

DEPARTMENT OF HEALTH AND HUMAN SERVICES
CENTERS FOR MEDICARE & MEDICAID SERVICES

PRINTED: 04/18/2024
FORM APPROVED
OMB NO. 0938-0391

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 205124		(X2) MULTIPLE CONSTRUCTION A. BUILDING _____ B. WING _____		(X3) DATE SURVEY COMPLETED C 04/10/2024	
NAME OF PROVIDER OR SUPPLIER BREAKWATER COMMONS				STREET ADDRESS, CITY, STATE, ZIP CODE 100 COMMONS DRIVE ROCKLAND, ME 04841			
(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY MUST BE PRECEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION)			ID PREFIX TAG	PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY)		(X5) COMPLETION DATE
F 000	INITIAL COMMENTS			F 000			
F 558 SS=D	On 4/9/2024 and 4/10/2024 unannounced on site visits were conducted at Breakwater Commons to investigate complaint's #ME00047037 and #ME00046957 . It was determined that Breakwater Commons was not substantial compliance with 42 CFR Part 483, Subpart B - Requirements for Long Term Care Facilities. Reasonable Accommodations Needs/Preferences CFR(s): 483.10(e)(3) §483.10(e)(3) The right to reside and receive services in the facility with reasonable accommodation of resident needs and preferences except when to do so would endanger the health or safety of the resident or other residents. This REQUIREMENT is not met as evidenced by: Based on observations and interviews, the facility failed to ensure that a call bell was accessible to 1 of 3 sampled residents observed for accommodation of needs. (Resident #3). Findings: Review of Facility Assessment dated (4/5/24 currently under revision) states " ...Typed of Disease and Conditions: ...Below is a list of common diseases, conditions, physical and cognitive disabilities ...that require complex medical care and management that we commonly provide care ...Vision: Cataracts, Glaucoma, Macular Degeneration, Blindness ..." Review of facility email dated "8/10/23 at 6:36 p.m. states " ...Subject: division for blind FYI:			F 558			

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE

TITLE

(X6) DATE

Any deficiency statement ending with an asterisk (*) denotes a deficiency which the institution may be excused from correcting providing it is determined that other safeguards provide sufficient protection to the patients. (See instructions.) Except for nursing homes, the findings stated above are disclosable 90 days following the date of survey whether or not a plan of correction is provided. For nursing homes, the above findings and plans of correction are disclosable 14 days following the date these documents are made available to the facility. If deficiencies are cited, an approved plan of correction is requisite to continued program participation.

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F 558	Continued From page 1 Finally made contact with Division of the blind for our visually impaired resident that has fallen outside and has ADA complaints The person is out next week for training but will be in the following week to map the building and outside ..." The facility did not provide any further information for this visit. Resident 3 was originally admitted to facility on 3/1/22 with diagnoses to include blindness, history of stroke and left sided hemiplegia. Review of quarterly Minimum Data Set (MDS) dated 3/4/24 revealed Resident 3 had a Brief Interview for Mental Status (BIMS) of 7 of 15 indicating he/she is not cognitively intact. Further review of MDS revealed he/she needs partial to moderate assistance with Activities of Daily Living and has a severe visual impairment. Review of Resident 3's clinical record revealed the following: Review of Resident 3's care plan, updated 3/16/24 states, "Goal: [Resident 3] is at risk for falls r/t low vision, impaired mobility, poor safety awareness, impulse control; Goals: ... call bell in reach at all times ..." Progress note dated 4/04/2024 states "During patient checks resident was observed with call bell clipped to [his/her] shirt and the cord looped around [his/her] neck one time loosely. Call bell removed from around [his/her] neck and clipped to his bottom sheet near [his/her] hand for safety." During an observation on 4/9/24 at 11:00 a.m., Resident 3 was observed in bed in a 90 degree	F 558			

