STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:	(X2) MULTIPLE CONSTRUCTION	(X3) DATE SURVEY COMPLETED
	0018270	A. BUILDING: _____ B. WING _____	C 12/06/2023

NAME OF PROVIDER OR SUPPLIER	STREET ADDRESS, CITY, STATE, ZIP CODE
SYLVAN CROSSING AT MARITIME GARDENS	1945 DEWEY STREET MANITOWOC, WI 54220

(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
N 000	Initial Comments On 11/28/2023, with information gathered through 12/06/2023, Surveyors investigated 2 complaints. One of 2 complaints was unsubstantiated. One of 2 complaints was substantiated and 1 new deficiency was identified. Census 25	N 000		
N 353	83.32(3)(i) Rights of Residents: Adequate treatment In addition to the rights under s. 50.09, Stats., each resident shall have all of the following rights: Prompt and adequate treatment. Receive prompt and adequate treatment that is appropriate to the resident ' s needs. This Rule is not met as evidenced by: Based on record review, observation and interview, the provider did not ensure prompt and adequate care when hospice services were needed for Resident 1. On 11/29/2023, the department received a complaint that alleged the provider did not ensure a resident was provided with hospice services when exhibiting sings of passing away. On 11/29/2023, at 1:30PM, Surveyor reviewed Resident 1's Individual Service Plan (ISP) dated 07/12/2023. The ISP specified the following: Diagnosis: Unspecified dementia, obstructive sleep apnea, chronic obstructive pulmonary disease, muscle weakness, dysphagia, gastro-esophageal reflux disease without esophagitis.	N 353		

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

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:	(X2) MULTIPLE CONSTRUCTION	(X3) DATE SURVEY COMPLETED
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N 353	Continued From page 1 On 11/29/2023 at 3:45PM, Surveyor interviewed Power of Attorney of Healthcare B (POAHC-B). POAHC-B identified s/he was the POAHC for Resident 1. POAHC-B explained Resident 1 was on hospice and started to decline on 07/16/2023. By 07/17/2023, Resident 1 could not eat or take pills and was treated at the emergency room due to inability to clear food from the esophagus. Resident 1 returned to Sylvan Crossing at Maritime Gardens. POAHC-B received a call on 07/19/2023, at approximately 8:00AM, to come see Resident 1 as s/he was actively passing away. POAHC-B arrived, but Resident 1 was already deceased. POAHC-B reported s/he was told by ED-A and Caregiver G Resident 1 passed away peacefully. POAHC-B explained s/he later reviewed camera footage from the camera s/he placed in Resident 1's room and discovered Resident 1 had no hospice intervention as s/he was actively dying. POAHC-B explained the video showed Resident 1 had a noticeable gurgle, was struggling to breath and complained of overheating and sweating. On 11/30/2023, Surveyor reviewed camera footage for 07/19/2023 for the hours of 6:00AM to 7:58AM. Review of the footage revealed a timeline that demonstrates Resident 1's change in condition and the need for hospice services. Sometime Between 6AM and 7AM: Caregiver F: "[Resident 1] leave your oxygen on. Resident 1: "Can't" Caregiver F: "No, how come?" Resident 1: "I can't breathe." Caregiver F: "Well, the oxygen will help you if you leave it on." 6:44AM: Resident 1: "HELP!" (gurgling noises)	N 353		

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:	(X2) MULTIPLE CONSTRUCTION	(X3) DATE SURVEY COMPLETED
	0018270	A. BUILDING: _____ B. WING _____	C 12/06/2023

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N 353	Continued From page 2 Resident 1: (seconds later) "help me." 6:47AM Caregiver F: "Do you want a washcloth, [Resident 1]?" Resident 1: No answer (Caregiver F left the room). 6:51AM: Resident 1: (very faint) "help me." 6:55AM: Caregiver C: (Entered room) "What's wrong dear?" Resident 1: "Sweating" Caregiver C: "You're sweating?" Resident 1: no response Caregiver C: (Turns on air conditioner) "Alright, I just turned the air on." (left the room) 6:58AM: (Caregiver D and Caregiver F entered the room) Caregiver D: " ...take your temperature real quick...you're really hot and sweaty...I'll turn your air conditioning up." Caregiver F: " ...turned your air on ok? It should cool off in here quick." Caregiver D: (Felt Resident 1's forehead and left the room). 6:59AM: Caregiver D: "I don't know if you got .... There's something in your throat again ...Go like this ...Hmmm ...alright [Resident 1], it should cool off in here pretty quick." Caregiver D: "[S/he's] really [inaudible]" (back was turned to camera) Caregiver F: "This started a couple (inaudible) ago ..." (back was turned to camera)	N 353		

