



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:	:	
	:	
Clare Estates	:	CURTAILMENT OF
(NJ Facility ID# NJ10A101)	:	ADMISSIONS ORDER AND
	:	DIRECTED PLAN OF
	:	CORRECTION
	:	

TO: Christiana Foglio (cfoglio@cisnj.com)
Danette Manzi (dmanzi@cisnj.com)
CIS Management
1970 Brunswick Avenue, Suite 100
Lawrenceville, New Jersey 08648

Dear Ms. Foglio:

Effective immediately, the Department of Health (hereinafter, "the Department") is ordering the curtailment of all admissions to The Clare Estate (hereinafter "Clare Estate"), and a Directed Plan of Correction (hereinafter "DPOC"), requiring Clare Estate to immediately retain an Administrator, Director of Nursing, and a Food Services Coordinator. Clare Estate must also immediately suspend services provided under the facility's Certified Medication Aide Program.

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), N.J.A.C. 8:43E-3.1 (Enforcement Remedies Available), N.J.A.C. 8:43E-3.6 (Curtailment of Admissions), N.J.A.C. 8:36-3.1 (Appointment of Administrator), N.J.A.C. 8:36-8.2 (Nurse Staffing Requirements), N.J.A.C. 8:36-10.3 (Appointment of a Food Service Coordinator), N.J.A.C. 8:36-11.5(a) (Certified Medication Aide Program), and N.J.A.C. 13:37-6.2 (Delegation of Selected Nursing Tasks) in response to critical staffing deficiencies observed by Department staff at Clare Estates during its on-site inspection that pose a risk to the health, safety, and welfare to residents at Clare Estates. Furthermore, Survey found that Clare Estate was operating a Certified Medication Aide Program with no Registered Nurse to properly supervise the program.

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 Assisted Living Facilities set forth at N.J.A.C. 8:36-1.1 et seq.

LICENSURE VIOLATIONS:

Staff from the Department's Health Facility Survey and Field Operations (HFS&FO) were on-site at Clare Estates on October 13, 2021. The surveyors identified egregious and deficient practices that pose an immediate and serious risk of harm to the residents of Clare Estate. These violations pertain to the care of residents using the services at Clare Estate. The surveyors conducted a tour of Clare Estate. During the tour the surveyors identified that the facility had no Administrator, no Director of Nursing, and no Food Service coordinator because they left Clare Estate on or about September 18, 2021. The facility also operates a Certified Medication Aide Program (CMA) with no Registered Nurse oversight as required by New Jersey regulations.

These are representative findings and do not necessarily include all survey findings, which will be detailed in the survey report.

CURTAILMENT:

The Department hereby orders the curtailment of all admissions to Clare Estate, except readmissions.

DIRECTED PLAN OF CORRECTION:

The Department hereby directs Clare Estate to immediately retain an Administrator, Director of Nursing, and a Food Services Coordinator. In addition, Clare Estate is directed to suspend its Certified Medication Aide Program until such time that the Department determines that a Registered Nurse is retained to provide the necessary oversight of the program. Medications may be dispensed by appropriate nursing staff in the interim.

Please be advised that this curtailment and DPOC shall remain in place until Clare Estate is otherwise notified by the Department.

Please be advised that N.J.A.C. 8:43E-3.4(a)(2) provides for a penalty for each resident admitted in violation of this curtailment order.

Failure to comply with any State regulations and/or with this order will result in the imposition of further enforcement remedies, including but not limited to, civil monetary penalties, and may include summary suspension and/or license revocation.

Clare Estate shall report to the Department by **October 19, 2021** to confirm that all the noted positions have been filled by qualified individuals. In addition, Clare Estate shall report to the Department and provide evidence of the retained individuals' qualifications to fill the positions of Administrator, Director of Nursing, and Food Services Coordinator. These reports may be submitted via e-mail to

Danette Manzi
The Clare Estates
Page 3

jacqueline.jones@doh.nj.gov, lynor.bagtas@doh.nj.gov, gene.rosenblum@doh.nj.gov, and marquis.djones@doh.nj.gov.

FORMAL HEARING:

Clare Estate is entitled to contest the curtailment by requesting a formal hearing at the Office of Administrative Law (OAL). Clare Estate may request a hearing to challenge either the factual survey findings or the curtailment, or both. Clare Estate 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 Clare Estate is owned by a corporation, representation by counsel is required. In the event of an OAL hearing regarding the curtailment, Clare Estate 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 Clare Estate 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. 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. 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, Director
Office of Program Compliance
Division of Certificate of Need and Licensing
New Jersey Department of Health

GR:mdj:sj

DATE: October 15, 2021
E-MAIL (dmanzi@cisnj.com.com)
REGULAR AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Control #X2102