

MSDH - Health Facilities Licensure and Certification

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 24DR	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING: _____	(X3) DATE SURVEY COMPLETED C 08/20/2024
NAME OF PROVIDER OR SUPPLIER DRIFTWOOD NURSING CENTER		STREET ADDRESS, CITY, STATE, ZIP CODE 1500 BROAD AVENUE GULFPORT, MS 39501		
(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) COMPLETE DATE
M 000	Initial Comments The State Agency (SA) conducted Complaint Investigations (CIs), at the facility from 8/19/24 through 8/20/24. CI MS #26039 was investigated related to misappropriation of property and M500 was cited. Based on the facility's implementation of corrective actions the SA determined the deficiency to be Past Non-Compliance (PNC) as of 6/29/24, prior to the SA's entrance on 8/19/24. During the survey, the SA determined the facility was in compliance with the Minimum Standards for Institutions for the Aged or Infirm, state licensure requirements. CI MS #26149 was investigated regarding a resident left wet for extended periods, infection control, resident abuse and staffing and there were no deficiencies related to this complaint.	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;	M 500		9/9/24

Mississippi State Department of Health

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

TITLE

(X6) DATE

Electronically Signed

09/09/24

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M 500	Continued From page 1 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 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,	M 500		

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M 500	Continued From page 2 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 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;	M 500		

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M 500	Continued From page 3 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 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:	M 500		

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M 500	Continued From page 4 Level II Based on interviews, record review, and facility policy review, the facility failed to ensure a resident's right to be free from misappropriation when facility staff used a resident's credit card to purchase goods or services without the consent or authorization of the resident for one (1) of five (5) sampled residents, Resident #1. Based on the facility's implementation of corrective actions, the State Agency (SA) determined the deficiency to be Past Non-Compliance (PNC) as of 6/29/24, prior to the SA's entrance on 8/19/24. Findings Include: A review of the facility's policy, "Abuse Neglect and Exploitation," dated 10/01/22, revealed that " ...It is the policy of this facility to provide protections for the health, welfare and rights of each resident by developing and implementing written policies and procedures that prohibit and prevent ...exploitation of resident property ...Definitions ... "Misappropriation of Resident Property" means the deliberate misplacement, exploitation, or wrongful temporary or permanent use of a resident's belongings or money without the resident's consent...Prevention of Abuse Neglect and Exploitation ...The facility will implement policies and procedures to prevent and prohibit all types of abuse, neglect, misappropriation of resident property, and exploitation that achieves...addressing features of the physical environment that may make abuse, neglect, exploitation, and misappropriation of resident property more likely to occur; and assigning responsibility for the supervision of staff on all shifts for identifying inappropriate staff behaviors ..."	M 500	Past noncompliance: no plan of correction required.	

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M 500	Continued From page 5 A record review of the Facility Investigation Summary revealed that Registered Nurse (RN) #1 and the Administrator received a report from the RR for Resident #1 on 6/24/24 that there were suspicious charges on the resident's credit card statements. The Administrator obtained the credit card from the resident and locked it up securely. The Administrator reviewed the resident's credit card statements with the Resident and her RR and determined that there were \$330.10 in suspicious charges to a local spa, nail salon, and restaurants. Detective #1 with the local police department responded on 7/25/24 and notified the Administrator that CNA #1 had been arrested and that subpoenaed information on the CNA's personal cell phone revealed that she had a photograph of the resident's credit card saved on the phone. The Summary included reimbursement of all monies fraudulently charged on Resident #1's credit card. A record review of the "Admission Record" for Resident #1 revealed that the facility admitted the resident on 2/28/24, and she had current diagnoses including Diabetes and Atrial Fibrillation. A record review of the Quarterly Minimum Data Set (MDS) for Resident #1 with an Assessment Reference Date (ARD) of 7/22/24 revealed a Brief Interview for Mental Status (BIMS) score of fourteen (14), which indicated no cognitive impairment. A record review of the personnel file for CNA #1 revealed the CNA was hired at the facility on 4/22/24, and her employment at the facility was terminated on 6/21/24, three (3) days prior to the discovery of suspicious charges on Resident #1's credit card. CNA #1's personnel file included no	M 500		

