STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:	(X2) MULTIPLE CONSTRUCTION	(X3) DATE SURVEY COMPLETED
	0018726	A. BUILDING: _____ B. WING _____	R-C 04/26/2024

NAME OF PROVIDER OR SUPPLIER	STREET ADDRESS, CITY, STATE, ZIP CODE
LEGACY OF DEFOREST (THE)	6639 PEDERSON BLV DE FOREST, WI 53532

(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
{U 000}	INITIAL COMMENTS On 04/23/2024, with information gathered through 04/26/2024, Surveyor conducted a verification visit and complaint investigation at The Legacy of DeForest. Four deficiencies were identified. Under statutory provisions of Wis. Stat. Ch. 50, a $200 revisit fee is being assessed. Census: 32	{U 000}		
U 146	89.24(3)(b)1. HOURS OF SERVICE COMPUTING HOURS OF SERVICE. Method for computing hours of service. 1. Only staff time that is directly attributable to providing or arranging supportive, personal and nursing services to a tenant shall count toward the 28-hour per week limit on services. Hours of service include time devoted to nursing assessment, documentation and consultation, stand-by assistance for activities of daily living and any other services directly attributable to an individual tenant. This Rule is not met as evidenced by: Based on record review and interview, the provider could not show that 1 of 1 tenant (Tenant 8) 28 hours of service were directly attributable to providing or arranging supportive, personal, and nursing services. Findings include: On 04/13/2024, the Department received a	U 146		

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

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U 146	Continued From page 1	U 146		

concern that alleged Tenants were being reassessed without the tenant being observed.

On 04/23/2024, Surveyor reviewed Tenant 8's record.

Tenant 8 was admitted to the complex, 12/18/2019, with diagnoses including stroke and lung cancer.

Tenant 8's "Comprehensive Evaluation," dated 11/02/2023, documented that Tenant 8 was at a Score of 27, which is equivalent to 27 hours.

Tenant 8's "Comprehensive Evaluation," dated 02/21/2024, documented that Tenant 8 was at a Score of 43, which is equivalent to 43 hours.

Surveyor compared the two assessments and noted that Tenant 8 was charged additional hours in the following areas:
Skin Care - Score of 1 to a Score of 2 - no additional documentation to state why the increase
Bowel and Bladder - Score of 4 to a Score of 7 - added non-cooperative w/toileting
Bathing - Score of 2 to a Score of 4 - went from minimum assist to maximum assist
Dressing - Score of 4 to a Score of 5 - went from moderate assist to maximum assist
Mood/Behavior - Score of 1 to a Score of 8 - went from stubborn/resistive to stubborn/resistive, anxiety/agitation, defensive/belligerent, frequent/inappropriate behavior
Laundry - Score of 3 to a Score of 5 - went from 3 or more loads a week to daily

Tenant 8's "Progress Notes," dated 10/23/2023 to 03/26/2024, did not document any behaviors or refusals of care.

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U 146	Continued From page 2 Tenant 8's completion of task report documented: November 2023 - documented the following tasks were not completed: Assist with Dressing/Undressing, Assist with Laundry, Behavior Monitoring & Interventions, Toileting Assistance, Skin checks with showers Assistance with incontinent care: Resident Refused 14 times out of 90 potential tasks December 2023 - documented the following tasks were not completed: Assist with Dressing/Undressing, Assist with Laundry, Behavior Monitoring & Interventions, Skin checks with showers Toileting Assistance: Resident Refused 2 times out of 90 potential tasks Assistance with incontinent care: Resident Refused 11 times out of 90 potential tasks January 2024 - documented the following tasks were not completed: Behavior Monitoring & Interventions, Skin checks with showers Assist with Dressing/Undressing, Assist With Laundry, Toileting Assistance: Marked as refused 01/24 to 01/29. Tenant 8 was hospitalized then. All other dates were documented as task not completed. February 2024 - documented the following tasks were not completed: Assist with Dressing/Undressing, Assist with Laundry, Behavior Monitoring & Interventions, Skin checks with showers: Resident Refused 1 time out of 5 potential tasks Toileting Assistance: Resident Refused 2 times out of 90 potential tasks Assistance with incontinent care: Resident Refused 4 times out of 90 potential tasks If Surveyor removed Mood/Behavior 7 additional points, Laundry 5 points, Bowel and Bladder 3	U 146		