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N 353	Continued From page 3 7:06AM: Caregiver D: "[Resident 1], are you going to want to get up this morning?" Resident 1: Silence Caregiver D: "You are? I don't know though because you might have to just stay in bed with that oxygen on for a while, ok?" 7:16AM: Caregiver C: Entered Room Caregiver C: "What's wrong [Resident 1]?" Resident 1: "I can't breathe." (gurgling noises with voice) Caregiver C: "Come here. Lay on your back honey. You gotta keep that on ok? (referring to oxygen cannula) 7:17AM: Caregiver C: "Are you still hot or are you cold?" Resident 1: (inaudible) Caregiver C: "What? Are you still hot or are you cold?" Resident 1: Yeah (very faint) No activity until 7:44AM. 7:44AM: Resident 1: (Moving legs - intermittent gurgling). Legs were very pale while hands and arms were very red. 7:51AM: Caregiver D and Hospice Aide H: Entered room (Hospice Aide H arrived to provide a bath for Resident 1). Resident 1: Waiving arms Caregiver D: "Listen to [him/her]...it looks as though ..." Hospice Aide H: "[S/he's] gurgling, yeah." Caregiver D: "[Resident 1] are you having a hard	N 353		

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N 353	Continued From page 4	N 353		

time breathing?"
Resident 1: silence
Caregiver D: "yeah?"

7:51AM: 2nd Clip
Caregiver C, Caregiver D and Hospice Aide H entered the room.
Caregiver C or Caregiver D: "Here [Resident 1], let's get ya ...oh... [s/he] threw up ...Oh my god is [s/he] sweating ...Is that??? Inaudible" (backs were turned to camera)

7:51AM: 3rd Clip
Caregiver C: "Ok, what needs to happen is somebody needs to give hospice a call."
Caregiver D: "Hospice is here."
Caregiver C: " ...[s/he] does [his/her] showers ..." (Referring to Hospice Aide H)

7:52AM:
Resident 1: Waiving arms ...
Caregiver C: "Hospice needs to be called."
Caregiver D: "What do you want me to say? For breathing? For sweating?"
Caregiver C: "For breathing, for sweating, for low grade fever, for spitting out ...can't find (inaudible) when I (inaudible).
Caregiver D: "Can we get an oxygen?" (Referring to pulse oximeter)

7:53AM:
Caregiver C: "[Resident 1]???
Caregiver C: "How are you feeling?"
Resident 1: (gurgling, struggling to speak)
Caregiver C: "You're feeling dead?!?!"
Resident 1: (inaudible, gurgling, struggling to speak)
Caregiver C: "Ok hospice needs to be called right away and so does [his/her] family member."
Caregiver C: Left the room.

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	0018270	A. BUILDING: _____ B. WING _____	C 12/06/2023

NAME OF PROVIDER OR SUPPLIER	STREET ADDRESS, CITY, STATE, ZIP CODE
SYLVAN CROSSING AT MARITIME GARDENS	1945 DEWEY STREET MANITOWOC, WI 54220

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N 353	Continued From page 5 7:54AM: Caregiver C: Returned to room but rushes out ... Hospice Aide H: "I think we should call [his/her] family member to come ... I mean we're no nurses, but ..." Caregiver D: "You can tell, and then [s/he's] like ... (demonstrated gasping for air) Caregiver D: "You know that's...I can't even get a reading yet (referring to pulse oximeter) Hospice Aide H: "Did you call hospice [Caregiver D]? Staff: "Um, I think [Caregiver C] is. We want to wait until we get an oxygen thing first ..." 7:54AM 2nd Clip Hospice Aide H: (inaudible) [his/her] oxygen ... Caregiver D: "See how [s/he] breathes? Like [s/he] gasps for air ...now [s/he's] gasping for air ... Caregiver D: "[S/he's] going to call [POAHC-B]" 7:55AM: Caregiver E: Located at the head of bed. Caregiver D: Located at foot of bed. Caregiver D: Gasps and looks up at Hospice Aide H. Hospice Aide H: Exited the room. Caregiver D: "Go let [Caregiver C] know ... Caregiver D: "Oh [Resident 1], honey" Caregiver D: "Look [s/he's] breathing!" Caregiver E: "(inaudible) I don't know what (inaudible) (crying) ..." Caregiver C: "NO!" (From outside of the room - hall) Caregiver D: Exited room ..." HEY! [s/he's] breathing!" 7:57AM: Caregiver D: Entered room. "[POAHC-B's] on	N 353		

