MSDH - Health Facilities Licensure and Certification

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:	(X2) MULTIPLE CONSTRUCTION	(X3) DATE SURVEY COMPLETED
	32JE	A. BUILDING: _____ B. WING _____	C 01/25/2024

NAME OF PROVIDER OR SUPPLIER	STREET ADDRESS, CITY, STATE, ZIP CODE
JEFFERSON COUNTY NURSING HOME	910 MAIN STREET FAYETTE, MS 39069

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M 000	Initial Comments The State Agency (SA) conducted an annual recertification survey and Complaint Investigations (CIs), CI MS #23613 and CI MS #23794 at the facility from 01/23/24 through 01/25/23. The SA investigated CI MS #23613 for neglect of pressure wounds and there were no citations. During the survey, the SA determined the facility was not in compliance with the Minimum Standards for Institutions for the Aged or Infirm, state licensure requirements. The SA investigated CI MS #23794 for abuse and misappropriation of property and cited M500.	M 000		
M 500	45.17.2 Residents' Rights Residents' Rights. The residents' rights policies and procedures ensure that each resident admitted to the facility: 1. is fully informed, as evidenced by the resident's written acknowledgment, prior to or at the time of admission and during stay, of these rights and is given a statement of the facility's rules and regulations and an explanation of the resident's responsibility to obey all reasonable regulations of the facility and to respect the personal rights and private property of other residents; 2. is fully informed, and is given a written statement prior to or at time of admission and during stay, of services available in the facility, and of related charges including any charges for services covered by the facility's basic per diem rate; 3. is assured of adequate and appropriate medical care, is fully informed by a physician or nurse practitioner/physician assistant of his medical conditions unless medically	M 500		3/1/24

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contraindicated (as documented by a physician or nurse practitioner/physician assistant in his medical record), is afforded the opportunity to participate in the planning of his medical treatment, to not be limited in his/her choice of a pharmacy or pharmacist provider in accordance with state law, as referenced in House Bill 1439, which states that the facility shall not limit a resident ' s choice of pharmacy or pharmacy provider if that provider meets the same standards of dispensing guidelines required of long term care facilities, to refuse to participate in experimental research, and to refuse medication and treatment after fully informed of and understanding the consequences of such action;

4. is transferred or discharged only for medical reasons, or for his welfare or that of other residents, or for nonpayment for his stay (except as prohibited by sources of third-party payment), and is given a two weeks advance notice in writing to ensure orderly transfer or discharge. A copy of this notice is maintained in his medical record;

5. is encouraged and assisted, throughout his period of stay, to exercise his rights as a resident and as a citizen, and to this end may voice grievances, has a right of action for damages or other relief for deprivations or infringements of his right to adequate and proper treatment and care established by an applicable statute, rule, regulation or contract, and to recommend changes in policies and services to facility staff and/or to outside representatives of his choice, free from restraint, interference, coercion, discrimination, or reprisal;

6. may manage his personal financial affairs, or is

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M 500	Continued From page 2	M 500		

given at least a quarterly accounting of financial transactions made on his behalf should the facility accept his written delegation of this responsibility to the facility for any period of time in conformance with State law;

7. is free from mental and physical abuse;
8. is free from restraint except by order of a physician or nurse practitioner/physician assistant, or unless it is determined that the resident is a threat to himself or to others. Physical and chemical restraints shall be used for medical conditions that warrant the use of a restraint. Restraint is not to be used for discipline or staff convenience. The facility must have policies and procedures addressing the use and monitoring of restraint. A physician order for restraint must be countersigned within 24 hours of the emergency application of the restraint;
9. is assured security in storing personal possessions and confidential treatment of his personal and medical records, and may approve or refuse their release to any individual outside the facility, except, in the case of his transfer to another health care institution, or as required by law of third-party payment contract;

10. is treated with consideration, respect, and full recognition of his dignity and individuality, including privacy in treatment and in care for his personal needs;

11. is not required to perform services for the facility that are not included for therapeutic purposes in his plan of care;

