

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: HAL060148	(X2) MULTIPLE CONSTRUCTION A. BUILDING: <u>Waltonwood Cotswold</u> B. WING: _____		(X3) DATE SURVEY COMPLETED R-C 03/28/2017
NAME OF PROVIDER OR SUPPLIER WALTONWOOD COTSWOLD		STREET ADDRESS, CITY, STATE, ZIP CODE 5215 RANDOLPH ROAD CHARLOTTE, NC 28211			
(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	
D-000	Initial Comments The Adult Care Licensure Section and the Mecklenburg County Department of Social Services conducted a follow-up survey and complaint investigation on 3/28/17.	D-000	Waltonwood Cotswold has turned off all audio capability on all six cameras as of March 29, 2017 at 10:47 AM.	March 29, 2017	
D-338	10A NCAC 13F-0909 Resident Rights 10A NCAC 13F-0909 Resident Rights An adult care home shall assure that the rights of all residents guaranteed under G.S. 131D-21, Declaration of Residents' Rights, are maintained and may be exercised without hindrance. This Rule is not met as evidenced by: Based on observations and interviews the facility failed to maintain the residents' right to privacy as evidenced by 6 mounted cameras with audio recording being used without full disclosure. Observation of the camera equipment on 03/28/17 at 2:08 pm revealed: -A video screen with all of the original cameras running on a constant stream without audio. -A second video screen with 7 panels of video, recording 6 different cameras with one camera with two views. -The cameras would initiate video and audio recording upon movement. -The six cameras with audio were located at the front desk, in the hallway outside the conference room, in the game room, in the living room and two located in the special care unit. -The monitors for all the cameras were located in a locked room on the first floor that was accessible only to the Administrator and the maintenance director. -A conversation at the front desk was observed.	D-338			

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

Leah Nash

Leah Nash

TITLE

Executive Director

(X6) DATE

April 10, 2017

STATE FORM

C28711

*Reviewed + Approved
4-13-17 JHS*

If continuation sheet, 1 of 6

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D 338	Continued From page 1 and heard with clarity. Interview with the administrator on 03/28/17 at 1:49 pm revealed: -The building was originally built with a camera system that did not have audio. -Six cameras were added after the building was finished and they had audio capability. -The cameras were not monitored continuously rather they were reviewed on an "as needed basis" if there was an incident. Interview with a resident on 3/18/17 at 3:15 pm revealed: -She was one of the first residents at the facility. -She did not know if there were cameras in or about the facility. -It would bother her if the cameras had audio capability. -The facility may have discussed camera disclosure with the lease agreement but she was unsure. Interview with a second resident on 03/28/17 at 3:24 pm revealed: -He had lived at the facility for 5 months. -He had not known of any cameras in the facility and if they were present it would not bother him. -If the cameras had audio capabilities it would bother him and, "I would view this as a bit of an intrusion on my privacy." Interview with a third resident on 03/28/17 at 3:20 pm revealed: -The resident was not aware there were cameras in the common areas of the facility. -If the facility informed him about the cameras when he was admitted, he did not recall. -The resident initially stated it would bother him if	D 338			

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D 338	Continued From page 2 there were cameras in the common areas, then clarified that it would depend on the purpose of the cameras. - "If they were using them to see what happened if someone got hurt, that would be okay, so I guess it depends on the purpose" - "If they were just watching all the time and spying on me, I'd have a problem" with that. Interview with a forth resident on 03/28/17 at 3:24 pm revealed: - She did not think the facility had cameras in the common areas and it would bother her if they did. - "It's not necessary to follow us around all the time." - Her admission paperwork was signed by a family member and no one talked to her about photos or videos. Interview with a fifth resident on 03/28/17 at 3:32 pm revealed: - The resident did not know whether or not the facility had cameras in the common areas, but it would not bother her if they did, because she "don't go out that much". Interview with a sixth resident on 03/28/17 at 3:20 PM revealed: - She had lived in this facility for about 6-7 weeks. - She was unaware the facility had cameras. - She was curious who monitored the cameras. - Her family member signed all of the admission paperwork. Interview with an seventh resident on 03/28/17 at 3:28 PM revealed: - He moved into the facility in late December 2016. - His Responsible Party signed all the admission paperwork for him to move into the facility.	D 338			

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WALTONWOOD COTSWOLD

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D 338	Continued From page 3 -He was not aware the facility had cameras and he had never noticed the cameras in the facility. - "I would have a problem with someone recording me on a video camera that had audio." " I have a right to privacy." Interview with a eighth resident on 03/28/17 at 3:47 PM revealed: -She signed her own admission paperwork. -She had lived there for about 4 months. -She was aware that the facility had video cameras. -She was not aware if the cameras had audio recording. -She hoped the cameras did not have audio recording. -She did not want any of her conversations being recorded without her permission unless, "I fell and was yelling for help". -"Recording conversations without my knowledge is an invasion of my privacy." Telephone interview a Responsible Party (RP) on 3/28/17 at 4:24 PM revealed: -He was the resident's RP and he signed the admission contract for his family member. -He thought he had a conversation about video cameras on admission with the Administrator. -The facility never discussed anything about any of the video cameras having the capability of audio recording. -He felt the video cameras were appropriate for safety reasons in the facility. -He stated, "if his [family member] has a problem with audio cameras, he had a problem with audio cameras as well". -The audio cameras were an invasion of residents' privacy. Telephone interview with a resident's family	D 338		

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D 338	Continued From page 4 member on 03/28/17 at 4:02 pm -She was not aware of cameras in the common areas. -She signed all the admission paperwork for her family member and recalled giving permission for her family member to be included in group photographs. -She did not have a problem with the facility having cameras with audio recording in the common areas because she assumed it was for security. -"I can't imagine us doing or saying anything in a common hallway that would be so private that I wouldn't want anyone to see or hear." "If there was something requiring privacy, we would go in her room." Telephone interview with a resident's family member on 03/28/17 at 4:10 pm revealed: -He signed all the admission paperwork for his family member. -Both he and his family member were "fine" with the cameras being throughout the facility. -In the first few weeks after his family member was admitted, there was some "issue" that occurred and the facility was able to "look at the footage and see who the caregiver was." -The cameras were a "wonderful thing from my point of view." Telephone interview with a resident's Responsible Party on 03/28/17 at 11:58 am revealed: -She did not think audio recording was part of the video surveillance. -She could not recall anything about cameras with audio capability being discussed in the lease agreement meeting. -She did feel it was a breach of privacy to have audio recording. -She had conversations with other resident's	D 338			

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D 338	Continued From page 5 family members in common areas of the facility that she thought had been confidential. A second interview on 03/28/17 at 4:32 pm with the Administrator revealed: -Permission for camera and photo use was signed by residents on the lease agreement during admission. -The cameras were in all common areas to enhance security and media companies take photos for marketing purposes. -The audio function of the cameras were discussed during the admission process as well, but she "can't say (it was discussed) every time". -The cameras with the audio capability were installed in September 2016. -The facility staff did not inform existing residents of the installation of the audio/video cameras. -The cameras had never come up as a grievance issue. -She had already contacted the camera company and was having the audio disabled as soon as possible.	D 338		