



State of New Jersey
DEPARTMENT OF HEALTH
 PO BOX 358
 TRENTON, N.J. 08625-0358
www.nj.gov/health

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

JUDITH M. PERSICILLI, RN, BSN, MA
Commissioner

IN RE:	:	
	:	
Merry Heart Assisted Living, LLC	:	EMERGENCY CURTAILMENT
(NJ Facility ID# NJ14A002)	:	OF ADMISSIONS ORDER
	:	AND
	:	DIRECTED PLAN OF
	:	CORRECTION
	:	
	:	

TO: Jennifer Morato, Executive Director
 Merry Heart Assisted Living, LLC
 118 Main Street
 Succasunna, New Jersey 07876

Pursuant to Executive Order 103, Governor Philip D. Murphy declared that the spread of COVID-19, which is a novel coronavirus, within New Jersey constitutes an imminent public health hazard that threatens and presently endangers the health, safety, and welfare of the residents of one or more municipalities or counties of the State. As such, Governor Murphy declared the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act, N.J.S.A. 26:13-1 to -31, and a State of Emergency, pursuant to the Disaster Control Act, N.J.S.A. App.A:9-45 & App. A:9-47. These emergency declarations were thereafter continued by Executive Orders No. 119, 138, 151, 162, 171, 181, 186 and 191.

Under the declared health emergency, the Commissioner is empowered, pursuant to N.J.S.A. 26:13-12, to "[t]ake all reasonable and necessary measures to prevent the transmission of infectious disease or exposure to toxins or chemicals and apply proper controls and treatment for infectious disease or exposure to toxins or chemicals.

Pursuant to this authority, the Department of Health (Department), hereby orders the curtailment of admissions to Merry Heart Assisted Living, LLC (Facility) and directs the following plan of correction:

I. EMERGENCY CURTAILMENT OF ADMISSIONS ORDER

Pursuant to the above-referenced authority, in order to slow the spread of COVID-19 in the community and protect vulnerable populations from contracting the virus, the Commissioner of the Department of Health hereby ORDERS the curtailment of all admissions to the Facility. This emergency order and the directed plan of correction (DPOC) below are also issued based on the findings of the state surveyors during an on-site survey conducted on November 17, 2020. These findings include that the Facility staff failed to screen all residents with all vital signs and failed to have an Infection Control Practitioner on staff or contracted with one by October 30, 2020, as required by Executive Directive 20-026¹.

The Facility shall be prohibited from accepting new admissions until further notice. This Order is effective immediately upon your notification. This emergency order shall remain in effect until the Department lifts the order.

II. DIRECTED PLAN OF CORRECTION

Pursuant to the above-referenced authority, in order to slow the spread of COVID-19 in the community and protect vulnerable populations from contracting the virus, the Commissioner of the Department of Health hereby DIRECTS the following plan of correction. The Facility shall:

Retain the full-time services of a Certified Infection Control Practitioner (ICP) consultant to begin providing services to the Facility no later than November 28, 2020. The ICP consultant shall have no previous or current ties to the Facility's principals, management and/or employers or other related individuals of any kind, including, but not limited to, employment, business or personal ties. The consultant shall be completely independent of Merry Heart Assisted Living, LLC. The Facility shall provide the Department with the name and resume of the consultant by November 24, 2020. You may contact the Association of Professionals in Infection Control and Epidemiology (apic.org) to obtain the names of ICPs in your area. The Facility shall provide the Department with the name and resume of the consultant. The resume should be sent to Donna.Koller@doh.nj.gov and Lisa.King@doh.nj.gov.

The ICP consultant shall be on-site for no less than 40 hours per week, with documented coverage of all shifts and weekends, until further notice from the Department. The Facility should send weekly reports every Friday by 1:00 p.m. to the Communicable Disease Services

(CDS) Healthcare Associated Infections Coordinator, Jason Mehr, MPH, CIC, Jason.Mehr@doh.nj.gov, with a copy to Donna.Koller@doh.nj.gov. These weekly reports shall include timely updates regarding identified areas of non-compliance with infection control protocol, corrective measures to address identified areas of non-compliance and status of corrective measures implementation. The Facility shall also report the status of any outbreak investigation and identified cases (as defined by CDS). In addition, the Facility is directed to maintain timely communication with the Department as may be required, including both the Facility's infection prevention team and the consultant.

Under this curtailment order and DPOC, the Facility shall comply with the applicable standards in N.J.A.C. 8:36-1 et seq. (Standards For Licensure Of Assisted Living Residences, Comprehensive Personal Care Homes, And Assisted Living Programs) and N.J.A.C. 8:39-1 et seq. (Standards for Licensure of Long-Term Care Facilities) as modified by the operational waivers, the unwaived Medicare conditions of 42 C.F.R. 483.1 et seq. (Requirements for Long Term Care Facilities), and the conditions as modified by the Centers for Medicare & Medicaid Services 1135 blanket waivers and the New Jersey specific 1135 waivers.

This curtailment and DPOC shall remain in place until the Facility is otherwise notified in writing by a representative of this Department. Please also be advised that Department staff will monitor Facility compliance with this order to determine whether corrective measures are implemented by the Facility in a timely fashion.

RIGHT TO HEARING:

Pursuant to N.J.S.A. 26:13-8(a)(2), the Facility has the right to request a hearing regarding the Emergency Curtailment of Admissions Order before the New Jersey Superior Court.

OTHER REMEDIES:

Failure to comply with this Emergency Order may result in the imposition of penalties and/or other applicable remedies.

Thank you for your attention to this important matter and for your anticipated cooperation. If you have any questions regarding this Emergency Curtailment of Admissions Order and Directed Plan of Correction, please contact Lisa King in the Office of Program Compliance at Lisa.King@doh.nj.gov. For other questions, please contact the New Jersey Coronavirus and Poison Center Hotline at (800) 222-1222. For COVID-19 updates, please continue to check the

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Department's website for routinely updated information at
<https://www.nj.gov/health/cd/topics/ncov.shtml>.

Sincerely,



Lisa King, Regulatory Officer
Office of Program Compliance
Division of Certificate of Need
and Licensing
New Jersey Department of Health

LK:cb

November 19, 2020

Control #20044/Event ID #IOLU11

Via Certified, Regular Mail and E-Mail

execdirector_mhal@merryheart.com

c. Nursing Home Administrators Licensing Board
Frank Skrajewski, Long Term Care Licensing
Donna Koller, Long Term Care Survey & Certification
Pamela Lebak, Long Term Care Survey & Certification