a hearing to challenge either the factual survey findings or the assessment of penalties, or both. Please note that a facility's rights to IDR and an administrative law hearing are not mutually exclusive and both may be invoked simultaneously. Premier Cadbury of Cherry Hill 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, if Premier Cadbury of Cherry Hill is owned by a corporation, representation by counsel is required.

In the event of an OAL hearing regarding this matter, Premier Cadbury of Cherry Hill is further required to submit a written response to each and every charge as specified in this order, which shall accompany your written request for a hearing.

Finally, be advised that Department staff will monitor facility compliance with this order 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.

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 and, at the request of the Department, the Clerk of the Superior Court or 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 order shall thereafter have the same effect as a judgment of the court.



Lisa King, Regulatory Officer  
Office of Program Compliance

LK:sld:dj

DATE: February 24, 2017  
REGULAR AND  
CERTIFIED MAIL: 7009 1680 0002 1239 7780  
RETURN RECEIPT REQUESTED  
Control # X17003