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Department of Health Presentation: May 18th 2016

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Assisted Living Facilities, Comprehensive Personal Care Homes & Assisted Living Programs

Top Ten Deficiencies

**From: October, 1, 2015
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Disclaimer

- **This power point presentation is an educational tool prepared by the Department of Health & Senior Services that is general in nature. It is not intended to be an exhaustive review of the Department's administrative code & is not intended as legal advice. *Materials* presented should not substitute for actual statutory or regulatory language. Always refer to the current edition of a referenced statute, code &/or rule or regulation for language.**

A 1011-Pharmaceutical Services

#10/4

8:36-11.7(k) (k) Controlled dangerous substances shall be stored, and records shall be maintained, in accordance with the Controlled Dangerous Substances Acts, N.J.S.A. 24:21-1 et seq. and all other Federal and State laws and regulations concerning the procurement, storage, dispensation, administration, and disposition of same.

A 0935- Pharmaceutical Services

- **8:36-11.4(b) (b) All medications shall be administered by qualified personnel in accordance with prescriber orders, facility or program policy, manufacturer's requirements, cautionary or accessory warnings, and all Federal and State laws and regulations.**

A 0935- Pharmaceutical Services

8:36-11.4(b) (b) All medications shall be administered by qualified personnel in accordance with prescriber orders, facility or program policy, manufacturer's requirements, cautionary or accessory warnings, and all Federal and State laws and regulations.

A 0565- General Requirements

#8/4

8:36-5.10(a)(3) (a) The facility shall notify the Department immediately by telephone at 609-633-9034 (609-392-2020 after business hours), followed within 72 hours by written confirmation, of the following:

3. All suspected cases of resident abuse, neglect, or misappropriation of resident property, including, but not limited to, those which have been reported to the State of New Jersey Office of the Ombudsman for the Institutionalized Elderly for residents over 60 years of age;

A 0447-General Requirements

#7/4

8:36-5.1(a) (a) The assisted living residence, comprehensive personal care home or assisted living program shall provide and/or coordinate personal care and services to residents, based on assessment by qualified persons, in accordance with the New Jersey Nurse Practice Act, N.J.S.A. 45:11-23 and N.J.A.C. 13:37, this chapter, and the individual needs of each resident, in a manner which promotes and encourages assisted living values.

A 0963-Pharmaceutical Services

#6/5

8:36-11.5(f) (f) Medications shall be accurately administered and documented by properly authorized individuals, in accordance with prescribed orders.

A 1073-Resident Records

#5/6

8:36-15.6(b) (b) All assessments and treatments by health care and service providers shall be entered according to the standards of professional practice. Documentation and/or notes from all health care and service providers shall be entered according to the standards of professional practice.

A 0779-Resident Assessments and Care Plans

#4/9

8:36-7.5(c) (c) The registered professional nurse shall be called at the onset of illness, injury or change in condition of any resident to arrange for assessment of the resident's nursing care needs or medical needs and for needed nursing care intervention or medical care.

A 1249-Houskeeping-Sanitation-Safety-Maintenance

8:36-17.7 The building and grounds shall be well maintained at all times. The interior and exterior of the building shall be kept in good condition to ensure an attractive appearance, provide a pleasant atmosphere, and safeguard against deterioration. The building and grounds shall be kept free from fire hazards and other hazards to resident's health and safety.

A 0310-Administration

8:36-3.4(a)(1) (a) The administrator or designee shall be responsible for, but not limited to, the following:

1. Ensuring the development, implementation, and enforcement of all

policies and procedures, including resident rights;

A 0753-Resident Assessments and Care Plans

8:36-7.3(c) (c) Documentation in the resident's record shall indicate review and any necessary revision of the resident service plan and/or health service plan

Criteria for Determination **of** **Enforcement Action**

8:43E-3.1 Enforcement remedies available

**(a) Pursuant to N.J.S.A. 26:2H-13, 14, 15, 16
and 38, the Commissioner or his or her
designee may impose the following
enforcement remedies against a health
care facility for violations of licensure
regulations or other statutory
requirements:**

- 1. Civil monetary penalty;**
- 2. Curtailment of admissions;**
- 3. Appointment of a receiver or temporary manager;**
- 4. Provisional license;**
- 5. Suspension of a license;**
- 6. Revocation of a license;**
- 7. Order to Cease and Desist operation of an unlicensed health care facility;**
- 8. Other remedies for violations of statutes as provided by State or Federal law, or as authorized by Federal survey, certification, and enforcement regulations and agreements.**

8:43E-3.4 Civil monetary penalties

Pursuant to N.J.S.A. 26:2H-13 and 14, the Commissioner may assess a penalty for violation of licensure rules in accordance with the following standards:

- 1. For operation of a health care facility without a license, or continued operation of a facility after suspension or revocation of a license, \$1,000 per day from the date of initiation of services;**
- 2. For maintaining or admitting more patients or residents to a facility than the maximum capacity permitted under the license, except in an emergency as documented by the facility in a contemporaneous notice to the Department, \$25.00 per patient per day plus an amount equal to the average daily charge collected from such patient or patients;**

3. For violations of licensure regulations related to patient care or physical plant standards that represent a risk to the health, safety, or welfare of patients or residents of a facility or the general public, \$500.00 per violation where such deficiencies are isolated or occasional and do not represent a pattern or widespread practice throughout the facility;

4. Where there are multiple deficiencies related to patient care or physical plant standards throughout a facility, and/or such violations represent a direct risk that a patient's physical or mental health will be compromised, or where an actual violation of a resident's or patient's rights is found, a penalty of \$1,000 per violation may be assessed for each day noncompliance is found;

- 5. For repeated violations of any licensing regulation within a 12-month period or on successive annual inspections, or failure to implement an approved plan of correction, where such violation was not the subject of a previous penalty assessment, \$500.00 per violation, which may be assessed for each day noncompliance is found.**

- 6. If the initial violation resulted in the assessment of a penalty, within a 12-month period or on successive annual inspections, the second violation shall result in a doubling of the original fine, and the third and successive violations shall result in a tripling of the original fine;**

7. For violations resulting in either actual harm to a patient or resident, or in an immediate and serious risk of harm, \$2,500 per violation, which may be assessed for each day noncompliance is found;

8. Except for violations deemed to be immediate and serious threats, the Department may decrease the penalty assessed in accordance with (a) above, based on the compliance history of the facility; the number, frequency and/or severity of violations by the facility; the measures taken by the facility to mitigate the effects of the current violation, or to prevent future violations; the deterrent effect of the penalty; and/or other specific circumstances of the facility or the violation.

Thank You