



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

RE: Licensure Violation) Notice of Assessment
NJ Facility ID # NJD35005) of Penalties

TO: Galina Markovich, Administrator
Millennium Memory Care at Matawan
474 Matawan Avenue
Cliffwood, New Jersey 07721

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 Dementia Care Homes set forth at N.J.A.C. 8:37-1.1 et seq.

LICENSURE VIOLATIONS & MONETARY PENALTIES:

Staff of the Department visited Millennium Memory Care at Matawan ("Millennium") on July 15, 2020, to conduct a Complaint survey. The report of this visit, which is incorporated herein by reference, revealed the following licensure violations:

- The facility was in violation of N.J.A.C. 8:37-4.1(e), Admission & Retention – Health Care Monitoring: Even if a resident has a "Do Not Resuscitate" (DNR) order, staff must call 911 for appropriate assistance in the event of an emergency, so that appropriate medical staff can assist the resident and act, if appropriate.

Based on interview, Medical Records review and review of pertinent documents, it was determined that the facility failed to call 911 in a timely manner. Specifically, on July 10, 2020, the facility failed to call 911 in a timely manner when Resident #2 became unresponsive. At about 6:45 p.m., a certified medication aide (CMA) found the resident unresponsive so they informed another staff member, a licensed practical nurse (LPN). The LPN told the CMA to call 911. The police investigation report indicated that 911 was notified at 7:49 p.m.—one hour and four minutes after the CMA stated she found the resident unresponsive. A review of The Patient Care Report from Emergency Medical Services indicated that the resident was, "found supine, unresponsive, pulseless and apneic".

These violations pertain to the care of residents at Millennium. In accordance with N.J.S.A. 26:2H-13 and N.J.A.C. 8:43E-3.4(a)(10), and because the violation resulted in either actual harm to a patient or resident, or in an immediate and serious risk of harm, the penalty assessed is \$2,500 for each day noncompliance is found.

The total amount of the penalty of \$2,500 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 X21003.**

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 may request a formal hearing at the Office of Administrative Law as set forth herein below. Please note that facility 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 facility opts for an in-person conference at the Department, a telephone conference, or review of facility 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 facility 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:

Millennium 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. Millennium may request a hearing to challenge either the factual survey findings or the assessment of penalties, or both. Please note that a facility's rights to IDR and an administrative law hearing are not mutually exclusive and both may be invoked simultaneously. Millennium 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 Millennium is owned by a corporation, representation by counsel is required.

In the event of an OAL hearing regarding this matter, Millennium 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.

Be advised that Department staff 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.

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.



Lisa King, Program Manager
Office of Program Compliance

LK:cb

galina@millenniummemorycare.com
DATE: January 28, 2021
REGULAR AND
CERTIFIED MAIL:
RETURN RECEIPT REQUESTED
Control #X21003