



State of New Jersey
DEPARTMENT OF HEALTH

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www.nj.gov/health

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

JUDITH M. PERSICILLI, RN, BSN, MA
Commissioner

IN RE: LICENSURE VIOLATION	:	REVISED NOTICE OF
BIRCHWOOD SQUARE AT CRANFORD	:	ASSESSMENT OF
NJ LICENSE# NJ20C003	:	PENALTIES
	:	

TO:

Joshua Rosenberg, Administrator
Birchwood Square at Cranford
205 Birchwood Avenue
Cranford, New Jersey 07016
Fax: (908) 276-2424

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. Comprehensive personal care homes 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 enforce N.J.A.C. 8:36. N.J.S.A. 26:2H-87.3 requires all assisted living facilities, comprehensive personal care homes, dementia care homes and residential health care facilities to have an Outbreak Response Plan and to submit the plan to the Department for verification. As explained below, the Department is assessing a **revised** civil monetary penalty (CMP) of \$250 per day upon Birchwood Square at Cranford pursuant to N.J.A.C. 8:43E-3.4(a)11 because the facility failed to comply with N.J.S.A. 26:2H-12.87.3 until February 21, 2023. **Except as stated herein, this Revised Notice of Assessment of Penalties replaces the Notice of Assessment of Penalties issued on February 17, 2023.**

LICENSURE VIOLATIONS AND MONETARY PENALTIES:

N.J.S.A. 26:2H-87.3 requires all assisted living facilities, comprehensive personal care homes, dementia care homes and residential health care facilities to have an Outbreak Response Plan and to submit the plan to the Department for verification. Your facility failed to complete and submit the Outbreak Response

Plan Survey sent to you by email on October 31, 2022, on November 18, 2022, and again on December 15, 2022. Survey Link: <http://healthsurveys.nj.gov/NoviSurvey/n/zz3d8.aspx> A final reminder was sent to you on January 9, 2023, at which time you were advised that if you did not submit the survey and your Outbreak Response Plan by January 20, 2023, the Department would impose a \$250 per-day penalty pursuant to N.J.A.C. 8:43E-3.4(a)11 for your failure to comply. On February 17, 2023, a Notice of Assessment of Penalties was issued imposing a \$250 per day penalty upon Birchwood Square at Cranford beginning January 20, 2023, until the facility responds to the survey and files its Outbreak Response Plan. The survey and your Outbreak Response Plan **were not filed until** February 21, 2023.

The Department is now imposing a **\$250 per day** civil monetary penalty pursuant to N.J.A.C. 8:43E-3.4(a)11, beginning on January 20, 2023 through February 21, 2023, when your facility completed the survey and filed its Outbreak Response Plan. Compliance with the statute is a condition of State licensure, and the Department reserves the right to impose any other enforcement remedies available by law, including, but not limited to, revocation of the facility's license.

In accordance with N.J.A.C. 8:43E-3.4(a)11, the total penalty assessed upon Birchwood Square at Cranford from January 20, 2023, through February 21, 2023 (the date the Department received your Outbreak Response Plan) is \$8,000 (32 days times \$250 = \$8,000).

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 X23003.**

INFORMAL DISPUTE RESOLUTION (IDR):

Your facility was afforded the opportunity to request Informal Dispute Resolution in the initial Notice of Assessment of Penalties that was sent to the facility on February 17, 2023. The deadline to file the Informal Dispute Resolution request is the deadline stated in the Notice of Assessment of Penalties issued on February 17, 2023 and is not extended by this revised notice.

FORMAL HEARING:

Your facility was afforded the opportunity to request a formal hearing at the Office of Administrative Law (OAL) to challenge this assessment of penalties in the initial Notice of Assessment of Penalties that was sent to the facility on February 17, 2023. The deadline to submit an appeal is the deadline stated in the Notice of Assessment of Penalties issued on February 17, 2023 and is not extended by this revised notice.


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

DATE: March 9, 2023
REGULAR AND
CERTIFIED MAIL:
RETURN RECEIPT REQUESTED

Control # X23003