12. may associate and communicate privately with persons of his choice, may join with other residents or individuals within or outside of the

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M 500	Continued From page 3 facility to work for improvements in resident care, and send and receive his personal mail unopened, unless medically contraindicated (as documented by his physician or nurse practitioner/physician assistant in his medical record); 13. may meet with, and participate in activities of, social, religious and community groups at his discretion, unless medically contraindicated (as documented by his physician or nurse practitioner/physician assistant in his medical record); 14. may retain and use his personal clothing and possessions as space permits, unless to do so would infringe upon rights of other residents, unless medically contraindicated (as documented by his physician or nurse practitioner/physician assistant in his medical record); 15. if married, is assured privacy for visits by his/her spouse; if both are inpatients in the facility, they are permitted to share a room, unless medically contraindicated (as documented by the attending physician or nurse practitioner/physician assistant in the medical record); and 16. is assured of exercising his civil and religious liberties including the right to independent personal decisions and knowledge of available choice. The facility shall encourage and assist in the fullest exercise of these rights. This Statute is not met as evidenced by: Level II Based on observation, interviews, record review, and facility policy review, the facility failed to	M 500	1. On December 18, 2023 the Director of Nursing and Assistant Director of Nursing interviewed Resident #40 for a concern and were informed of the allegations.	

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M 500	Continued From page 4 protect a resident's right to be free from misappropriation of property and exploitation for one (1) of fourteen (14) sampled residents. Resident #40 Findings include: Review of the facility's policy titled, "Abuse, Neglect and Exploitation", with a revision date of 4/17, revealed, "Policy: Each resident has the right to be free from abuse, neglect, misappropriation of resident property and exploitation ...Residents must not be subject to abuse by anyone, including, but not limited to; facility staff, other residents ...Policy Explanation and Compliance Guidelines...9. "Exploitation" means taking advantage of a resident for personal gain through the use of manipulation, intimidation, threats, or coercion ..." A review of the facility's "Vulnerable Adult Act", undated, revealed, " ...Any nursing home resident is considered to be a vulnerable adult ...the following situation are considered CRIME OF ABUSE against vulnerable adults ...theft or misuse of a resident's personal belongings, personal funds, or bank accounts ..." A record review of the "Reportable Incident Form" dated 12/18/23, revealed the Director of Nursing (DON) began an investigation because Resident #40 reported that she had several incidents where she had given staff members money or allowed them to use her debit card. Resident #40 stated that she helped Certified Nurse Aide (CNA) #2 because she had three small children. The resident stated that she gave them money of her own free will. The resident stated that she sent CNA #3 to a local sandwich shop to get her something and she allowed her to buy something	M 500	Immediately the allegation of abuse was reported to law enforcement, state licensure, state attorney general, ombudsman and administrator. On December 18, 2023 staff were in-serviced on Abuse and Neglect by Registered Charge Nurse with a focus on Misappropriation of funds and Exploitation. The Certified Nursing Assistant #2 and Certified Nursing Assistant #3 were contacted via phone and were suspended from duty pending investigation. 2. On January 24, 2024 all residents were interviewed by the Social Services Director regarding Abuse and Neglect with a focus on Misappropriation of funds and exploitation. There were no other residents identified that were affected. 3. Facility staff were educated on the policy of Abuse & Neglect with a focus on Misappropriation of Funds and exploitation by the Staff Development Nurse on January 24, 2024. Staff will be educated every month by the Director of Nursing and Administrator on the policy for Abuse and Neglect with a focus on Misappropriation and Exploitation times two months. Newly hired employees will be educated on the policy for Abuse and Neglect with focus on Misappropriation and Exploitation upon hire and every month for the next two months by the Director of Nursing. 4. The Social Services Director began meeting with each resident on January 24, 2024 and will continue weekly times two months to discuss Abuse and Neglect to	