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:	(X2) MULTIPLE CONSTRUCTION	(X3) DATE SURVEY COMPLETED
	0018270	A. BUILDING: _____ B. WING _____	C 12/06/2023

NAME OF PROVIDER OR SUPPLIER	STREET ADDRESS, CITY, STATE, ZIP CODE
SYLVAN CROSSING AT MARITIME GARDENS	1945 DEWEY STREET MANITOWOC, WI 54220

(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
N 353	Continued From page 6	N 353		

[his/her] way! [Resident 1], [POAHC-B's] coming honey!
Hospice Aide H: Entered room "(inaudible)"
Caregiver D: "[S/he's] gone now. [S/he's] gone."
Caregiver G: Entered the room. "S/he] is..."
Caregiver D: "Well [s/he] did this and then [s/he] started breathing again."
Hospice Aide H: "That's uh ... sometimes they do that because they have (inaudible)."

7:57AM:
Caregiver D: "[S/he] is gone."
Caregiver G:" I know, but [POAHC-B] is coming. I mean... Let's get [him/her] comfortable looking." [S/he's] not going to be happy.

7:58AM:
Caregiver G: "[S/he's] not quite gone yet."
Caregiver E: "(inaudible)"
Caregiver D: "[POAHC-B's] coming!"
Caregiver G: "Get (inaudible) pulled up!"
Caregiver E: "In the bed? (inaudible)"
Caregiver G: "No! No! This way!"
Caregiver G: "OK, ok." (Pulled on blanket to position Resident 1)
Caregiver D: [Resident 1]?
Caregiver G: "Alright, [Resident 1], honey."
Caregiver D: "[POAHC-B's] coming."
Caregiver G: "Hold on for ... uh [POAHC-B]..."
Caregiver D: "[POAHC-B's] coming honey ... [POAHC-B's] coming honey."

On 11/30/2023 at 4:15PM, Surveyor reviewed Resident 1's observation notes. The note stated the following regarding Resident 1's death:

07/19/2023 at 10:45AM entered by Caregiver G: "Came in to see Pt (patient) for [his/her] bath, staff came to room, stated [s/he] wasn't feeling well. Pt. passed away, and before [family

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	0018270	A. BUILDING: _____ B. WING _____	C 12/06/2023

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N 353	Continued From page 7	N 353		

member] arrived. Hospice contacted, RN (registered nurse) on [his/her] way. No cares were done per [family member].

On 12/06/2023, at 3:21PM, Surveyor Interviewed Caregiver F regarding the morning hours of 07/19/2023. Caregiver F verified s/he worked the night of 07/18/2023 going into the morning of 07/19/2023. Caregiver F explained Resident 1 "went down fast." Caregiver F reported Resident 1 slept most of the night, until about 4:00AM. Caregiver F identified Resident 1 usually got up during the night and conversed with staff cares were provided. Caregiver F stated s/he remembered Resident 1 was "having a lot of problems breathing" and was not saying much of anything. Caregiver F stated, Resident 1's skin was "strange looking", greyish in color and s/he was sweating for a while. Caregiver F confirmed knowledge of Resident 1 receiving hospice services and understanding of how/when to contact them. Caregiver F confirmed s/he did not call hospice during his/her shift which ended at 7:00AM but gave report to the oncoming shift.

On 12/06/2023 at 10:00AM, Surveyor interviewed Executive Director A (ED-A). ED-A explained s/he does not remember everything and did not want to "talk out of place." ED-A reported s/he called before 3rd shift on 07/18/2023, to check on Resident 1. ED-A recalled Resident 1, "passed away right away in the morning." ED-A stated s/he was not aware of the video recordings that showed Resident 1 exhibiting a change in condition.

On 11/28/2023 at 11:45AM, Surveyor reviewed Resident 1's July 2023 Medication Administration Record (MAR). Resident 1 was prescribed:
>Lorazepam 1mg: Under the tongue every 1 hour

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:	(X2) MULTIPLE CONSTRUCTION	(X3) DATE SURVEY COMPLETED
	0018270	A. BUILDING: _____ B. WING _____	C 12/06/2023

NAME OF PROVIDER OR SUPPLIER	STREET ADDRESS, CITY, STATE, ZIP CODE
SYLVAN CROSSING AT MARITIME GARDENS	1945 DEWEY STREET MANITOWOC, WI 54220

(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
N 353	Continued From page 8	N 353		

as needed for anxiety/restlessness.
>Morphine Sulf 100mg/5ml sol: Take 0.5ml (10mg) under tongue every 1 hour as needed for pain or sob (shortness of breath).
>Guaifenesin 200mg: 1 tab by mouth every 4 hours for cough or thick bronchial secretions.
>Scopolamine 1mg /72-hour patch: Apply one patch behind ear every 72 hours for excess secretions.