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M 500	Continued From page 6 disciplinary actions prior to the termination of employment effective on 6/21/24, documentation of a background record found no violations that prevented her from working with residents served by a nursing home, and an Orientation Checklist dated 4/22/24 signed by the CNA, indicating that she had received information that included Resident Rights and Abuse, Neglect, and Exploitation Prevention and Protection and acknowledged complete understanding and agreement to comply accordingly. A record review of Historical Employee Clocking and Schedules from 4/17/24 to 8/19/24 for CNA #1 revealed that 6/05/24 was the last day the CNA clocked in for duty at the facility. On 8/19/24 at 10:00 AM, during an interview, Resident #1 revealed that her son (and RR) was her power of attorney and received and paid her bills. She said that she was shocked to find that her credit card had charges at a local spa, nail salon, and restaurants in May 2024. She said, "It never dawned on me that anyone would do such a thing." She said that she never gave her card to anyone and always kept it in her purse in her room. She reported that she watched a home shopping channel on television and used the card for purchases from the program. She said that she had not been to a spa, nail salon, or out to any restaurants in May 2024. She said she had not given her card to anyone to use for any purpose. She said she remembered CNA #1 and had thought that she was a "sweet girl." She reported that she never had any suspicion that her credit card had been compromised, photographed, or used without her authorization. Regarding the response of the facility, Resident #1 stated, "I feel like they took care of it correctly." She stated that she had received reimbursement	M 500		

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M 500	Continued From page 7 for all unauthorized charges. She denied feeling unsafe at the facility or fear of future misappropriation of property. She said she felt safe at the facility and that her belongings were secure and that everything had been taken care of. On 8/19/24 at 11:42 AM, during a telephone interview, the Resident Representative (RR) for Resident #1 stated that he had notified RN #1 and the Administrator on 6/24/24 after a review of Resident #1's credit card statements for May and June of 2024 revealed suspicious charges. He said he provided copies of the resident's credit card statements, which included charges at a local spa, nail salon, and restaurants during the resident's residence at the facility. He said that the Administrator contacted him on 7/25/24 and reported that CNA #1 had been identified as the person who had used Resident #1's credit card without authorization. He stated that Resident #1 had received restitution for all fraudulent charges. On 8/20/24 at 12:20 PM, during a telephone interview, Detective #1 confirmed that he had spoken with the Administrator and confirmed that Resident #1 was a vulnerable adult who resided at the facility and that CNA #1 had been employed at the facility in direct care from 4/22/24 through 6/05/24. He confirmed that the Administrator had reported an allegation of misappropriation of resident property on 6/24/24. He explained that the investigation led to the discovery that CNA #1 had pictures of Resident #1's credit card on her personal cell phone. Detective #1 said that CNA #1 had a prior arrest for similar charges involving a vulnerable adult, not a resident at the facility, days before being arrested for making unauthorized charges using Resident #1's credit card. The detective said that	M 500		

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M 500	Continued From page 8 no police report was available until the investigation was concluded and that he was still investigating information discovered on CNA #1's cell phone regarding individuals who did not reside at the facility. He said he did not have the arrest date, and no court date had been set at the time of the interview. On 8/20/24 at 3:10 PM, during an interview, the Director of Nurses (DON) stated that the facility had provided in-service training regarding Resident Rights and Abuse, Neglect, and Misappropriation of Property after the event and usually completes this type of in-service at least monthly. The in-service included instructions that residents' belongings be respected and protected and that any allegations or signs/symptoms of abuse, neglect, or misappropriation of resident property be reported immediately to a supervisor, DON, or Administrator. A record review of the Quality Assurance and Improvement (QAPI) Committee Meeting Minutes dated 6/28/24 with attached sign-in sheets revealed that during the meeting attended by the facility Medical Director, Administrator, DON, and Infection Preventionist, the committee reviewed the incident and related policies and procedures and made no recommendations for changes. On 8/20/24 at 3:25 PM, during an interview, the Administrator stated that a mandatory in-service titled "Abuse, Neglect and Misappropriation Prevention and Protection" was provided by the facility to all facility staff on 6/25/24 and 6/26/24 and was completed on 6/26/24. The notifications were made to the SA, Attorney Generals Office (AGO), and local law enforcement. The Administrator also stated other residents were interviewed to make there were no other victims	M 500		

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M 500	Continued From page 9 of misappropriation by CNA #1. On 8/2024, the SA validated through record reviews and interviews that the facility investigated the allegation of misappropriation when it was made by the RR, CNA #1 had voluntarily terminated her employment at the facility prior to the allegation being made, the appropriate agencies were notified timely, in-services were conducted for all staff, and a QAPI was held on 6/28/24 to review the incident. The SA determined that corrective actions were completed on 6/28/24 and the facility was in compliance effective 6/29/24, prior to the SA entrance on 8/19/24.	M 500		