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F 558	Continued From page 2 position. At this time this writer asked if he/she could demonstrate how he/she would use the call bell. Resident 3 indicated his/her call bell is usually on the right side of his/her bed where he/she can reach it and was then observed using his/her right hand to pat around his/her right side and was unable to locate the call bell ... Call bell noted to be affixed to the right-side rail, behind residents elevated mattress and not in reach. Resident 3 then states that he/she sometimes will wrap the cord around his/her neck so he/she has easy access to it. States that staff tell him/her that it isn't safe, but he/she does it anyway. When asked what he/she would do if he/she wasn't able to reach the call bell, Resident #1 indicated that he/she would "just scream really loud and they come eventually." During an interview on 4/9/24 at 12:34 p.m., Licensed Practical Nurse (LPN) indicated that if Resident 3 feels that they aren't attending to his/her needs fast enough he/she will yell really loud. At 10:59 a.m. This writer and LPN entered Resident 3's room and LPN confirmed his/her call bell was affixed to side rail, behind residents' right side and not in reach. LPN indicated that Resident 3 is often found with the cord around his/her neck as that is where he/she puts it so it can be reached. LPN indicated that there are other residents in the building that use hand bells. During an interview on 4/9/24 at 1:24 p.m., Certified Nursing Assistant (CNA1) indicated that Resident 3 has been found with call bell hanging around his/her neck and had to remove it on multiple occasions. During an interview on 4/9/24 at 1:34 p.m., CNA2 indicated that Resident 3 needs his/her call bell	F 558			

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F 558	Continued From page 3 placed on the right side as he/she has left side weakness from a stroke and he/she puts the call bell around his/her neck loosely, and they will remove it and remind him/her that it's not safe to do that. CNA2 further indicated that management staff are aware. During an interview on 4/9/24 at 2:28 p.m., Facility Nurse Practitioner (FNP) indicated that Resident 3 is able to use his/her call bell and the expectation that it is reach. Has had increased cognitive deficit since last stroke and has no Insite to his/her limitations and tends to wrap the call bell cord around his/her neck. FNP states he/she was opened to Division for the Blind for services but daughter canceled them. FNP further indicated that the facility should make accommodations for blindness. During an interview on 4/10/24 at 12:08 p.m., Unit manager Long Term care (LTCUM) indicated that she is new to the Unit Manager role as of 10/2/23 and was aware Resident 3 liked to wrap the call bell around his/her neck so he/she could easily find it. They did have the call bell affixed to his/her right-side rail but was unaware that he/she could not reach it when he/she was sitting straight up. States she is aware of other residents in building that use hand bells for assistance. During an interview on 4/9/24 at 10:05 a.m., Social Worker (SW) indicated that the Division of the Blind (DOB) was just in for Resident 3, and his/her daughter actually canceled any services on 3/18/24. SW then indicated that she was not in the facility when the DOB came in and was not sure if any recommendations were made as they have not called her back. When asked if there is a call bell alternative for Resident 3 that would be	F 558			

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F 558	Continued From page 4 safer for him/her and could stay in his/her reach, SW indicated that there are some residents in the facility that use hand bells and that may work for Resident 3. During an interview on 4/10/ on 4/10/23 at 1:02 p.m., with Administrator and Director of Nursing (DNS), DNS confirmed that she was aware that Resident 3 was putting the call bell around his neck, and were trying to find something that would work with their current call system and haven't found anything yet so they decided to affix his/her call bell to the right side rail in order for him/her to find it. DNS indicated that a staff member just told her that he/she was unable to reach the call bell if he/her was sitting up in bed. DNS indicated that Division of the Blind came to see Resident 3 and was not aware if any recommendations were made for accommodations. At this time DNS confirmed above findings.	F 558			
F 609 SS=D	Reporting of Alleged Violations CFR(s): 483.12(b)(5)(i)(A)(B)(c)(1)(4) §483.12(c) In response to allegations of abuse, neglect, exploitation, or mistreatment, the facility must: §483.12(c)(1) Ensure that all alleged violations involving abuse, neglect, exploitation or mistreatment, including injuries of unknown source and misappropriation of resident property, are reported immediately, but not later than 2 hours after the allegation is made, if the events that cause the allegation involve abuse or result in serious bodily injury, or not later than 24 hours if the events that cause the allegation do not involve abuse and do not result in serious bodily injury, to	F 609			

