

MSDH - Health Facilities Licensure and Certification

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 74TE	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING: _____	(X3) DATE SURVEY COMPLETED C 09/05/2024
NAME OF PROVIDER OR SUPPLIER DIVERSICARE OF TYLERTOWN		STREET ADDRESS, CITY, STATE, ZIP CODE 200 MEDICAL CIRCLE TYLERTOWN, MS 39667		
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M 000	Initial Comments The State Agency (SA) conducted an annual recertification survey and Complaint Investigation (CIs), MS #21850 at the facility from 9/3/24 through 9/5/24. The SA investigated CI MS #25630 for misappropriation of resident's trust funds and cited M500. During the recertification survey, the SA determined the facility was not in compliance with the Minimum Standards for Institutions for the Aged or Infirm, state licensure requirements and cited M620, M635 and M1570.	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 contraindicated (as documented by a physician or nurse practitioner/physician assistant in his	M 500		10/18/24

Mississippi State Department of Health

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

TITLE

(X6) DATE

Electronically Signed

09/26/24

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M 500	Continued From page 1 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 given at least a quarterly accounting of financial transactions made on his behalf should the	M 500		

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M 500	Continued From page 2 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 facility to work for improvements in resident care, and send and receive his personal mail	M 500		

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M 500	Continued From page 3 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 interviews, record review, policy review, and facility investigation, the facility failed to ensure residents were free from misappropriation of funds for nine (9) of 30 residents who have a	M 500	On June 25, 2024, facility self report was completed, team member was placed on administrative leave, and Attorney General and local police department was notified. On June 26, 2024, the facility replaced the funds for discrepancies identified during	

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M 500	Continued From page 4 resident trust fund. (Residents #2, #5, #7, #12, #13, #25, #28, #32, and #33) Findings include: A review of the facility policy titled, "Resident Trust," dated 9/20/17, revealed "Purpose ... To maintain a Resident Trust Account, for the safekeeping of a resident's personal money, if requested to do so ... Policy Statement ... Each Center shall have standardized policies for the handling of resident trust accounts ... Monitoring systems shall be in place to ensure funds are handled in accordance with applicable state regulations ..." A review of the facility policy titles, "Abuse, Neglect, Misappropriation, Exploitation Policy," dated January 2019 revealed, "Purpose: To prohibit and prevent abuse, neglect, exploitation, misappropriation of resident property and to ensure reporting and investigation of alleged violations ... in accordance with Federal and State Laws ... Misappropriation of Resident Property: The deliberate misplacement, exploitation, or wrongful, temporary or permanent use of a resident's belongings or money without the residents consent ... Investigation: ... The Administrator, or designee will oversee the center in conducting an internal investigation against any violation/alleged violation of ...misappropriation of resident property ... Reporting/Response: ... Immediately reporting all alleged violation to the ... state agency ...and all other required agencies (e.g. law enforcement when applicable) within specified timeframes ..." A record review of the facility's investigation regarding misappropriation of resident funds submitted to the State Agency (SA) on 6/27/24,	M 500	audit for Residents #2, #5, #7, #12, #13, #25, #28, #32, and #33. On September 26, 2024, resident representatives were notified of incident and facility's corrective actions. All residents who have a resident trust fund have the potential to be affected by the deficient practice. Education was provided by Director of Nursing Services (DNS) and Assistant Director of Nursing Services (ADNS) to all team members on June 25, 2024 regarding Abuse, Neglect and Exploitation, Customer Service, and Service Standards. Administrator, Human Resources Coordinator (HRC), and Regional Business Office Coordinator (RBOC) were educated on trust disbursement guidelines on June 25, 2024 by the Vice President of Revenue Cycle. Resident Council meeting was conducted by Activities Director on June 27, 2024 to discuss Misappropriation being unacceptable and no resident should be asked for money or other item, or not be able to access funds if available in resident trust. Safe surveys were conducted with residents with trust funds on June 27, 2024 to include questions related to exploitation and any concerns around their specific trust. Beginning on June 25, 2024, the interdisciplinary team (IDT) initiated Embrace rounds to include questions to residents weekly for two months regarding safety and misappropriation. Beginning on June 25, 2024 education was provided to	

