



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
THE RESIDENCE AT CHERRY HILL	:	ASSESSMENT OF
NJ FACILITY ID#: NJ15A002	:	PENALTIES
LICENSE#: 15A002	:	

TO:

Nikkia Sharpe, Administrator
The Residence at Cherry Hill
1979 Route 70 East
Cherry Hill, New Jersey 08003
Fax: (856) 424-7885

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. Assisted living residence facilities are licensed in accordance with N.J.S.A. 26:2H-1 and N.J.A.C. 8:36. Pursuant to the Act and 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. 8:43E, General Licensure Procedures and Standards Applicable to All Licensed Facilities, the Commissioner of the Department of Health (the "Department") is authorized to inspect all assisted living facilities and to enforce N.J.A.C. 8:36.

LICENSURE VIOLATIONS AND MONETARY PENALTIES:

Survey staff of the Department visited The Residence at Cherry Hill (the facility) on March 15, 2023 for a complaint survey. The report of this visit, which is incorporated herein by reference, substantiated violations of N.J.A.C. 8:36-5.10(a)2 and 11.5(f).

N.J.A.C. 8:36-5.10(a)2 requires a facility to report immediately to the Department any major occurrence or incident of an unusual nature, including, but not limited to, all fires, disasters, elopements, and all deaths resulting from accidents or incidents in the facility or related to facility services. Incident reports filed by the facilities are required to include information about injuries to residents and/personnel, disruption of services, and the extent of damages. N.J.A.C. 8:36-11.5(f) requires facilities to ensure that

medications are administered accurately to residents by authorized individuals in accordance with prescribed orders and that the administration of medications is documented.

Based on record review and interview, the surveyors determined that on January 12, 2023, at 7:30 a.m., a certified medication aide at the facility administered 100 units of Novolin R Insulin to a facility resident even though the resident did not have an order for 100 units of insulin. The resident's order indicated that the resident should have been administered insulin on a sliding scale as determined by the resident's blood sugar. The resident's medical records for January 12, 2023 document that the resident's blood sugar on that day at 7:30 a.m. was 129, and that the resident should not have received any insulin at that time. Because of the insulin overdose the resident became hypoglycemic (low blood sugar) and had to be transported to the emergency room. The resident was hospitalized from January 12, 2023 through January 16, 2023. The facility investigated the resident's insulin overdose and prepared a report, but the report was not filed with the Department until February 16, 2023, which was thirty-six days after the insulin overdose.

The facility violated N.J.A.C. 8:36-5.10(a)2 because it did not immediately report the resident's insulin overdose and it violated N.J.A.C. 8:36-11.5(f) because it failed to ensure that the resident's insulin was accurately administered in accordance with the prescribed order.

In accordance with N.J.A.C. 8:43E-3.4(a)7, because the violation of N.J.A.C. 8:36-5.10(a)2 represented a risk to the health, safety, or welfare of residents of the facility, a \$500 penalty is assessed for this violation.

In accordance with N.J.A.C. 8:43E-3.4(a)(10), because the violation resulted in either actual harm to a patient or resident, or in an immediate and serious risk of harm, \$2,500 per violation may be assessed for each day noncompliance is found. Thus, for the violation of N.J.A.C. 8:36-11.5(f) the facility is assessed \$2,500 for each day the resident was hospitalized from January 12, 2023 through January 16, 2023 ($\$2,500 \times 5 = \$12,500$).

In accordance with N.J.A.C. 8:43E-3.4(a)10, the total penalty assessed upon The Residence at Cherry Hill \$13,000.

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 X23015.**

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 such facilities may request a formal hearing at the Office of Administrative Law as set forth herein below. Please note that the facility's rights to IDR and administrative 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 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:

Nadine Jackman
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 does not delay the imposition of any enforcement remedies.**

FORMAL HEARING:

The Residence at Cherry Hill 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 facility's rights to IDR and an administrative law hearing are not mutually exclusive and both may be simultaneously invoked by the facility. The facility 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 The Residence at Cherry Hill is owned by a corporation, representation by counsel is required by law.

In the event of an OAL hearing regarding this matter, the Residence at Cherry Hill is further required to submit a written response to every charge as specified in this Notice, which shall accompany its 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.

A handwritten signature in blue ink, appearing to read "Gene Rosenblum", written over a horizontal line.

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

DATE: May 9, 2023
REGULAR AND
CERTIFIED MAIL:
RETURN RECEIPT REQUESTED
LRAY@LCBSENIORLIVING.com
Control # X23015