



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 : NOTICE OF  
 : ASSESSMENT OF  
 NJ FACILITY ID #: NJ04A005 : PENALTIES AND  
 : DIRECTED PLAN OF  
 : CORRECTION

TO: Pamela Schreiber, Administrator  
Bentley ALP  
7999 Route 130 South  
Pennsauken, New Jersey 08110

EMAIL: [PSchreiber@ivystoneseniorliving.com](mailto:PSchreiber@ivystoneseniorliving.com)  
VIA FAX: 856-773-0968

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 Manual of Standards for Licensure of Assisted Living Residence, Comprehensive Personal Care Homes, and Assisted Living Programs set forth at N.J.A.C. 8:36-1.1 et seq.

**LICENSURE VIOLATIONS & MONETARY PENALTIES:**

Staff of the Department visited Bentley ALP ("program") on November 12, 2019 to conduct a Complaint survey. The report of this visit, which is incorporated herein by reference, revealed the following licensure violations:

1. The program was in violation of N.J.A.C. 8:36-3.4(a)(2) – Survey Tag A311. The Executive Director failed to ensure that a Registered Dietician provided oversight of the program’s dietary services and provided a scheduled consultation with the program’s Food Service Coordinator to ensure the food was safely and appropriately planned, stored, cooked and served to the program participants. The Executive Director also failed to ensure the program’s dietary services were provided in accordance with N.J.A.C. 8:36 “Standards for Licensure of Assisted Living Residences, Comprehensive Personal Care Homes and Assisted Living Programs” and N.J.A.C. 8:24 “Retail Food Establishments and Food and Beverage Vending Machines,” which placed the health and safety of its program participants at risk for food-borne illnesses.

In accordance with N.J.A.C. 8:43E-3.4(a)(8), and due to the multiple deficiencies and because such violations represent a direct risk to the health and safety of the program participants, the penalty assessed for this violation is \$ 1,000.

2. The program was in violation of N.J.A.C. 8:36-10.5(c)(4) – Survey Tag A901. The program failed to provide written, planned and dated menus with portion sizes posted in the food preparation area to ensure program participants received nutritionally and appropriately portioned meals in accordance with the Dietitian's planned menus. Program participants were served insufficient servings of food, using a smaller serving utensil (3 oz. instead of 4 oz.), placing program participants at risk for weight loss. Additionally, the program failed to maintain a record of menu changes and substitutions, as required. This deficiency was also found in a survey dated January 10, 2019.

In accordance with N.J.A.C. 8:43E-3.4(a)(8), due to the multiple deficiencies and because such violations represent a direct risk to the physical health of the program participants, the penalty assessed for this violation is \$ 1,000.

3. The facility was in violation of N.J.A.C. 8:36-10.5(c)(5) – Survey Tag A903. The facility failed to ensure that the food served for the residents' therapeutic diets, including the Renal Diet, was consistent with the Dietetics in Healthcare Communities of New Jersey, which is the manual relied upon by the program.

In accordance with N.J.A.C. 8:43E-3.4(a)(8), and because such violations represent a direct risk to the physical health of the program participants, the penalty assessed for this violation is \$ 1,000.

4. The program was in violation of N.J.A.C. 8:36-23.3(b) – Survey Tag A1507. The program failed to ensure that program participants with significant documented weight changes were assessed and referred to a Dietician to ensure the participants' nutritional needs were assessed, interventions were initiated and counseling and education were provided. The above was documented with five of the 13 resident records reviewed.

In accordance with N.J.A.C. 8:43E-3.4(a)(10), and due to the immediate and serious risk of harm to the program participants, the penalty assessed for this violation is \$ 2,500.

5. The program was in violation of N.J.A.C. 8:36-23.11(a) – Survey Tag A1561. The program failed to ensure that the R.N. assessments of program participants' conditions included assessments of nutritional status, in accordance with N.J.A.C. 8:36-7.2(d)(1-18) to ensure that participants' significant weight loss was addressed.

In accordance with N.J.A.C. 8:43E-3.4(a)(10), and due to the immediate and serious risk of harm to the program participants, the penalty assessed for this violation is \$ 2,500.

