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
	36OX	A. BUILDING: _____ B. WING _____	C 04/22/2021

NAME OF PROVIDER OR SUPPLIER	STREET ADDRESS, CITY, STATE, ZIP CODE
MS STATE VETERANS HOME-OXFORD	120 VETERANS DRIVE OXFORD, MS 38655

(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 an annual recertification survey and a complaint survey at the facility from 04/19/21 to 04/22/21. The SA determined no deficiencies were cited with the licensure survey; however, the facility was not in compliance with the Mississippi Regulations for Minimum Standards for the Institutions for the Aged or Infirmed due to findings during the complaint survey. The SA substantiated MS00016611 for misappropriation of funds from a resident and cited M500. The SA did not substantiate and no deficiencies were cited for MS00017470 for resident assessment, MS00017308 for staffing and cross-contamination, MS00017177 for resident choking, MS00017110 for not answering call lights, vaping in the building, and not verifying medications, MS00016708 for verbal and physical abuse, and MS00016660 for inappropriate discharge. The facility census at the time of the survey was 87. The facility held a license for 150 beds.	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;	M 500		

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M 500	Continued From page 1 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 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	M 500		

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M 500	Continued From page 2	M 500		

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 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

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M 500	Continued From page 3	M 500		

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 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

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M 500	Continued From page 4 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 record review and staff interviews, the facility failed to protect a resident from financial exploitation by a staff member, for one of twelve residents reviewed. Resident #1. Findings include: Review of the facilities policy titled, "Abuse Policy and Procedure" dated for 10-16-2012, revealed, "General: The resident has the right to be free from verbal sexual, physical, or mental abuse, corporal punishment, and involuntary seclusion. Purpose: The purpose of this policy is to provide all employees with guidelines when resident abuse, neglect, or exploitation is suspected. All Mississippi's State Veterans' home residents have the right to be free from abuse, neglect, or exploitation, and any other abuse as described in the attachment. It is our policy to maintain a zero tolerance for ANY form of abuse, neglect, or exploitation ...Financial Exploitation: An improper course of conduct with or without informed consent of the older adult that results in monetary, persona, or other benefit, gain, or profit for the perpetrator and/or monetary or personal loss for the older adult." Review of the facility's policy titled, "Senate Bill 2427", dated, 2003, revealed, " An act to amend section 43-47-5, Mississippi Code of 1972, to	M 500		

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revise the definition of exploitation under the vulnerable adults act ...to require reporting of the receipt or acceptance of any money, gift or thing of value by care facility employees ... Exploitation means the illegal or improper use of a vulnerable adult or his resources for another's profit or advantage with or without the consent of the vulnerable adult, and includes acts committed pursuant to a power of attorney. Exploitation includes, but is not limited to a single incident ...Any person who willfully exploits a vulnerable adult, where the value of the exploitation is Two Hundred Fifty Dollars ($250.00) or more, the person who exploits a vulnerable adult shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment in the custody of the Department of Corrections for not more than ten (10) years ..."

Resident #1:

Review of Resident #1's Face Sheet revealed he was admitted to the facility on 01-19-2018 with diagnoses of Morbid Obesity, Chronic Obstructive Pulmonary Disease, Depression, Anemia, Hypercholesterolemia, Obstructive Sleep Apnea, Hypertension, Lymphedema, and GERD.

Review of the facility's "Report of Investigation" dated 02-04-2020, revealed, on 02-03-2020 at 8:30 PM, Resident #1 told the administrator he had been giving Certified Nurse Aide, (CNA) #1 money. Resident #1 stated the CNA had been asking for small amounts for gasoline and told the administrator he had cashed checks at bank for her. Resident #1 also stated the CNA had asked him to delete all the text correspondence and that he gives her the receipts to destroy. When Resident #1 was asked how long this had been going on, he stated, "for about 9 months".

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Resident #1 supplied them with a receipt from Walmart in the amount of $408.00, with CNA#1 as the recipient of the transaction. Resident #1 also stated he had given her $400.00 to help fix her car and believed he had given her approximately $3000.00 or more. Resident #1 stated CNA#1 had threatened him and stated, "if you tell on me, I will come down there and get you. I will hurt you if you tell on me, and I will make sure you go to jail." Another time the aide told him, "I could sneak up and get you with a knife." Resident #1 also told the administrative staff, CNA#1
made comments to him like "If I were on D Hall, I'd fuck and suck you already", and "I'll give you some pussy if you give me some money." He stated the aide told him to "Lie about the relationship".

A second addendum to the Report of Investigation, dated 02-07-2020, revealed, CNA#1 had refused to cooperate with the investigation and refused to come in for an interview. She had been placed on administrative leave on 02-04-02020 and was then terminated on 02-07-2020 due to a failure to appear for an interview two times.

On 04-21-2021 at 2:30 PM, during an interview with the DON, she stated the resident had felt threatened into giving the aide money, because she worked there and had access to come in his room, and he had also been told they were in a relationship and she would give him sexual favors for the money. She stated the resident was young, and still wanted to have a female companion in his life, and even was looking for a girlfriend online that did not want him for his money. The aide that had done all of this to him, had been put on administrative leave immediately

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and then terminated because she would not return to the facility for an interview. They had reported all of this to the state, and the attorney general's office as well.

A copy of the receipt to Walmart in the amount of $408.00 from Resident #1 to CNA #1 was provided to the State Agency (SA) as verification he had sent her money.

On 04-21-2021 at 3:00PM, Resident #1 declined an interview with the SA, because he wants to "move on and not think about it anymore. It was a long time ago."

Review of CNA#1's employee file revealed she had been in-serviced on the Mississippi Vulnerable Adults Act on 01-22-2019, the Abuse Policy, and upon hire had no adverse findings of abuse, neglect or misappropriation of property on file with the Mississippi Nurse Aide Registry, dated 02-15-2019.

Review of CNA#1's file revealed a "Termination/Resignation Request" dated 02-20-20, which revealed, CNA#1 had been terminated effective 02-07-2020 and was not eligible for rehire. The reason for termination was "a complaint by resident that employee was accepting money from him. The action taken was "investigation was done, with termination of employee."