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M 500	Continued From page 5 for herself. Both CNAs denied taking money from the resident and both CNAs were placed on suspension pending the completion of the investigation. The facility held a Quality Assurance and Performance Improvement (QAPI) meeting to discuss the allegation and the recommendation was to continue the investigation. In-services of the Abuse and Neglect Policy were initiated for staff. A record review of the "Face Sheet" revealed the facility admitted Resident #40 on 8/12/23 and she had current medical diagnoses including Right Heart Failure and Morbid Obesity. A record review of the Quarterly Minimum Data Set (MDS) with an Assessment Reference Date (ARD) of 11/14/2023, revealed Resident #40 had a Brief Interview for Mental Status (BIMS) score of 13 which indicated she was cognitively intact. On 1/23/24 at 10:46 AM, in an observation and interview with Resident #40, she reported that CNA #2 frequently entered her room while on the phone with her boyfriend and she would overhear her complaining to him about needing money to care for her two children and the one she was presently pregnant with. The resident expressed that she understood what it is like to raise children independently while struggling financially, so she volunteered to assist CNA #2 by sending her some money via Cash App (a mobile payment service). She stated that CNA #2 provided her Cash App username, and she gave her $75.00. An observation of the information on Resident #40's cell phone revealed a Cash app transaction for $75 to CNA #2 on 9/25/23 at 11:51 AM. The resident stated that the CNA returned to her room again after the baby was born, and they began to talk about her baby. She stated that	M 500	identify concerns regarding Abuse and Neglect. Weekly interviews may be stopped once the three months are over if no further allegations are made in the prior thirty days. The overall process as outlined in the plan of correction will continue on an ongoing basis for two months. The findings will be reviewed by the Quality Assurance Improvement Committee on 02/29/2024 and the next two Quality Assurance Improvement Performance Committee meetings times two months. Any changes will be made as found necessary to maintain substantial compliance.	

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M 500	Continued From page 6 during the chat, CNA #2 mentioned that she had nothing for her newborn baby and so she ordered CNA #2 a $50 (Proper Name) online retail gift card, so she could buy some things for her baby. She stated that the card was mailed to the facility, and when it arrived, she gave it to CNA #2. An observation of the resident's (Proper Name) of online retailer account on her cell phone revealed a transaction, dated 11/28/23 for $50.00. The resident also stated that she told the DON about the gifts, but it was not to get anyone in trouble; however, she knew that CNA #2 got suspended for a few days. Resident #40 stated that when CNA #2 returned to work, she came into her room and gave her home address to Resident #40, indicating that she should send all future purchases for the baby to her home address rather than to the facility. An observation of Resident #40's "Notes" application on her cell phone revealed a mailing address had been entered on 12/17/23. Resident #40 stated that she would also allow CNA #3 to use her bank card to purchase herself (Resident #40) and CNA #3 food. An observation of electronic transactions on Resident #40's cell phone revealed transactions on 12/3/23 for $18.33 to (Proper Name) of sandwich shop and $10.87 to (Proper Name) of a liquor store which she stated was purchased with her card by CNA #3. The resident stated that she did not drink or smoke and indicated that the transaction for the liquor store was for CNA #3. In addition, the resident stated that she provided CNA #3 with her bank card for gas for her car on 11/27/23. An observation of the transaction on Resident #40's cell phone revealed a transaction for $26.02 (Proper Name) of local convenience store and was dated 11/28/23. The resident pointed out that the transaction occurred on 11/27/23 but did not post to her account until 11/28/23.	M 500		

