STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:	(X2) MULTIPLE CONSTRUCTION	(X3) DATE SURVEY COMPLETED
	2102	A. BUILDING _____ B. WING _____	R 05/12/2008

NAME OF PROVIDER OR SUPPLIER	STREET ADDRESS, CITY, STATE, ZIP CODE
RAINBOW VISION SANTA FE, LLC	500 RODEO ROAD SANTA FE, NM 87505

(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
{A 01}	OPENING REMARKS The findings in Citation 001 - Opening Remarks include information discovered but will not be considered a deficient practice for the purpose of this survey. Development of internal policies, procedures, protocols and staff training regarding the issue intended to meet the facility's unique business needs and clientele may be considered in the interest of responsible resident care. Based on observation, record review and interview, the facility's only bath tub has a peculiar method by which it drains in the event of an emergency situation. The findings are: A. On 5/14/08 at 3:14PM during interview with S1, S1 reported the following in reference to the Arjo Spa Tub located in the Assisted Living area: 1. In the event a resident emergency should occur causing necessity to push the emergency drain button, the tub water would drain out of the emergency seal release valve located at the bottom of the tub and on to the level grade tile floor and adjacent drywall behind the tub. 2. Next, S1 went on to report that during the past 4 times that the emergency button has been pressed, water from the tub has breached the drywall behind the tub and flowed down to the ground floor ceiling breaching that drywall and any building system elements in the path of the water flow which may be obscured by the drywall covering. B. On 5/14/08 at 3:19 PM during direct observation of the ground floor ceiling referred to by S1, there was visual evidence in the existing	{A 01}	RainbowVision brought in the tub manufacturer to test and retest the tub operation. The manufacturer replaced a valve and found that it was in perfect operation. Castro Assisted Living has experienced no drainage problem since that time.	9/5/08 9/5/08

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7-11-08

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE — TITLE — (X6) DATE

General Manager 7/9/08

STATE FORM 4S5W12 If continuation sheet 1 of 9

RECEIVED 2008 HEALTH FACILITY & CERTIFICATION

ORIGINAL

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:	(X2) MULTIPLE CONSTRUCTION	(X3) DATE SURVEY COMPLETED
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{A 01}	Continued From page 1 drywall of the prior water drainage, such as ripples and cracked/peeling paint. C. On 5/14/08 at 6:00 PM during review of the Reference Copy of the Arjo Air Spa Bathing Guide (page 20), it reads that "The emergency seal release valve should only be used in emergency, because the water will spill out onto the bathroom floor". D. On 5/14/08 at 3:15 PM during interview with S1, S1 commented that should an emergency situation occur that requires the use of the emergency drain, the resident and accompanying staff would have to evacuate the bathing room through standing water in spite of the small floor drain located on the bathing room floor.	{A 01}	RainbowVision Santa Fe will ensure through the Assisted Living nursing staff that prior to admission, resident/ and or legal guardian shall be provided an Incident Management Report Information packet.	9/5/08
{A20}	7 NMAC 8.2.20 Admissions/ Discharge Agreement 7.8.2.20 ADMISSION/DISCHARGE AGREEMENT: The facility must establish an admission agreement for each resident. A. The admission agreement must include the following information: (1) The parties to the agreement. (2) The scope of services to be provided. (3) The cost of services and method of payment. (4) The circumstances under which the Agreement may be terminated. (a) Termination of admission agreements shall be upon at least fifteen (15) days written notice, to the resident and his or her agent or guardian, where applicable, unless the resident requests termination. (b) The facilities bed hold policy. (c) An admission/discharge agreement	{A20}		

Renewal Manager 7/9/08

2nd ORIGINAL

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:	(X2) MULTIPLE CONSTRUCTION	(X3) DATE SURVEY COMPLETED
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{A20}	Continued From page 2 may provide for termination by the facility when the resident's health has improved sufficiently so the resident no longer needs the services provided by the facility. (d) Termination of an admission agreement by the facility is permitted in emergency situations for the following reasons: the transfer or discharge is necessary for the resident's welfare and the resident's needs cannot be met in the facility; the safety or health of individuals in the facility is endangered; the resident has failed to pay for a stay at the facility, as defined in the admission agreement; the facility ceases to operate or is no longer able to provide services to the resident; and due to sanctions or remedies imposed by the Department. B. A new or amended admission agreement must be executed whenever services, costs or other material terms are changed. [7-11-86, 1-11-90, 4-7-97; 7.8.2.20 NMAC - Rn, 7 NMAC 8.2.20, 8-31-00] This REQUIREMENT is not met as evidenced by: This is a recitation from survey dated 3/25/08. Refer to 7.8.2.20(A)(2-3) - Admission Agreement Refer to 7.8.2.20(B) - Amendments to admission agreements Based on interviews, the facility failed to provide an admission agreement with specific and detailed information about all services provided by the facility and the scope of those services, how those services would be provided, their costs and advance written notice of any changes/clarifications. This has the potential to negatively impact 100% of the resident population. The findings are:	{A20}	The final draft of new assisted living lease and accompanying documents are being reviewed to ensure documents reflect information about services provided for the facility and the scope of services.	9/5/08