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F 609	Continued From page 5 the administrator of the facility and to other officials (including to the State Survey Agency and adult protective services where state law provides for jurisdiction in long-term care facilities) in accordance with State law through established procedures. §483.12(c)(4) Report the results of all investigations to the administrator or his or her designated representative and to other officials in accordance with State law, including to the State Survey Agency, within 5 working days of the incident, and if the alleged violation is verified appropriate corrective action must be taken. This REQUIREMENT is not met as evidenced by: Based on interview, record review, the facility failed to notify the State Agency after two (2) falls that resulted in head injury. (Resident 1, and Resident 2.) Findings: 1. Resident 1 was originally admitted on 11/2/16 with diagnoses to include diabetes myelitis, Heart failure, hypertension, aphasia, dementia, hemiplegia, and seizure disorder. On 11/2/24 Resident 1 was found on the floor in his/her room after an unwitnessed fall. Resident 1 was sent to the Emergency Room and subsequently admitted with a brain bleed. Review of quarterly Minimum Data Set (MDS), dated 2/25/24, revealed Resident 1 has a Brief Interview for Mental Status (BIMS) of 0 of 15 indicating he/she is not cognitively intact. Further review of MDS revealed Resident 1 had a history of falls and needs substantial assistance with Activities of Daily Living.	F 609			

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F 609	Continued From page 6 Review of Resident #1's clinical record revealed the following progress note dated 11/2/23 stating "Resident was found face down on the floor by writer. Resident stated [he/she] fell off the bed. [He/she] was A&O [alert and orientated] x2. [He/she] was covered in blood that came from the top of [his/her] head. Resident also has a cut above the R [right] eye and bleeding out of [his/her] mouth ... Resident sent to ED [emergency department] via ambulance for evaluation." Progress Note dated 11/3/23 at 7:52 p.m., "Spoke to ER nurse, pt is admitted and was transferred to Maine Health for brain bleed." 2. Resident 2 was admitted on 7/14/20 with diagnoses to include Alzheimer disease, depression, and is open to hospice for end-of-life care. Review of quarterly Minimum Data Set (MDS) dated 2/19/24 revealed Resident had a Brief Interview for Mental Status (BIMS) of 0 of 15 indicating he/she is not cognitively intact. Further review of MDS revealed he/she is nonverbal and is dependent for all Activities of Daily Living [ADL]. Review of Resident 2's clinical record revealed progress note dated 10/30/23 20:42 "At approximately 1630, CNA called for this nurse to see Resident on the floor with blood beside [him/her] head. Per CNA in room, Resident fell from a lift during transfer. Resident noted to have blood from an abrasion on [his/her] right side of head".	F 609			

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F 609	Continued From page 7	F 609			
F 610 SS=D	During an interview on 4/10/24 at 3:26 p.m. with the Director of Nursing (DNS) and Administrator, the DNS confirmed that the facility did not report the events as she did not think they were reportable. Investigate/Prevent/Correct Alleged Violation CFR(s): 483.12(c)(2)-(4) §483.12(c) In response to allegations of abuse, neglect, exploitation, or mistreatment, the facility must: §483.12(c)(2) Have evidence that all alleged violations are thoroughly investigated. §483.12(c)(3) Prevent further potential abuse, neglect, exploitation, or mistreatment while the investigation is in progress. §483.12(c)(4) Report the results of all investigations to the administrator or his or her designated representative and to other officials in accordance with State law, including to the State Survey Agency, within 5 working days of the incident, and if the alleged violation is verified appropriate corrective action must be taken. This REQUIREMENT is not met as evidenced by: Based on interviews and record review and facility policy, the facility failed to thoroughly investigate two falls with head injury (Resident 1 and Resident 2). Findings: Review of facility policy "Accidents/Incidents Involving Residents" dated 12/14/21 states, "Each incident or accident must be detailed in the	F 610			