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U 146	Continued From page 3 additional points for uncooperative, plus, Surveyor was informed that a point was added for vision due to Tenant 8 wearing glasses. Tenant 8 does not wear glasses. That totals 16 points. 43 points minus 16 points equals 27 points. On 04/25/2024, at approximately 2:35 PM, Surveyor interviewed Chief Operating Officer (COO) H. Surveyor stated that based on documentation received and reviewed, Tenant 8 does not display behaviors or significant resistive cares. COO H stated s/he would review the documentation and forward Surveyor Tenant 8's behavior monitoring. On 04/26/2024 at 11:24 AM, Registered Nurse (RN) M emailed Surveyor Tenant 8's "Behavior Monitoring and Interventions Report," dated 03/01/2024 to 04/26/2024, which documented approximately 5 days where Tenant was documented as displaying a behavior and/or refusing cares. Surveyor responded stating that the documentation provided does not document significant behaviors and/or refusal of cares. RN M stated, "No, it does not. I cannot get staff to understand that they need to document behaviors that happen daily or on a regular basis. Staff start to just think it's their norm and so they do not chart on it."	U 146		
U 171	89.26(4) ANNUAL REVIEW A tenant's capabilities, needs and preferences identified in the comprehensive assessment shall be reviewed at least annually to determine whether there have been changes that would nescessitate a change in the service or risk	U 171		

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U 171	Continued From page 4	U 171		

agreement. The review may be initiated by the facility, the county department designated under sub. (3)(c)2., or at the request of or on the behalf of the tenant.
This Rule is not met as evidenced by:
Based on record review and interview, the provider could not show that 1 of 1 tenant records (Tenant 8) reviewed documented that the tenant and/or tenant's representative actively participated in the comprehensive assessment, because the assessments were not signed.

Findings Include:

On 04/13/2024, the Department received a concern that alleged tenants were being reassessed without the tenant being observed.

On 04/23/2024, Surveyor reviewed Tenant 8's record.

Tenant 8 was admitted to the complex on 12/18/2019 with the diagnoses including stroke and lung cancer.
Tenant 8's representative was Power of Attorney L.

Tenant 8's "Comprehensive Evaluation," dated 02/21/2024, did not contain any signatures from the provider, Tenant 8, or Tenant 8's representative.
Tenant 1's "Care Plan" was undated and contained no signatures from the provider, Tenant 1 or HCPOA D.

On 04/25/2024, at approximately 2:35 PM, Surveyor interviewed Chief Operating Officer (COO) H. COO H stated Tenant 8's signature page could not be located.

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U 200	89.28(2)(a)1. RISK AGREEMENT (2) CONTENT. A risk agreement shall identify and state all of the following: (a) Risk to tenants. 1. Any situation or condition which is or should be known to the facility which involves a course of action taken or desired to be taken by the tenant contrary to the practice or advise of the facility and which could put the tenant at risk of harm or injury. This Rule is not met as evidenced by: Based on record review and interview, the provider did not enter into a signed, jointly negotiated risk agreement with 1 of 1 Tenant (Tenant 8) when s/he experienced a change of condition. Tenant 8 was identified as a refuser of cares and a jointly negotiated risk agreement was not entered into that defined the risks associated with unsafe toileting and showering practices. Tenant 8 was identified as an evacuation risk in case of an emergency. Findings include: On 04/23/2024, Surveyor reviewed Tenant 8's record. Tenant 8's "Comprehensive Evaluation," dated 02/21/2024, documented:	U 200		

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"Musculoskeletal Status: Arthritis, Amputation or Paralysis; left sided paralysis/weakness from stroke in 2017."
"Bowel and Bladder: Resident is at high risk of skin breakdown - encourage resident to get cleaned up and use the bathroom."
"Level of Care Determination: Non-cooperative with toileting."
"Level of Care Determination: Unwilling to seek out or accept assistance with care needs. Uncooperative/combative."
"Evacuation/Safety: does the resident require assistance to evacuate? Physical"

Tenant 8's record contained a risk agreement regarding falls but not for non-compliance of assistance with cares.

