



State of New Jersey
DEPARTMENT OF HEALTH

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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

JUDITH M. PERSICILLI, RN, BSN, MA
Commissioner

In Re Licensure Violation:	:	CURTAILMENT OF ADMISSIONS
	:	ORDER AND
ATRIA TINTON FALLS	:	DIRECTED PLAN OF
	:	CORRECTION –
(NJ Facility ID# NJ55A004)	:	ADMINISTRATOR CONSULTANT,
	:	DIRECTOR OF NURSING
	:	CONSULTANT AND DIETITIAN
	:	CONSULTANT

TO: Diane Karpus, Executive Director
Atria Tinton Falls
44 Pine Street
Tinton Falls, New Jersey 07753
Diane.Karpus@atriaseniorliving.com

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 Residences, Comprehensive Personal Care Homes, and Assisted Living Programs 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) unit were on-site at Atria Tinton Falls (hereinafter "Atria") on April 27, 2023, for a complaint survey. One of the foci of the complaint was weight loss. The surveyor identified deficient practices in the areas of administration, dining service and resident assessments and care plans. These violations pertain to the care of residents using the services at Atria.

During the inspection, the surveyor found the following:

- Resident number two had a weight loss of 13.4 pounds (approximately 7%) between November 2022 and January 2023, with no documented weight in December. The recorded weights were 196.4 (November) and 183 (January). This resident was discharged to the hospital for a change in condition on February 8, 2023, and never returned to the facility.

- Resident number five had a weight loss of 15 pounds (approximately 10%) between November 2022 and April 2023, with no documented weight in December. The recorded weights were 158 (November), 149.4 (January), 150 (February), 149 (March) and 143 (April).
- Resident number six had a weight loss of 10.6 pounds (approximately 10%) between November 2022 and April 2023, with no documented weight in December. The recorded weights were 107.6 (November), 102.8 (January), 104 (February), 103 (March) and 97 (April).

The facility was unable to provide dietary/nutritional notes for the sampled residents.

The facility provided the surveyor with a contract for dietary services dated May 2022 through April 30, 2023, and the registered dietitian signed menus for the facility in October 2022. The executive director advised the surveyor, however, that there has not been a dietician in the facility in 2023.

There was no documentation in the medical record to indicate that the sampled residents' nutritional needs were addressed by the dietician or physician.

CURTAILMENT OF ADMISSIONS

As you were notified verbally on April 28, 2023, effective upon the facility's verbal notification, the Department ordered the curtailment of new admissions to Atria. The facility census at the time of the order was 101 (not counting two subsequent new admissions that were authorized by the Department via e-mail on May 1, 2023).

This enforcement action was 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 serious deficiencies observed by Department staff in Atria during its on-site inspection.

The Department hereby orders the continuation of the curtailment of all admissions to Atria, 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 admitted to the facility in violation of this curtailment order

DIRECTED PLAN OF CORRECTION

The Commissioner of the Department of Health hereby directs the following plan of correction.

- a. The facility must retain the full-time, on-site services of an Administrator Consultant who is a New Jersey Licensed Nursing Home Administrator or New Jersey Certified Assisted Living Administrator. 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.
 - b. The facility must retain the full-time, on-site services of a registered nurse consultant to begin providing services to the facility as a consultant Director of Nursing.
 - c. The facility must retain the full-time, on-site services of a registered dietitian to begin providing services to the facility as a consultant Dietitian.

The three consultants shall be approved in advance by the Department. The facility shall provide the names and resumes of the proposed consultants by sending them to Kiisha.Johnson@doh.nj.gov, Lisa.King@doh.nj.gov and Gene.Rosenblum@doh.nj.gov by close of business on May 9, 2023. The approved consultants shall be retained and begin work no later than the close of business on May 16, 2023. The consultants 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 consultants shall be present in the facility for no less than 40 hours per week until further notice from the Department, with documented coverage of all shifts and weekends.

The facility should send weekly progress reports 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.

In addition, the facility is directed to maintain timely communication with the Department, as may be required.

Department staff will monitor facility compliance with this order to confirm compliance with this order and Directed Plan of Correction and 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.

This Directed Plan of Correction shall remain in place until the facility is otherwise notified in writing by a representative of this Department.

FORMAL HEARING

Atria 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). Atria may request a hearing to challenge any or all of the following: the factual survey findings and/or the curtailment. Atria 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 Atria is owned by a corporation, representation by counsel is required. In the event of an OAL hearing regarding

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the curtailment, Atria 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.

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.

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

Thank you for your attention to this important matter and for your anticipated cooperation. If you have any questions concerning the Curtailment of Admissions Order or Directed Plan of Correction, please contact Lisa King, Office of Program Compliance, at Lisa.King@doh.nj.gov.

Sincerely,



Lisa King, Program Manager
Office of Program Compliance
Division of Certificate of Need and Licensing

DATED: May 4, 2023
E-MAIL (Diane.Karpus@atriaseniorliving.com and Karol.Gorniak@atriaseniorliving.com)
Control #X23014

- C. Nursing Home Administrators Licensing Board
Frank Skrajewski, Health Facilities Evaluation And Licensing
Pamela Lebak, Health Facility Survey and Field Operations
Kiisha Johnson, Health Facility Survey and Field Operations
Laurie Brewer, New Jersey Long-Term Care Ombudsman