



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

PHILIP D. MURPHY
Governor

www.nj.gov/health

SHEILA Y. OLIVER
Lt. Governor

JUDITH M. PERSICILLI, RN, BSN, MA
Commissioner

TO: Lavanda Clinkscales, Administrator
Brightview Mount Laurel
400 Fernbrooke Lane
Mount Laurel, NJ 08054

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 the Department of Health (the "Department") is authorized to inspect all health care facilities and to enforce the Standards for Licensure of Assisted Living Facilities set forth at N.J.A.C. 8:36-1.1 et seq.

LICENSURE VIOLATIONS & MONETARY PENALTIES:

Staff from the Department (Department) visited Brightview Mount Laurel (the facility) on August 10, 2022, for the purpose of conducting a complaint survey. The report of this visit, which is incorporated herein by reference, revealed that the facility failed to implement their pharmacy policy to ensure that prescribed medications were administered in violation of N.J.A.C. 8:36-3.4(a)(1)-Administration – Survey Tag A-310; N.J.A.C. 8:36-11.2- Pharmaceutical Services - Survey Tag A-925; and N.J.A.C. 8:36-11.5(f) - Pharmaceutical Services - Survey Tag A-963. In particular:

- The facility failed to ensure that Resident #2's prescriptions were faxed to the provider pharmacy, in violation of N.J.A.C. 8:36-11.2 and N.J.A.C. 8:36-11.5(f).
- The facility failed to have a system in place to ensure that prescription orders appeared on the resident's Electronic Medication Administration Record (eMAR), in violation of N.J.A.C. 8:36-11.2 and N.J.A.C. 8:36-11.5(f).
- The facility failed to provide documented evidence that the prescription dated 7/27/22 for Coumadin 4 mg. had been received by the pharmacy, in violation of N.J.A.C. 8:36-11.2 and N.J.A.C. 8:36-11.5(f).
- The facility failed to document that the medication received was reconciled with the medication ordered to ensure that a resident's medications were available for administration, in violation of N.J.A.C. 8:36-11.2 and N.J.A.C. 8:36-11.5(f).
- The facility failed to administer medications to Resident #2 in accordance with prescriber's orders, in violation of N.J.A.C. 8:36-11.2 and N.J.A.C. 8:36-11.5(f).
- The Administrator or designee failed to ensure the development, implementation and enforcement of a facility pharmacy policy to ensure the proper procurement, receipt, and administration of medications, in violation of N.J.A.C. 8:36-3.4(a)(1).

These violations resulted in the failure of Resident #2 to receive their prescription of Coumadin 4 mg., a medication necessary to prevent blood clots related to atrial fibrillation, between July 27,

2022 and August 2, 2022. As a result, Resident #2 was transferred to the hospital on August 3, 2022, having been found to be unresponsive, and later expired on August 10, 2022 at in-patient hospice.

N.J.A.C. 8:43E-3.4(a)(10), allows the Department to impose a monetary penalty of \$2,500 for violations resulting in either actual harm to a patient or resident, or in an immediate and serious risk of harm, which may be assessed for each day noncompliance is found.

In accordance with N.J.A.C. 8:43E-3.4(a)(10), and because such deficiencies resulted in actual harm to a resident, a \$2,500 penalty is assessed for each violation for each day for the seven days of noncompliance from July 27, 2022 to August 2, 2022, for a total of \$105,000.

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 X23012.**

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. 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:

- The written survey findings;
- A list of each specific deficiency the facility is contesting;
- A specific explanation of why each contested deficiency should be removed; and
- 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.

FORMAL HEARING:

Brightview Mount Laurel 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. Brightview Mount Laurel may request a hearing to challenge the assessment of penalties. Brightview Mount Laurel 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
New Jersey Department of Health
P.O. Box 360

Trenton, New Jersey 08625-0360

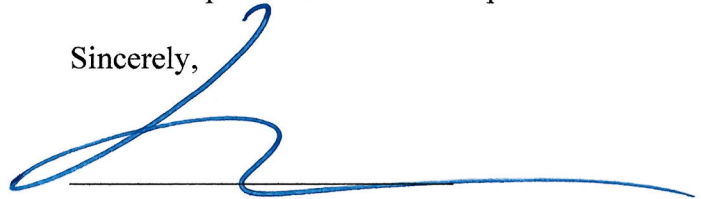
Corporations are not permitted to represent themselves in OAL proceedings. Therefore, if Brightview Mount Laurel is owned by a corporation, representation by counsel is required by law.

In the event of an OAL hearing regarding this matter, Brightview Mount Laurel is further required to submit a written response to every charge specified in this Notice, which shall accompany your written request for a hearing.

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, which shall then become due and owing. Further, 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 decision shall thereafter have the same effect as a judgment of the court.

Be advised that Department staff will monitor facility compliance with this Notice 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.

Sincerely,



Lisa King, Program Manager
Office of Program Compliance

LK:mt
DATE: May 23, 2023
REGULAR AND
CERTIFIED MAIL:
RETURN RECEIPT REQUEST
Control # X23012