On 04/23/2024, at approximately 11:00 AM, Surveyor interviewed Executive Director (ED) G and Health Care Coordinator (HCC) K. ED G and HCC K explained that Tenant 8 would refuse all cares related to hygiene and would sit in his/her soiled clothing from 8:00 AM to 8:00 PM. If staff tried to redirect, s/he would become verbally abusive. HCC K stated that Tenant 8 required physical assistance to evacuate the building in the case of an emergency and the residents in the RCAC are expected to be able to self-evacuate. Surveyor asked if a negotiated risk agreement regarding skin breakdown and/or that Tenant 8 would be considered a point-of-rescue in the case of an emergency had been negotiated with Tenant 8. ED G and HCC K stated the only risk agreement on file was for Tenant 8's fall risk.

On 04/25/2024, at approximately 2:35 PM, Surveyor interviewed Chief Operating Officer (COO) H. COO H stated a risk agreement should

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U 200	Continued From page 7 have been negotiated regarding the skin breakdown concern, since that had been a pre-existing concern. COO H stated s/he did not believe being a point-of-rescue was considered a risk, but will negotiate that risk since staff had mentioned concerns regarding it.	U 200		
U 237	89.29(3)(b) ADMISSION & RETENTION OF TENANTS (3) TERMINATION OF CONTRACT. (b) Supplemental services as an alternative to termination. A residential care apartment complex shall not terminate its contract with a tenant for a reson under par. (a) 1. to 3. if the tenant arranges for the needed services from another provider consistent with s.HFS 89.24(2)(b) and any unmet needs or disputes regarding potentially unsafe situations are documented in a risk agreement. This Rule is not met as evidenced by: Based on record review and interview, the provider did not ensure that 1 of 1 Tenant (Tenant 8) occupancy agreement was not terminated prior to being allowed the opportunity to provide supplemental services as an alternative to termination and being provided a risk agreement for any unmet needs or disputes regarding potentially unsafe situations. Tenant 8 was issued a 30-day notice from the Residential Care Apartment Complex (RCAC) with the reasoning that s/he no longer met the	U 237		

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resident requirements. The personal and nursing services exceed twenty-eight (28) hours of service per week.

Tenant 8 wasn't allowed to contract with supplemental services, as an alternative to termination, to provide cares related to activities of daily living (ie: dressing, toileting, transferring, bathing).

Findings include:

On 04/13/2024, the Department received a concern that alleged tenants were being reassessed without the tenant being observed which resulted in 30-day notices to be issued.

On 04/23/2024, Surveyor reviewed Tenant 8's record.

Tenant 8 was admitted to the complex on 12/18/2019 with the diagnoses including stroke and lung cancer.

Tenant 8's "Comprehensive Evaluation," dated 02/21/2024, documented s/he required assistance in Oral Hygiene (brushing teeth), Skin Care (apply Desitin to coccyx when skin breakdown), toileting, Showering (once a week), Dressing, and Laundry.

Tenant 8's "30 Days Notice of Termination of Occupancy Agreement," dated 03/21/2024, documented:
"The purpose of this letter is to provide you 30 days notice that [provide] is terminating your Occupancy Agreement. The reason for the termination is that you no longer meet the residency agreements for your residence at [provider] per DHS 89.29(3)(a)2. [Tenant 8's]

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supportive, personal and nursing services exceed twenty-eight (28) hours of service per week."

On 04/23/2024, at approximately 11:00 AM, Surveyor interviewed Executive Director (ED) G and Health Care Coordinator (HCC) K. Surveyor asked if Tenant 8 and/or POA L had been given resources/opportunities to bring in a supplemental service to assist in keeping Tenant 8's services below 28 hours a week. HCC K stated, "The assessment puts [him/her] at 43 hours a week, they would not be able to bring in enough services."

On 04/25/2024, at approximately 2:35 PM, Surveyor interviewed Chief Operating Officer (COO) H. COO H stated a care conference meeting was held with Tenant 8 and his/her representative (Power of Attorney [POA] L). COO H stated there was no documentation stating what was discussed during the care conference or what supplemental services were suggested and denied by Tenant 8 and POA L, but Tenant 8 and POA L did not arrange any supplemental services, hence why the 30-day notice was issued.

Cross Reference: U0146 DHS 89.24(3)(b)1. Hours of Service
Cross Reference: U0201 DHS 89.28(2)(a)1. Risk Agreement