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M 500	Continued From page 5 revealed that through routine reconciliation of trust accounts, suspicious activity was discovered related to receipts and resident signatures. The facility investigation detailed the actions of the facility regarding securing resident funds and a detailed audit was conducted. Through investigation, the facility identified multiple receipts, involving a total of nine (9) residents in which receipts involving cash withdrawals from the resident's trust accounts that indicated fraudulent activity on behalf of the Business Office Manager (BOM). Although the BOM denied mishandling the resident's money, she was suspended, and subsequently resigned her position, as a detailed audit was conducted. During the investigation, any suspicious activity involving cash withdrawal receipts were discussed with the residents and the facility's suspicions were confirmed. Some of the residents were unable to remember getting money from their account, however, others were able to confirm that the signatures on the cash receipts were not their signatures. The facility replaced money to the residents for any discrepancies that were identified and the investigation reported that no residents suffered a negative outcome. On 9/4/24 at 10:01 AM, in an interview with the Administrator, she confirmed the details of the investigation regarding misappropriations of resident funds submitted on 6/27/24 were accurate. On 9/4/25 at 12:19 PM, in an interview with Regional Business Office Consultant (RBOC), he explained that he usually does an audit of the trust fund twice a year. During his June audit, he noticed some discrepancies with the receipts in the trust fund. When asking the BOM at the time,	M 500	staff by DNS and ADNS monthly for 3 months related to Abuse, Neglect, and Exploitation. Beginning on June 27, 2024, Resident Council meetings were held by the Activities Director weekly for one month to discuss safety and exploitation. Center accounts and disbursements continue to be monitored quarterly by the RBOC. Beginning July 26, 2024, all findings were discussed at monthly Quality Assurance Performance Improvement (QAPI) for 3 months for follow up as needed.	

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M 500	Continued From page 6 she revealed she was putting numbers in to make sure everything in the system matched, although she knew that, in all actuality, nothing was balanced. She surprised him, so he pulled out the monthly reconciliation form for these transactions to get more information because the administrator's signature should prove that everything matched that month. When checking the form and asking the administrator why she signed the reconciliation without acknowledging the accuracy of the money, the Administrator replied, "That is not my signature." He and the Administrator then realized that fraudulent activity may have occurred, prompting them to investigate further. It became clear that a thorough audit of the financial records was necessary to uncover the extent of the discrepancies and ensure accountability moving forward. So, they pulled the receipts and went to talk with residents whose names were on some of the receipts. During their interview with the residents, some indicated they could not remember, blatantly denied signing, or stated that it was not their signature. During a phone interview with the Business Office Manager (BOM) at 9:41 AM on 9/5/24, she confirmed that she resigned in June 2024, after being accused of mishandling funds from the trust fund accounts of the residents. She noted that this happened during a corporate BOM audit, where they discovered discrepancies in the finances and receipts. The BOM says that she was aware of the accounts not balancing, but she was able to find a solution by inputting the necessary numbers to make it seem balanced, despite the lack of cash. She explains that in such cases, she would adjust the numbers to ensure the accounts were balanced, even if the actual money did not align.	M 500		

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M 500	Continued From page 7 Resident #33 A record review of the facility investigation revealed that Resident #33 confirmed the signature of a receipt dated 5/10/24 for \$20.00 was indeed her signature, but denied having received any money within the past two (2) years. A record review of the "Manual Check Request," provided by the facility was dated 6/26/24, and payable to Resident #33 for misappropriation, in the amount of \$20.00. On 9/3/24 at 12:04 PM, in an interview, Resident #33 stated she remembers something about money being put back in her account, but does not know all the details. A record review of the Admission Record for Resident #33 revealed the facility admitted the resident on 1/17/22. The resident's diagnoses included Heart failure. A record review of the Quarterly Minimum Data Set (MDS) with Assessment Reference Date (ARD) of 6/18/24 revealed Resident #33 had a Brief Interview of Mental Status (BIMS) score of 15, which indicated the resident was cognitively intact. Resident #28 A record review of the facility investigation revealed that Resident #28 denied the signature on the receipts dated 1/3/24 for \$40.00, 2/2/24 for \$50.00, 3/1/24 for \$40.00, 4/5/24 for \$50.00, and 5/6/24 for \$40.00, totaling \$220 belonged to him. The resident confirmed although there was a receipt, he did not receive the money.	M 500		