Renewal Manager 7/9/08

2nd ORIGINAL

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{A20}	Continued From page 3 On 5/14/08 at 10:00 AM during interview with S3, S3 stated that she understood how many elements of the existing admission agreement could be clarified. On 5/14/08 at 3:45 PM during interview with S2, S3, S9 and S28, S28 stated that all elements of the lease agreement would be revised for greater clarity and detail.	{A20}		
{A34}	7 NMAC 8.2.34 Resident Rights 7.8.2.34 RESIDENT RIGHTS: All licensed facilities shall be aware of, protect, and enhance the rights of all residents. A. Prior to admission to a facility, a resident and/or legal representative shall be given a written description of the legal rights of the residents translated into another language, if necessary, to meet the residents understanding. B. If the resident is incapable of understanding his/her legal rights, and if he/she has no legal representative, then the licensee shall also give a written copy of the resident's legal rights to one of the following persons, in this order of priority: (1) the resident's spouse; (2) any of the resident's adult children; (3) either of the resident's parents; (4) any relative the resident has lived with for six or more months before admission; (5) a person who has been caring for, or paying benefits on behalf of the resident; (6) a placing agency; or (7) any other person, e.g., Ombudsman. C. These resident rights and the telephone number for the Ombudsman Program shall be posted in a conspicuous place in the facility: D. The facility, to protect resident rights	{A34}	A. RainbowVision Santa Fe prior to admission, a resident and or legal guardian or provided written description of the legal resident rights. B. RainbowVision Santa Fe ensures that prior to admission residents and or legal guardians shall be provided with the copies of legal resident rights. C. Current Ombudsman posters are posted in two locations visible to residents and visitors.	9/5/08 9/5/08 9/5/08

General Manager 7/9/08

ORIGINAL

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{A34}	Continued From page 4 must: (1) Treat all residents with courtesy, respect, dignity and compassion. (2) To the extent that resident required services fall within the scope of the facilities program, avoid discrimination in admission or services because of a resident's age, race, religion, physical or mental disability, or nationality. (3) Furnish residents written information about all services provided by the facility and their costs, and advance written notice of any changes. (4) Assure that residents have a safe and sanitary living environment. (5) Provide humane care. (6) Assure the resident's rights to privacy in medical care, including privacy during medical examinations, consultations and treatment; and protect the confidentiality of the resident medical records. (7) Protect and assure the resident's right to personal privacy, including privacy in personal hygiene; privacy during visits with a spouse, family member or other visitor; and privacy in the resident's own room. (8) Assure the resident's right to communicate privately and freely with any person, including private telephone conversations and private correspondence; and assure the resident's right's to receive visits from family, friends, lawyers, ombudsmen and community organizations. (9) Prohibit the use of any and all physical and chemical restraints. (10) Assure the residents are free from physical and emotional abuse and neglect. (11) Assure that all residents are free from financial abuse and exploitation by facility staff and/or management.	{A34}	D. RainbowVision Santa Fe will ensure that items numbers 1-27 are implemented by staff in-service trainings and six month reviews.	9/5/08

7/9/09

2nd ORIGINAL

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{A34}	Continued From page 5 (12) Consistent with the resident's health, abilities and security, assure the right of the resident to freely participate in religious, social, community and other activities; and freely associate with persons in and out of the facility. (13) Permit the residents to leave the facility freely and return without unreasonable restriction. (14) Prevent unjustified room transfers or discharge from this facility. (15) Use care and management practices that foster social interaction and avoid practices that unnecessarily result in social isolation. (16) Provide services consistent with informed consent. (17) Assure that all residents may voice grievances to the facility staff, public officials, the ombudsmen or any other person, without fear of reprisal or retaliation. (18) Promptly address and resolve resident complaints. (19) Foster resident participation and understanding in the development, review and modification of the resident's plan for care and treatment. (20) Respect a resident's choice of doctor, pharmacist and other health care provider. (21) Respect a resident's medical treatment decisions and advance directives, such as living wills and durable powers of attorney for health care. (22) Respect a resident's right to keep and use personal possessions without loss or damage. (23) Allow each resident to manage and control the resident's personal finances to the extent that the resident is able, and provide to every resident a written record of all financial	{A34}		

