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 |
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| M 000 | Initial Comments<br><br>CI MS #19205<br><br>On 08/15/2022 the State Agency (SA) conducted an onsite compalint survey, CI MS #19205 for alleged violations of Resident Rights. The SA Substantiated CI MS #192205 and cited State Liensure deficiencies for Rule 45.17.2-Resident Rights 7. Free from mental and physical abuse. The SA determined that the facility was not in compliance with the requirements for participation with the State Licensure. The census was 141 and the licensed beds was 150 on 08/15/2022. | M 000 | | |
| M 500 | 45.17.2 Residents' Rights<br><br>Residents' Rights. The residents' rights policies and procedures ensure that each resident admitted to the facility:<br><br>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;<br><br>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;<br><br>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 | | |

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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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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<br>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);<br><br>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);<br><br>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);<br><br>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<br><br>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.<br><br>This Statute is not met as evidenced by:<br>Based on record reveiw, observations, policy and procedure reviews, and interviews, the facility failed to ensure that Resident (Res #1) was free from mental and physical abuse following eye | M 500 | | |

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surgery at the local hospital. The facility did not provide safe and comfortable transportation back to the facility for Res #1 after his eye surgery. The facility required a Certified Nursing Assistant (CNA) to push Res #1 in a wheelchair back to the facility from the hospital on a busy street with hot temperatures on 06/08/2022. Res #1 was one (1) of five (5) residents reviewed for Resident Rights.

The Facility Policy and Procedure titled: "Abuse Policy and Procedure" dated Revised May 13, 2022, revealed: The resident has the right to be free from verbal, sexual, physical, or mental abuse, corporal punishment, and involuntary seclusion. Abuse is defined as the infliction of physical pain, injury or mental anguish, unreasonable confinement or willful depravation of services which are necessary to maintain the mental and physical health. Psychological Abuse: the threats of injury, unreasonable confinement, and punishment or verbal intimidation/humiliation which may result in mental anguish such as anxiety or depression.

Interview on 08/15/2022 at 1:30 P.M. with the facility Administrator (ADM) revealed that they did except resident #1 (Res #1) back from cataract eye surgery on 06/08/2022 via a wheel chair. The wheelchair was pushed by a Certified Nursing Assistant (CNA). The ADM stated that she rode in her car with her flashers on in a gesture to escort the wheel chair from the local hospital back to the facility. The weather was hot and the resident was the one that requested to be pushed back to the facility because there was no facility vehicle available to transport Res #1 back

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from eye surgery. Res #1 was taken to the eye surgery in a facility van to have eye surgery on the morning of 06/08/2022. After his eye surgery there was no facility van available within 88 miles of the hospital and the Res #1 did not want to wait at the hospital until there was an available facility van for his transport. The ADM was unable to place Res #1 in her private vehicle for transport due to insurance and liability issues. The ADM told the CNA to push Res #1 back to the facility per his request and she would follow along with her flashers on to assist with safety.

Record review of the google website for the National Weather Services for June 08, 2022 revealed that the temperature for the area of the facility was 91 degrees Fahrenheit and Humidity High.

Record review revealed that there was a physician's order contained in the medical record of Res #1 that was signed by the physician and dated 5/4/22 6:30 PM: "NPO (nothing by mouth) after midnight 6/8/22 except meds. Cataract surgery left eye @ (name of hospital) 6/8/22 @8:00 AM"

Record review of the medical record of Res #1 revealed that he was scheduled in advance on 05/05/2022 for cataract Left eye surgery on 06/08/2022 at 8:00 A.M. The document reviewed was titled "Pre-op Instructions" revealed: 1- Nothing to eat or drink after: Midnight (Except for medications as outlined in item #3). 2- Bring a list of current medications (this includes: vitamins, supplements, and pain relivers) AND surgeries. 3- On the morning of surgery take all of your scheduled medication as early as possible with a

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sip of water. Do not take your insulin if you are diabetic. Call the hospital with any questions. 4-So that surgery will not be delayed, you MUST have a driver to and from your surgery. Your driver MUST stay at the hospital at all times ...8-There is a kit fee for supplies including cataract sunglasses, a plastic shield, and tape. You will use these items after your surgery and will receive it on the day of surgery. PLEASE RETAIN THIS KIT and remaining supplies if you will have surgery on your SECOND EYE ..."