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M 500	Continued From page 8 A record review of the "Manual Check Request," provided by the facility was dated 6/26/24, and payable to Resident #28 for misappropriation, in the amount of \$220.00. On 9/4/24 at 8:36 AM in an interview with Resident #28, the resident stated he was not sure if someone told him about money or not. A record review of the Admission Record revealed the resident was admitted by the facility on 3/13/19, with diagnoses that included Peripheral Vascular Disease. A record review of Resident #28's Quarterly MDS with an ARD of 8/8/24 revealed a BIMS score of 7, which indicated the resident had moderate cognitive impairment. Resident # 32 A record review of the facility investigation revealed that Resident #32 stated that she did not receive the cash as detailed in the receipts dated 3/25/24 for \$100.00, 4/5/24 for \$60.00, 4/24/24 for \$50.00, and 5/10/24 for \$40.00, totaling \$250.00. Additionally, the investigation revealed the receipts were marked with an "X" and according to the Administrator and RBOC, the resident was not physically able to sign with an "X". A record review of the "Manual Check Request," provided by the facility was dated 6/26/24, and payable to Resident #32 for misappropriation, in the amount of \$250.00. On 9/5/24 at 1:10 PM, in an interview Resident #32 stated that she did not remember anything	M 500		

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M 500	Continued From page 9 about money taken from her account. A record review of the Admission Record of resident #32 revealed the facility admitted the resident on 9/14/22. The resident's diagnoses included Anoxic Brain Damage. A record review of the Quarterly MDS with an ARD of 6/3/24 revealed Resident #32 had BIMS score of 10, which indicated the resident had moderate cognitive impairment. Resident #25 A record review of the facility investigation revealed that Resident #25 confirmed the signature on two (2) receipts totaling \$50 was not her signature and she did not receive any money. The receipts were dated 3/29/24 for \$10.00 and 4/5/24 for \$40.00. A record review of the "Manual Check Request," provided by the facility was dated 6/26/24, and payable to Resident #25 for misappropriation, in the amount of \$50.00. On 9/5/24 at 1:14 PM, in an interview with Resident #25, the resident stated that she did not remember anything about money. A record review of the Admission Record for Resident #25 revealed the facility admitted the resident on 8/2/17, with diagnoses that included Schizophrenia. A record review of the Resident 25's Comprehensive MDS with an ARD of 8/18/24 revealed a BIMS score of 10, which indicated the resident had moderate cognitive impairment.	M 500		

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M 500	Continued From page 10 Resident #12 A record review of the facility investigation revealed that Resident #12 confirmed the signature on two (2) receipts totaling \$80 was not his signature and she denied receiving any cash. The receipts were dated 3/29/24 for \$40.00 and 4/4/24 for \$40.00. A record review of the "Manual Check Request," provided by the facility was dated 6/26/24, and payable to Resident #12 for misappropriation, in the amount of \$80.00. On 9/5/24 at 1:18 PM in an interview with Resident #12, stated he recalled someone coming to talk with him about being refunded money, but he did not remember the details. A record review of the Admission Record for Resident #12 revealed the resident was admitted by the facility on 7/10/23. The resident's diagnoses included Traumatic Brain Injury. A record review of the MDS with an ARD of 7/11/24, revealed a BIMS score of 14, which indicated the resident was cognitively intact. In addition to the above interviews, the facility investigation revealed that there were an additional five (5) residents involved in the misappropriation of resident funds. The residents and the facility finds were as follows: 1) Resident #2 denied a signature on a receipt dated 4/24/24 for \$50 belonged to her. She stated she had never gotten any cash. As a result of this interview, the facility provided a copy of the "Manual Check Request," dated 6/24/24, and payable to Resident #2 for misappropriation, in	M 500		

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M 500	Continued From page 11 the amount of \$50. 2) Resident #7 confirmed that the signature on the receipt dated 3/29/24 for \$40.00 was not her signature and she did not receive any cash. As a result of this interview, the facility provided a copy of the "Manual Check Request," dated 6/24/24, and payable to Resident #7 for misappropriation, in the amount of \$40. 3) Resident #5 denied the signatures on the receipts totaling \$140.00. The resident also denied receiving the cash. As a result of this interview, the facility provided a copy of the "Manual Check Request," dated 6/24/24, and payable to Resident #5 for misappropriation, in the amount of \$80. On 9/9/24, the SA contacted the Administrator for clarification, as the facility investigation revealed a total of \$140.00 on the receipts. The Administrator responded with an email that stated that there was a typing error on the investigation and the amount that had been misappropriated had actually been \$80.00. 4) Resident #13 denied ever receiving cash for a receipt dated 4/24/24 in the amount of \$50. As a result of the interview, the facility provided a copy of the "Manual Check Request," dated 6/24/24, and payable to Resident # 13 for misappropriation, in the amount of \$50.	M 500		