



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 Licensure Violation:	:	
	:	
Brookdale at Echelon Lake	:	CURTAILMENT OF
	:	ADMISSIONS ORDER,
(NJ Facility ID# NJ SIPFEP)	:	DIRECTED PLAN OF
	:	CORRECTION
	:	
	:	
	:	
	:	
	:	
	:	
	:	
	:	
	:	

TO: Kelly Dickinson, Administrator (kdickinson@brookdale.com)
 Brookdale at Echelon Lake
 207 Laurel Road
 Voorhees, New Jersey 08043

Dear Ms. Dickinson:

On September 21, 2022, the Department of Health (hereinafter, "the Department") issued a verbal order to you curtailing all admissions to Brookdale at Echelon Lake, Comprehensive Personal Care Home (hereinafter "Brookdale"), excluding readmissions. During the call the Department also ordered that all residents be removed from the contaminated areas of the facility and that the facility hire a consultant administrator. Effective immediately, the Department orders that the September 21, 2022, curtailment and removal be continued, and the Department is now issuing a formal Directed Plan of Correction (hereinafter "DPOC"), requiring Brookdale to hire an Administrator Consultant.

These enforcement actions are being taken in accordance with the provisions set forth at N.J.A.C. 8:43E-2.4 (Plan of Correction), 3.1 (Enforcement Remedies Available), and 3.6 (Curtailment of Admissions) in response to a complaint survey that identified an unknown black substance in resident rooms and the resident lounge at Brookdale during an on-site inspection.

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 Standards for Licensure of comprehensive personal care homers set forth at N.J.A.C. 8:36.

LICENSURE VIOLATIONS:

Based on observation and interviews, it was determined at the complaint survey on September 18, 2022, that Brookdale violated N.J.A.C. 8:36-17.1 by failing to maintain a safe, sanitary and clean environment for residents. The Department may also cite the facility for other deficiencies.

The surveyor determined that the provider's non-compliance with the requirements of these rules had caused, or was likely to cause, serious injury, harm, impairment, or death to residents.

On September 18, 2022, the surveyor determined that the facility failed to prevent a black, fuzzy-like substance from growing and spreading throughout several resident apartments and that the facility would be cited for an immediate threat. The surveyor requested a removal plan from the facility.

The factual findings will be set forth in greater detail in the survey report.

CURTAILMENT:

The Department hereby orders the continuation of curtailment of all admissions to Brookdale, except readmissions.

Please be advised that N.J.A.C. 8:43E-3.4(a)(2) provides for a penalty of \$250 per day for each resident at the facility in violation of this curtailment order

DIRECTED PLAN OF CORRECTION:

- A. The Department hereby continues the order requiring that all residents be removed from the contaminated areas of the facility.
- B. The facility must retain the full-time, on-site services of an Administrator Consultant who is a Licensed Nursing Home Administrator, and who shall be approved in advance by the Department. The facility shall provide the name and resume of the proposed Administrator Consultant by submitting the name and resume to Kiisha.johnson@doh.nj.gov and Lisa.king@doh.nj.gov by close of business on September 26, 2022. The Administrator Consultant shall be present in the facility for no less than 40 hours per week, with documented coverage of all shifts and weekends, until further notice from the Department. The approved Administrator Consultant shall be retained no later than the close of business, September 28, 2022. The contract with the consultant shall include provisions for immediate corrective action with applicable state licensing standards. The 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 Administrator Consultant and facility shall submit weekly progress reports, beginning on October 7, 2022, and continuing each Friday thereafter. The progress reports shall be submitted to Kiisha.johnson@doh.nj.gov.

The Administrator Consultant shall:

1. Assess the facility's compliance with all applicable state licensing standards and identify areas of non-compliance;
2. Oversee the development, implementation and evaluation of corrective action plans;
3. Develop and implement compliance management systems at the facility;
4. Collaborate with facility leadership to ensure that operating procedures, systems and standards align with compliance requirements;
5. Ensure staff training needed to comply with applicable licensing standards; and,
6. Take other actions as may be necessary to ensure identification of compliance issues and implementation of timely corrective measures.

The weekly progress reports by the Administrator Consultant and the facility should be sent every Friday by 1:00 p.m. to Kiisha.johnson@doh.nj.gov. These weekly reports shall include timely status updates regarding:

1. Identified areas of non-compliance;
2. Corrective measures to address identified areas of non-compliance; and,
3. Status of corrective measures implementation.

The curtailment and DPOC shall remain in place until the Facility is otherwise notified in writing by a representative of this Department. Department staff will monitor facility compliance with this order to determine whether corrective measures are implemented by the Facility 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 penalties. Please also be advised that you may be subject to other enforcement remedies in addition to this order.

FORMAL HEARING:

Brookdale is entitled to contest the curtailment, pursuant to N.J.S.A. 26:2H-14, by requesting a formal hearing at the Office of Administrative Law (OAL). Brookdale may request a hearing to challenge any or all of the following: the factual survey findings and/or the curtailment. Brookdale must advise this Department within 30 days of the date of this letter if it requests an OAL hearing regarding the curtailment.

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 Brookdale is owned by a corporation, representation by counsel is required. In the event of an OAL hearing regarding the curtailment, Brookdale is further 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.

Due to the emergent situation and the immediate and serious risk of harm posed to the residents, please be advised that the Department will not hold the curtailment or the DPOC in abeyance during any appeal of the curtailment.

Finally, be advised that Department staff will monitor compliance with this notice to determine whether corrective measures are implemented by Brookdale 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 penalties.

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

DATE: September 22, 2022
FACSIMILE
E-MAIL (kdickinson@brookdale.com)
REGULAR AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Control # X21042