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F 610	Continued From page 8 medical record. This includes happening or experience which may be traumatic or inflict bodily injury to a resident ... Each incident, accident... must be investigated immediately for determination of root cause. .. The DNS (or designee) will audit the system for completion/compliance ..." 1. Resident 1 was originally admitted on 11/2/16 with diagnoses to include diabetes myelitis, Heart failure, hypertension, aphasia, dementia, hemiplegia, and seizure disorder. On 11/2/24 Resident 1 was found on the floor in his/her room after an unwitnessed fall. Resident 1 was sent to the Emergency Room and subsequently admitted with a brain bleed. Review of quarterly Minimum Data Set (MDS), dated 2/25/24, revealed Resident 1 has a Brief Interview for Mental Status (BIMS) of 0 of 15 indicating he/she is not cognitively intact. Further review of MDS revealed Resident 1 had a history of falls and needs substantial assistance with Activities of Daily Living. Review of Resident #1's clinical record revealed the following progress note dated 11/2/23 stating "Resident was found face down on the floor by writer. Resident stated [he/she] fell off the bed. [He/she] was A&O [alert and orientated] x2. [He/she] was covered in blood that came from the top of [his/her] head. Resident also has a cut above the R [right] eye and bleeding out of [his/her] mouth. VS [vital signs] taken ...Pressure was applied to top of the head and EMS [emergency medical services] was called [power of attorney] was notified and [provider]. Resident sent to ED [emergency department] via ambulance for evaluation."	F 610			

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F 610	Continued From page 9 Progress Note dated 11/3/23 at 7:52 p.m., "Spoke to ER nurse, pt is admitted and was transferred to Maine Health for brain bleed." Further review of Resident 1's clinical record lacked evidence that an incident report was completed for this fall. 2. Resident 2 was admitted on 7/14/20 with diagnoses to include Alzheimer disease, depression, and is open to hospice for end-of-life care. Review of quarterly Minimum Data Set (MDS) dated 2/19/24 revealed Resident had a Brief Interview for Mental Status (BIMS) of 0 of 15 indicating he/she is not cognitively intact. Further review of MDS revealed he/she is dependent for all Activities of Daily Living [ADL]. Review of Resident 2's clinical record revealed progress note dated 10/30/23 20:42 "At approximately 1630, CNA called for this nurse to see Resident on the floor with blood beside [him/her] head. Per CNA in room, Resident fell from a lift during transfer. Resident noted to have blood from an abrasion on [his/her] right side of head". Further investigation of Resident 2's clinical record lacked evidence that an incident report was completed for this fall. During a telephone interview on 4/10/24 at 11:50 a.m., Certified Nursing Assistant (CNA3) indicated that on 10/30/23 around 4:20 p.m. she and a coworker were preparing to get Resident 2 out of bed using a Hoyer lift. CNA3 further indicated that as she was lifting Resident 2 out of bed with the Hoyer, her coworker left the room indicating they were going to get someone else up. It wasn't until Resident 2 slid out of the Hoyer	F 610			

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F 610	Continued From page 10 pad and fell on the floor, striking his/her head that she realized she had not crossed the pad under his/her legs. During an interview on 4/10/24 at 12:08 p.m. Unit manager Long Term care (LTCUM) indicated that she is new to the role as of 10/2/23 but is now aware that if there is an accident a nurse would go into the to do list and fill out an incident report, as a unit manager it is her responsibility to go in and ensure that it was completed." On 4/9/24 between 9:00 a.m. and 3:26 p.m., Director of Nursing (DNS) indicated that a complete investigation with root cause was completed for Resident #1 and Resident #2's falls and would provide it to this writer. After multiple attempts to obtain the facility investigations, on 2/9/23 at 2:59 p.m., DNS indicated "I'm working on it," at 3:26 p.m., DNS provided this writer with copies of progress notes written by the nurse regarding the falls but did not provide this writer with copies of investigation notes. When asked if she had anything in writing regarding the incidents, DNS replied "I did them at that moment in time." When asked if she had any notes/documents at all, DNS indicated that she did and would go get them. As of 4:00 p.m. on 4/9/24 nothing had been received. On 4/10/24 this writer was provided with a copy of "Review of Toileting Sling Education" dated 12/12/23. During an interview on 4/10/24 at 3:26 p.m., with Administrator and DNS, DNS indicated that when she spoke with CNA3, she was told that CNA3 was using the Hoyer alone, and CNA3 had told her a different story other than what this writer	F 610			