Record review of the document titled "Post Op (Operation) Instructions" revealed Wear eye shield for one week while resting or sleeping; No eye makeup and or soap around eye for one week; No bending over where the face would be flat to ground or pressure to the eye; No heavy lifting, over 5-10 pounds for a week; Wear eye protection while outdoors; Prevent using any household cleaning agents and or being around anything that may irritate the eye ..."

Record review of the Departmental Notes dated 6/8/2022 at 10:44 AM revealed: Resident (Res #1) to appointment @0720 accompanied by staff x1. Transported via W/C (wheelchair). No Distress noted. Took medications without difficulty with sip of water. Record review revealed: 6/8/2022 at 2:03 PM. Returned to facility @1240 accompanied by staff x1. Transported via W/C (wheelchair). No distress noted. Dressing to Left eye clean, dry, and intact. Scheduled Norco given as ordered R/T (in reference to) pain.

Record review of the form titled: "Grievance

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| M 500 | Continued From page 7<br>/Complaint Report" dated 06/09/2022 revealed "6/9/2022 (Res #1) filed the grievance. "Documentation of Grievance / Complaint Describe concern using factual terms: (Res #1) stated, he had a doctor's appointment for eye surgery. He went into surgery at 9:45 AM. He was out at about 10:45. He then waited for transportation back to the facility. After waiting for transportation a lady came back and pushed him in a chair in 100* weather back to the facility." The grievance report documented that the ADM completed the Follow-up and completed Resolution of Grievance /Complaint signed by the ADM and dated 6/10/2022.<br><br>Interview on 08/15/2022 at 2:00 P.M. with the Certified Nursing Assistant (CNA) revealed that she had been upset when the facility ADM had told her to push Res #1 from the hospital back to the facility in a wheel chair. CNA stated that Res #1 had had eye surgery earlier that morning and that they had been waiting for some time for someone at the facility to come and pick them up and transport them back to the facility. CNA stated that at the beginning of the event she was unable to reach someone at the facility to notify them that the surgery was over and that they were waiting to be picked up. CNA stated that the facility van had transported them to the surgery early on the morning of 06/08/2022. Res #1's surgery was scheduled for 8:00 A.M. and they arrived at the hospital approximately 45 minutes to an hour prior to the surgery. CNA stated that they were told that there were no vans at the facility for transporting them back to the facility from the hospital. CNA stated that the temperature on 06/08/2022 was very hot and humid. CNA stated that she was not in shape and was too old to be pushing a wheelchair with a | M 500 | | |

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resident in it, back to the facility from the hospital. CNA stated that she was very upset and shaken up over the hot trip back to the facility. The pushing of the resident in the wheelchair was difficult, exhausting, and hot. CNA stated that the resident was upset that no one came to pick them up and the facility ADM would not allow them to ride in her vehicle. CNA stated that the ADM offered to give them an umbrella to help shield them from the sun as she pushed the wheelchair and the resident back to the facility. CNA stated that they refused the offer of the umbrella because she was not able to push the resident in the wheel chair and hold an umbrella up over them at the same time. She stated that the ADM followed along with them as she pushed the resident back to the facility. CNA stated that it was not a long way back from the hospital to the facility but it was hard to push on the busy street and up hills and on the uneven terrain. CNA stated that there were no seat belts on the manual wheelchair and no footrests. CNA stated that the distance was less than a mile but was difficult for her and for the Res #1. CNA stated that she would never ever again be made to push a resident in a wheelchair in the hot sun for such a difficult task. CNA stated that she had worked at the facility for many years and had never been told to push a resident in a wheelchair such a long distance in the hot sun. During the interview with the CNA, she showed visible signs and symptoms of distress. CNA stated that Res #1 was upset when he arrived back to the facility and he made a formal complaint with the Social Worker. CNA stated that it was during the noon hour that she had been requested to push Res #1 back to the facility from the hospital.