General Manager 7/9/08

ORIGINAL

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{A34}	Continued From page 6 arrangements and transactions involving that resident's funds. (24) Allow residents to freely organize and participate in a resident association that may recommend changes in the facility's policies, services and management. (25) Require no resident to work for the facility. (26) Consult with the incapacitated resident regarding his/her care, regardless of the involvement of a guardian or surrogate decision maker. (27) Assure the involvement in, and consent of, an incapacitated resident's guardian or surrogate decision maker in the resident's care. E. The resident's rights shall not be restricted unless the resident agrees to such a restriction, and unless this restriction is described in detail in his/her individual service plan. [9-24-76, 7-11-86, 1-11-90, 4-7-97; 7.8.2.34 NMAC - Rn, 7 NMAC 8.2.34, 8-31-00] This REQUIREMENT is not met as evidenced by: This is a recitation from survey dated 3/25/08. Refer to 7.8.2.34 (D)(3) - Protect the rights of all residents. Based on observation, record review, and interview, the facility failed to protect residents rights by furnishing residents with specific information about all services provided by the facility, how those services would be provided, their costs with advance written notice of any changes/clarifications. This has the potential to negatively impact 100% of the resident population. The findings are: A. On 5/14/08 at 10:00 AM during interview with	{A34}	RainbowVision Santa Fe Assisted Living Lease is in it's final draft to incorporate and ensure that the right information is provided to the resident or legal guardian. A simpler and clearer explanation of services provided and their costs. Also, a thirty day written notice of changes or clarifications shall be provided to the resident or legal guardian.	9/5/08

Executive Director 7/9/08

ORIGINAL

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{A34}	Continued From page 7 S3, S3 stated that she understood how many elements of the existing admission agreement could be clarified. B. On 5/14/08 at 3:45 PM during interview with S2, S3, S9 and S28, S28 stated that all elements of the lease agreement would be revised for greater clarity and detail.	{A34}		
{A66}	7 NMAC 8.2.66 Related Regulations & Codes 7.8.2.66 RELATED REGULATIONS AND CODES: Adult residential care facilities subject to these regulations are also subject to other regulations, codes and standards as the same may, from time to time, be amended as follows: A. Health Facility Licensure Fees and Procedures, New Mexico Department of Health 7 NMAC 1.7 (10-31-96). B. Health Facility Sanctions and Civil Monetary Penalties, New Mexico Department of Health, 7 NMAC 1.8 (10-31-96). C. Adjudicatory Hearings, New Mexico Department of Health, 7 NMAC 1.2 (2-1-96). [9-24-76, 7-11-86, 1-11-90, 4-7-97; 7.8.2.66 NMAC - Rn, 7 NMAC 8.2.66, 8-31-00] This REQUIREMENT is not met as evidenced by: This is a recitation from survey dated 3/25/08. Refer to NMAC 7.1.13.10(E) - Incident Reporting, Intake, Processing and Training Requirements (Effective date February 28, 2006) - Consumer and Guardian Orientation Packet Based on record review and interview, the facility failed to ensure that documentation of notice to family members and/or guardians regarding incident reporting information was in facility lease	{A66}		

7/9/08

ORIGINAL

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 2102	(X2) MULTIPLE CONSTRUCTION A. BUILDING ____ B. WING ____	(X3) DATE SURVEY COMPLETED R 05/12/2008
NAME OF PROVIDER OR SUPPLIER: RAINBOW VISION SANTA FE, LLC	STREET ADDRESS, CITY, STATE, ZIP CODE: 500 RODEO ROAD SANTA FE, NM 87505		

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{A66}	Continued From page 8 agreement or other resident notifications. The findings are: A. On 3/25/08 at 1:00 PM during review of R11's file , it was noted that it had no documentation of notification to family members/guardians regarding Incident Management B. On 3/20/08 at 3:00 PM during interview with S9, S9 stated that no Incident Management information was provided during the leasing process. C. On 5/14/08 at 11:03 AM during review of draft copy of facility incident notification form, it was noted that it contained no information that would inform residents, families, Powers of Attorney, or other responsible parties of their right to contact Incident Management Central Intake with issues. D. On 5/14/08 at 3:45 PM during interview with S28, S28 stated that the document would be updated with all the appropriate information. E. On 5/14/08 at 6:00 PM during review of the facility's Incident Management System Training policies and procedures, document labelled "Instructions for using the Incident Management System Training Policies and Procedures" notes the following: -"Add [sic] to new admission packets [sic] to ensure that all new residents, families, case managers and staff are informed upon move in [sic].	{A66}	RainbowVision Santa Fe has provided current residents and legal guardians a copy of the Incident Management letter and attached an Incident Management report information packet. RainbowVision Santa Fe will also ensure that prior to admission residents/ and or legal guardians shall be provided the same.	9/5/08

General Manager 7/9/08

ORIGINAL