6. The program was in violation of N.J.A.C. 8:36-23.12(d) – Survey Tag A1569. The program failed to ensure that it was following N.J.A.C. 8:24, "Sanitation in Retail Food Establishments

and Food and Beverages Vending Machines.” Specifically, the program failed to ensure the correct sanitizing solution concentration was contained in the “sanitize” compartment of the three-compartment kitchen sink. The program failed to ensure that kitchen pots and utensils were air-dried after cleaning and sanitizing, in violation of N.J.A.C. 8:24-4.11. The program failed to ensure that the commercial can opener was properly maintained and sanitized, in violation of N.J.A.C. 8:24-4.5 and N.J.A.C. 8:24-4.7. The program failed to store a dented can in a designated area that was segregated from serviceable food, in violation of N.J.A.C. 8:24-6.4. The program failed to ensure that the kitchen’s plumbing system was maintained in good repair, in violation of N.J.A.C. 8:24-5.2, which requires plumbing systems to be repaired in accordance with N.J.A.C. 5:23 and maintained in good repair. Specifically, the drainpipe under the three-compartment sink was leaking water onto the floor and the plastic tube of the high-pressure water sprayer was leaking and spraying water onto the wall and floor. The program was also in violation of N.J.A.C. 8:24-3.1 when raw chicken was observed defrosting above plastic bins containing apple sauce and fruit cocktail, and when five one-gallon containers in the cold cut refrigerator, which contained mayonnaise and various flavors of salad dressing, were opened, but none were marked with an “open date.” This deficiency was also found in a survey dated January 10, 2019.

In accordance with N.J.A.C. 8:43E-3.4(a)(8), and due to the multiple deficiencies, the penalty assessed for this violation is \$ 1,000.

These violations pertain to the care of participants using the services at Bentley ALP. In accordance with N.J.S.A. 26:2H-13 and N.J.A.C. 8:43E-3.4(a), Bentley ALP is hereby assessed penalties amounting to \$ 9,000.

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 X2002.**

#### **DIRECTED PLAN OF CORRECTION:**

The program is directed to ensure that its Registered Dietician provides a full-day of in-person services at the program site at least one day per month.

The program is directed to hire a consultant Registered Dietician, who will be required to work on site for a minimum of 20 hours each week (which may be shared with Ivy Stone Senior Living). The consultant Registered Dietician shall focus on menus, portion sizes, therapeutic diets and program participants’ weights. The program administrator shall submit weekly progress reports, signed by the consultant, beginning on February 28, 2020, and each Friday thereafter. The progress reports shall be submitted to Donna.Koller@doh.nj.gov.

The consultant Registered Dietician shall be retained no later than the close of business, February 24, 2020. This consultant Registered Dietician must be approved in advance by the Department and resumes should be submitted to Lisa.King@doh.nj.gov and Donna.Koller@doh.nj.gov by

12:00 P.M. on February 18, 2020. The contract with the consultant Registered Dietician shall include provisions for immediate corrective action with applicable state licensing standards. The consultant Registered Dietician shall have no previous or current ties to the facility's principals, management and/or employees or other related individuals of any kind, including, but not limited to employment, business or personal ties. This DPOC shall remain in place until the facility is otherwise notified by this Department.

Be advised that Department staff will monitor program compliance with this Notice to determine whether corrective measures are implemented by the program 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.

### **INFORMAL DISPUTE RESOLUTION (IDR):**

N.J.A.C. 8:43E-2.3 provides programs the option to challenge factual survey findings by requesting Informal Dispute Resolution with Department representatives. Programs wishing to challenge only the assessment of penalties are not entitled to IDR review, but may request a formal hearing at the Office of Administrative Law as set forth herein below. Please note that rights to IDR and administrative law hearings are not mutually exclusive and both may be invoked simultaneously. IDR requests **must be made in writing within ten (10) business days from receipt of this letter** and must state whether the program opts for an in-person conference at the Department, a telephone conference, or review of program documentation only. The request must include an original and ten (10) copies of the following:

1. The written survey findings;
2. A list of each specific deficiency the program is contesting;
3. A specific explanation of why each contested deficiency should be removed; and
4. 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.

Send the above-referenced information to:

Darlene Jackson  
Office of Program Compliance  
New Jersey Department of Health  
P.O. Box 358  
Trenton, New Jersey 08625-0358

The IDR review will be conducted by professional Department staff who do not participate in the survey process. **Requesting IDR review does not delay the imposition of any enforcement remedies.**

**FORMAL HEARING:**

Bentley ALP 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. Please note that a program's rights to IDR and an administrative law hearing are not mutually exclusive and both may be invoked simultaneously. Bentley ALP 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, Room 805  
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 Bentley ALP is owned by a corporation, representation by counsel is required.

In the event of an OAL hearing regarding this matter, Bentley ALP is further required to submit a written response to each and every charge as 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.

  
Gene Rosenblum, Director  
Office of Program Compliance

GR: jac

DATE: February 10, 2020  
REGULAR AND  
CERTIFIED MAIL: 7012 2210 0000 7407 8458  
RETURN RECEIPT REQUESTED  
Control # X2002