Interview on 08/15/2022 at 2:30 P.M. with the

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| M 500 | Continued From page 9<br><br>Licensed Social Worker (LSW) revealed that she had been the facility LSW for eight (8) years. LSW stated that Res #1 filed a formal grievance on 06/09/2022 with her after she had been told that Res #1 was upset about having no vehicle transportation back from his eye surgery. LSW stated that Res #1 was most upset that the facility ADM would not let him in her vehicle and she rode along with them in her car as they were in the hot sun on the busy street. LSW stated that the State cooperate office for VA had been given the report of Res #1's grievance because the grievance was against the ADM and the ADM was not allowed to handle an investigation against herself. LSW stated that to her knowledge the grievance had never been processed because she had not been asked for her statement nor had Res #1. LSW stated that the grievance was unresolved to her knowledge. LSW stated that Res #1 was cognitive and he was capable of handling his own grievance and he did not want his daughter (RP) involved. Res #1 did not want to worry his daughter. LSW confirmed that she was not invited to a meeting of the department heads to discuss the new protocol and LSW denied having been given a copy of the resolved grievance for Res #1.<br><br>Observation and Interview on 08/15/2022 at 3:00 P.M. with Res #1 revealed a man with a feeding tube attached to his stomach and a manual wheelchair at his bedside. Res #1 was an amputee from above the knee. His manual wheelchair he identified as his only wheelchair provided. The wheelchair had no seat belts and no footrest attached. Res #1 stated that this was his wheelchair on 06/08/2022. Res #1 stated that "yes" this was the same wheelchair that the CNA had to push him in back from his eye surgery. | M 500 | | |

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Res #1 stated that the temperature on 06/08/2022 was very hot and may have been approximately 100 degrees Fahrenheit. Res #1 stated that he filed a formal grievance because he was worried about the CNA because she was so upset over having to push him back in the hot sun. Res #1 stated that the fact that the ADM rode in her car and would not let them ride with her, upset him the most. Res #1 stated that he wanted the situation to be over and never happen again. He stated that it was ridiculous that there was not a van from the facility that was scheduled and/or available to transport them back from the eye surgery. Res #1 stated that he had not had anything to drink or eat since the night before surgery and being out in the hot sun was dangerous. Res stated that the street was busy with cars coming and going. Res #1 stated that a large portion of the trip was up hill and difficult to travel. Res #1 stated that no one from the facility had talked to him since he had filed the formal grievance on 06/08/2022. Res #1 stated: "But I don't care, I just wanted the situation not to happen again." Res #1 stated that he was ok now and he hoped the issue was over. Res #1 stated that the facility was a good place and he thought the care was good. He stated that all of his needs are met and the staff are good to him. Res #1 had no concerns to voice. Res #1 stated that he was tube fed and he also took foods by mouth as well. There was a glass of water and a glass of ice tea with straws sitting on Res #1's over bed table. Res #1 stated he drank tea and water most all day and enjoyed them.

Interview on 08/15/2022 at 3:30 P.M. with the ADM revealed that she had conducted and investigated the grievance of Res #1 and she had talked to the RP daughter on 06/10/2022 to let

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| M 500 | Continued From page 11<br>her know about the findings and resolutions. ADM stated that there had been a meeting on 06/10/2022 with the department heads and the LSW and they devised a new protocol for transportation in order to never have this type of situation to occur again. ADM gave surveyor an email that was sent out with the new protocol outlined. ADM stated that she had the LSW to talk to Res #1 on 06/10/2022 and she talked to the RP on 06/10/2022.<br><br>Observation on 08/15/2022 at 4:00 P.M. the surveyor clocked the distance on her personal car odometer and verified that the hospital was .4 (four tenths) of a mile from the facility. The street was observed to contain busy traffic and hilly tarrain. The buildings along the street were the local hospital, the county Health Department, another large two (2) story nursing home; a large dental clinic, and an apartment complex. The facility was located at the end of the street, past the other businesses and buildings, and the hospital was located at the opposite end of the street. | M 500 | | |