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F 610	Continued From page 11 was told. This writer again asked if she had any documentation to support this and DNS was unable to provide any information. At this time DNS confirmed that the facility did not thoroughly investigate the above concerns.	F 610			
F 656 SS=D	Develop/Implement Comprehensive Care Plan CFR(s): 483.21(b)(1)(3) §483.21(b) Comprehensive Care Plans §483.21(b)(1) The facility must develop and implement a comprehensive person-centered care plan for each resident, consistent with the resident rights set forth at §483.10(c)(2) and §483.10(c)(3), that includes measurable objectives and timeframes to meet a resident's medical, nursing, and mental and psychosocial needs that are identified in the comprehensive assessment. The comprehensive care plan must describe the following - (i) The services that are to be furnished to attain or maintain the resident's highest practicable physical, mental, and psychosocial well-being as required under §483.24, §483.25 or §483.40; and (ii) Any services that would otherwise be required under §483.24, §483.25 or §483.40 but are not provided due to the resident's exercise of rights under §483.10, including the right to refuse treatment under §483.10(c)(6). (iii) Any specialized services or specialized rehabilitative services the nursing facility will provide as a result of PASARR recommendations. If a facility disagrees with the findings of the PASARR, it must indicate its rationale in the resident's medical record. (iv) In consultation with the resident and the resident's representative(s)- (A) The resident's goals for admission and desired outcomes.	F 656			

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NAME OF PROVIDER OR SUPPLIER BREAKWATER COMMONS			STREET ADDRESS, CITY, STATE, ZIP CODE 100 COMMONS DRIVE ROCKLAND, ME 04841		
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F 656	Continued From page 12 (B) The resident's preference and potential for future discharge. Facilities must document whether the resident's desire to return to the community was assessed and any referrals to local contact agencies and/or other appropriate entities, for this purpose. (C) Discharge plans in the comprehensive care plan, as appropriate, in accordance with the requirements set forth in paragraph (c) of this section. §483.21(b)(3) The services provided or arranged by the facility, as outlined by the comprehensive care plan, must- (iii) Be culturally-competent and trauma-informed. This REQUIREMENT is not met as evidenced by: Based on interviews, record review and policy review the facility failed to update/implement care plans in the area of falls for 2 of 3 residents reviewed for falls (Resident's 1 & 2) and in the area of psychotropic medication use for 1 of 3 residents reviewed for medications (Resident 3). Findings: Review of facility policy "Falls Management Policy" dated 7/19 states " ...DNS or designee will review fall incident reports regularly and identify potential patterns or trends. Resident's care plan will be updated with all new interventions. ..." Review of facility policy "Psychoactive Medication Use Policy" dated 9/18 states " ...A psychoactive drug is any medication affecting brain activity associated with mental processes and behavior... Psychoactive medications will only be used in conjunction with the Individual Care Plan. 1. Resident 1 was originally admitted on 11/2/16	F 656			

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F 656	Continued From page 13 with diagnoses including dementia, left sided hemiplegia, and seizure disorder. On 11/2/24 had an unwitnessed fall and was transferred to the Emergency Room and subsequently admitted with a brain bleed. Review of Resident 1's physician orders effective April 2024 revealed: -Order with start date of 11/27/24 for "Potassium chloride ER 20 Meq tablet. Oral. One tab daily for stage 3 chronic kidney disease (CKD). -Order with start date of 3/27/24 for "Tradjenta 5mg tablet orally one time daily for type 2 dm with CKD." -Order with start date of 11/27/24 for "Timolol maleate 0.5% eye drops (1drop) Drops both eyes One time daily for glaucoma." Review of Resident 1's care plan most recently updated 3/31/24 lacked evidence that his/her care plan was updated to reflect goals and interventions for brain bleed, hemiparesis, vision and chronic kidney disease. 2. Resident 2 was admitted on 7/14/20 with diagnoses to include Alzheimer disease, depression, and is open to hospice for end-of-life care. Review of Resident 2's clinical record revealed progress note dated 10/30/23 states "At approximately 1630, CNA called for this nurse to see Resident on the floor with blood beside [him/her] head. Per CNA in room, Resident fell from a lift during transfer. Resident noted to have blood from an abrasion on [his/her] right side of head". Review of Resident 2's Care plan initiated on	F 656			