Further review of the MAR showed none of the listed medications were given on 07/19/2023.

On 12/04/2023 at 2:34PM, Surveyor interviewed Health Information Manager I (HIM-I) from St. Croix Hospice. HIM-I reported their dispatch received a call from the provider at 8:00AM and a registered nurse was dispatched the provider location at that time.

On 12/04/2023 at 1:50PM, Surveyor retrieved information on the signs of a person actively dying from Hospice Foundation of America at https://hospicefoundation.org/Hospice-Care/Signs-of-Approaching-Death. The website specified the following:

"The person may not respond to questions or may show little interest in previously enjoyable activities ..."

" ...may have problems swallowing, resulting in coughing and choking with any attempt to ingest medications, food, or fluids ..."

" ...Some people may develop a mild fever or the skin of their torso and their face may feel warm to the touch and appear flushed ...."

" ...pain or distress may be evident from signs

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:	(X2) MULTIPLE CONSTRUCTION	(X3) DATE SURVEY COMPLETED
	0018270	A. BUILDING: _____ B. WING _____	C 12/06/2023

NAME OF PROVIDER OR SUPPLIER	STREET ADDRESS, CITY, STATE, ZIP CODE
SYLVAN CROSSING AT MARITIME GARDENS	1945 DEWEY STREET MANITOWOC, WI 54220

(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
N 353	Continued From page 9	N 353		

such as moaning/groaning, resisting movement by stiffening body, grimacing, clenching of fists or teeth, yelling, calling out, agitation, restlessness, or other demonstrations of discomfort. Hospice and palliative care providers are able to prescribe medications in liquid form that are absorbed sublingually (under the tongue or inside of the cheek and absorbed through the mouth) to provide rapid symptom relief ...."

" ...Skin of the knees, feet, and hands may become purplish, pale, grey, and blotchy or mottled.
These changes usually signal that death will occur within days to hours ..."

" ...Turning, repositioning, or elevating the head/shoulders will sometimes alleviate noisy breathing, particularly if secretions are retained in the mouth if the patient is unable to swallow when close to death ...Your hospice or healthcare provider may recommend medications that can assist with management of excessive secretions ..."

" ...A dying person's breathing will change from a normal rate and rhythm to a new pattern, where you may observe several rapid breaths followed by a period of no breathing (apnea). These periods of apnea will eventually increase from a few seconds to more extended periods during which no breath is taken ... and usually indicates that death is very close (minutes to hours) ..."

During the morning hours of 07/19/2023, video footage showed Resident 1 began experiencing a change in condition and showed signs and symptoms of actively dying. The videos began from approximately 6:00AM and ended at 7:58AM; however, Caregiver D stated s/he

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	0018270	A. BUILDING: _____ B. WING _____	C 12/06/2023

NAME OF PROVIDER OR SUPPLIER	STREET ADDRESS, CITY, STATE, ZIP CODE
SYLVAN CROSSING AT MARITIME GARDENS	1945 DEWEY STREET MANITOWOC, WI 54220

(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
N 353	Continued From page 10 noticed changes as early as approximately 4:00AM. Resident 1 exhibited a decrease in communication as s/he used one words to communicate "hot," "sweating," and "can't breathe." Resident 1 exhibited signs of not being able to swallow as a Caregiver D stated in the video, "There's something in your throat again ..." Resident 1 verbalized s/he is sweating and caregivers in the video confirmed Resident 1 appeared hot and sweaty. Resident 1 showed evidence of being restless by moving his/her legs around, waiving his/her arms, and crying out, "help me!" The video showed Resident 1's arms and legs were noticeably contrasting in color. Additionally, Caregiver F reported Resident 1's skin was grey in color. Resident 1 was heard making gurgling noises and exhibited breathing changes (gasping for air). According to Resident 1's MAR, no hospice medications were given on 07/19/2023. Additionally, HIM-I confirmed they did not receive any calls from the provider until 8:00AM. N0169 DHS 83.45(1)(b) Notification: Injury, Changes	N 353		