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M 500	Continued From page 7 CNA #3 On 1/24/24 at 1:51 PM, in a phone interview with Certified Nursing Assistant #3 (CNA), she claimed that 12/3/23 Resident #40 asked her to pick up lunch from (Proper Name) of sandwich shop. CNA #3 agreed to go but declined to get lunch for herself. She stated that she went out multiple times for Resident #40 and used the resident's bank card to buy food for her because she did not think it was a problem. CNA #3 denied using the resident's card at the convenience and the liquor store. CNA #3 verified that she understood the meaning of exploitation and vulnerable adults, but she disputed that using the resident's card to buy the resident something did not resemble exploitation. She stated she was suspended pending a facility investigation. However, following the investigation, she stated that she was asked to come back to work but was unable to do so due to her child's illness. A record review of the "Time/Attendance Detail" report revealed CNA #3 clocked in on 11/27/23 at 2:57 PM and clocked out 7:37 PM. She clocked back in at 8:01 PM and clocked out at 10:30 PM. On 12/3/23, CNA #3 clocked in at 2:57 PM and out at 7:41 PM, and clocked in at 8:04 PM and out at 10:21 PM A record review of the "Transaction Details" for Resident #40's prepaid banking card revealed a transaction dated 11/28/23 at 7:49 AM for $26.02 to (Proper Name) of local convenience store. A record review of the banking transactions on 12/3/23 for Resident #40 revealed a transaction for $10.87 for (Proper Name) liquor store and	M 500		

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M 500	Continued From page 8 $18.33 for (Proper Name) sandwich shop. A record review of the "Vulnerable Adult Act" document revealed CNA #3 was trained by the facility regarding the vulnerable adult act on 2/12/2016. CNA #2 On 1/24/24 at 2:26 PM, in a phone interview with CNA #2, she acknowledged that she was suspended from her position as a CNA because she received $75.00 via cash app from Resident #40 on 9/25/23. She stated that it all began when she entered the resident's room to provide care. She stated that after the resident saw she was pregnant, she asked if she could buy something for the baby. CNA #2 stated that she told the resident she did not want her to do so, but the resident insisted and sent the money away. CNA #2 stated that it slipped her mind to notify the Administrator that she had received the money. CNA #2 acknowledged that she did not return the money to Resident #40. CNA #2 denied that Resident #40 had given her a $50.00 (Proper Name) online retail gift card. She was unable to explain how Resident #40 had her home address. CNA #2 confirmed that she returned to work after the facility's investigation was completed and she currently worked the 3 PM to 11 PM shift. A record review of the "Time/Attendance Detail" report revealed CNA #2 clocked in on 11/28/23 at 3:18 PM and clocked out 8:52 PM. She clocked back in at 9:06 PM and clocked out at 11:36 PM. On 12/17/23, CNA #3 clocked in at 3:05 PM and out at 11:33 PM. A record review of the Cash App screenshot on Resident #40's cell phone revealed a payment of	M 500		

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M 500	Continued From page 9 $75 on 9/25 (2023) at 11:51 AM to CNA #2's Username. A record review of the "Order Details" dated 11/28/23, revealed a transaction for $50 for a gift from an online retailer with the "Purchase Details" indicating the gift card was from Resident #40 with a "Message" of "Hope you enjoy this gift card!" A record review of the "Notes" application screenshot on Resident #40's phone revealed a note dated 12/17/23 at 4:39 PM of a home address. A record review of the "Application for Employment" for CNA #2, dated 3/31/23, revealed the home address indicated on the application matched the home address that was entered in the Notes application of Resident #40's cell phone. A record review of the "Vulnerable Adult Act" document revealed CNA #2 was trained by the facility regarding the vulnerable adult act on 4/18/2023. In an interview on 1/25/24 at 8:20 AM, with the Administrator, she confirmed knowledge of the incident involving CNA #2, CNA #3, and Resident #40. She revealed that she did not believe that Resident #40 was exploited by the CNAs based on her understanding of the company policies and because Resident #40 had a high BIMS score. The Administrator explained that the previous Director of Nursing (DON) wrote the entire investigation, and she was not involved in the initial investigation because she had been out of the building for three (3) days. Upon her return to the facility, she said she and the DON	M 500		

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M 500	Continued From page 10 consulted with their board of trustees, and all agreed that the resident was of sound mind with a high BIMS score and that she was not exploited. As a result, she could not substantiate the complaint and approved CNA #2 and CNA #3 to return to work after their 3-day suspension. She explained CNA #2 returned to work, however CNA #3 elected not to return to work.	M 500		