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F 656	Continued From page 14 7/14/20, most recently reviewed on 3/26/24 revealed Resident 2 is a dependent of staff for all ADL needs. Further review of care plan revealed "Falls: [Resident] is at risk for falls r/t impaired mobility, poor safety awareness ...Interventions: keep environment free from clutter, and pathways clear of obstacles; encourage [resident 2] to ask for assist with transfers." Further review of Resident 2's care plan lacked evidence that Resident 2's care plan was updated with goals and interventions after the fall and failed to update care plan with his/her current transfer and communication status. During an interview on 4/9/24 at 12:40 p.m., Licensed Practical Nurse (LPN) indicated that Resident #2 is totally dependent on staff to meet his/her needs and is nonverbal. Unable to walk for some time and is a Hoyer lift for all transfers. LPN further states that she believes the Unit Manger is responsible to update care plans and they should reflect the residents current care needs. During an interview on 4/9/24 at 1:26 p.m. Certified Nursing Assistant (CNA1) indicated that Resident #2 is nonverbal, but can make noises for yes and no. Unable to use his/her call bell and is a Hoyer lift for all transfers. 3. Resident 3 was originally admitted to facility on 3/1/22 with diagnoses to include blindness, history of stroke and left sided hemiplegia. Review of Resident 3's April 2024 orders reveled the following: -Order with start date of 2/27/24 for donepezil 10 mg tablet (1 tab) Tablet oral one time daily for major depressive disorder.	F 656			

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F 656	Continued From page 15 -Order with start date of 3/28/24 for sertraline 50 mg tablet (1) tablet oral one time daily for anxiety disorder. Progress note dated 4/04/2024 states "During patient checks resident was observed with call bell clipped to [his/her] shirt and the cord looped around [his/her] neck one time loosely. Call bell removed from around [his/her] neck and clipped to his bottom sheet near [his/her] hand for safety." Review of Resident 3's care plan, updated 3/16/24 states, "Goal: [Resident 3] is at risk for falls r/t low vision, impaired mobility, poor safety awareness, impulse control ... call bell in reach at all times." During an observation on 4/9/24 at 11:00 p.m. Resident 3 was observed in bed in a 90 position. At this time this writer asked if he/she could demonstrate how he/she would use the call bell. Resident 3 indicated his/her call bell is usually on the right side of his/her bed where he/she can reach it. At this time Resident 3 was observed using his/her right hand to pat around his/her right side and was unable to locate the call bell... Call bell noted to be affixed to the right-side rail, behind his/her elevated mattress and not in reach. At this time Resident #3 indicated that he/she sometimes will wrap the cord around his/her neck so he/she has easy access to it. States that staff tell him/her that it isn't safe, but he/she does it anyway. When asked what he/she would do if he/she wasn't able to reach the call bell, Resident #1 indicated that he/she would just scream really loud, and they come eventually." During an interview on 4/9/24 at 1:24 pm.,	F 656			

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F 656	Continued From page 16 Certified Nursing Assistant (CNA1) indicated that Resident 3 has a habit of throwing him/herself on the floor when he/she doesn't get his/her way. CNA1 further indicated that he/she has been found with call bell hanging around his/her neck and remove it/ and provide education for safety. CNA1 indicated this has happened multiple times. During an interview on 4/9/24 at 1:34 p.m., CNA2 indicated that Resident 3 puts the call bell around his/her neck loosely, and they will remove it and remind him/her that it's not safe to do that and indicates that management staff are aware. During an interview on 4/10/24 at 12:08 p.m., Unit Manager, Long Term care (LTCUM) indicated that she is new to the role as of 10/2/23 and states it is her responsibility to update resident care plans. LTCUM further indicated that care plans should be updated within 7 days of any incident and should reflect residents' current care needs. At this time LTCUM confirmed care plans were not updated with goals and interventions to reflect current needs of Resident 1 in the area of brain bleed, hemiparesis, vision and chronic kidney disease, Resident 2 to reflect transfer and ambulation, and Resident 3 to reflect psychotropic medication use and behaviors. During an interview on 4/10/24 at 3:26 p.m., with Administrator and Director of Nursing (DNS), DNS indicated that the Unit Manager is responsible to update care plans. At this time DNS confirmed care plans were not updated to reflect residents' current care needs.	F 656			