

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  157629	X2) MULTIPLE CONSTRUCTION A. BUILDING 00 B. WING _____	X3) DATE SURVEY COMPLETED  01/07/2013
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NAME OF PROVIDER OR SUPPLIER  LOVING CARE AGENCY INC	STREET ADDRESS, CITY, STATE, ZIP CODE 3206 CASCADE DR STE A VALPARAISO, IN 46383
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N0000	<p>This was a state home health complaint investigation.</p> <p>Complaint # IN00120254. - Substantiated: A State deficiency related to the allegation was cited.</p> <p>Facility #: 12050.</p> <p>Medicaid Vendor #: 100264420.</p> <p>Survey Dates: 1/2, 3, 4, 7/13.</p> <p>Medical Records Reviewed: 7.</p> <p>Surveyor: Janet Brandt, RN, PHNS.</p> <p>Quality Review: Joyce Elder, MSN, BSN, RN</p> <p style="text-align: center;">January 9, 2013</p>	N0000	N 0000.Loving Care Agency acknowledges that a survey was completed on 1/7/13 by Janet Brandt.	

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

TITLE

(X6) DATE

Any deficiency statement ending with an asterisk (\*) denotes a deficiency which the institution may be excused from correcting providing it is determined that other safeguards provide sufficient protection to the patients. (see instructions.) Except for nursing homes, the findings stated above are disclosable 90 days following the date of survey whether or not a plan of correction is provided. For nursing homes, the above findings and plans of correction are disclosable 14 days following the date these documents are made available to the facility. If deficiencies are cited, an approved plan of correction is requisite to continued program participation.

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N0520	<p>410 IAC 17-13-1(a) Patient Care Rule 13 Sec. 1(a) Patients shall be accepted for care on the basis of a reasonable expectation that the patient's health needs can be adequately met by the home health agency in the patient's place of residence.</p> <p>Based on clinical record, policy, and document review and interview, the agency failed to ensure appropriate staff were available to meet the patient's needs in the home in 4 of 7 records reviewed with the potential to affect all the agency's patients (#1, 2, 5, and 6.)</p> <p>Findings:</p> <p>1. Clinical record number #1, start of care (SOC) 5/27/11, the patient named in the complaint, identified the patient had a diagnosis of Central Alveolar Hypoventilation Syndrome. The plan of care established by the physician for the certification period 11-18-12 to 1-18-13 included orders for the skilled nurse (SN) to see the patient 8-13 hours per day, 5-7 days per week for 60 days. Per medical record documentation, though not on the plan of care, the skilled nurse was to attend school with the patient Monday through Friday.</p> <p>The record evidenced missed skilled nursing visits on 12/3/12 from 7 AM to 7</p>	N0520	<p>Agency would like to respectfully disagree</p> <p>The Agency respectfully notes that in accordance with – 410 – IAC – 17 - 13 "Frequency of Visits - ..... may be expressed as a number range. The number of encounters must be at least one. All records reviewed reflected services provided within the range noted on the physician's plan of care. All records were reviewed and signed by a physician. All frequency for visits were met in accordance with the POC.</p> <p><b>Action:</b> In the future, the Clinical Manager will re-educate all appropriate staff to assure that when there is a variance outside of the range noted on the plan of care, the ordering physician will be notified within the timeframe of that current cert period. This will be documented.</p> <p>In addition documentation will include reason for any unfilled visits including refusal by family. This information will also be shared as appropriate with the Case Manager to assist in care coordination and assuring patient's needs are met. The agency will incorporate into the POC child's personal needs and</p>	03/01/2013			

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	<p>PM, 12/7/12 from 7 AM to 7 PM, and 12/20/12 and 12/31/12 from 7 AM to 7 PM. The record evidenced a skilled nurse was not available to take the patient to school on these dates.</p> <p>2. Clinical Record #2, SOC 3-25-10, included a plan of care with orders for visits from a skilled nurse for 6-9 hours per day for 3-5 days per week for the certification period 11/9/12 to 1/7/13 and the skilled nurse was to attend school with the patient Monday through Friday.</p> <p>The record evidenced skilled nursing visits were missed on 11/26/12 and 11/29/12 for the certification period 11/9/12-1/7/13.</p> <p>3. Clinical record #5, SOC 6-21-11, included a plan of care for the certification period 12/12/ 12 - 2/9/13 with orders for skilled nursing visits to 8-13 hours per day 5-7 days a week for 60 days. The record evidenced missed visits on 12/26/12 and 12/28/12.</p> <p>4. Clinical record #6, SOC 10/11/10, included a plan of care with orders for skilled nursing visits 8-18 hours per day 4-7 days per week for 60 days for the certification period 11/1/12 -12/30/12. The record failed to evidence skilled nursing visits were made on 12/10/12 or</p>		<p>agency nurse will provide when the nurse is present.</p> <p>Agency will continue to work with families to assure schedules are discussed and coverage is planned in accordance with the patient's needs.</p> <p><b>Responsible Party:</b> Clinical Manager or appropriate designee</p> <p><b>Timeframe:</b> March 1, 2013</p> <p><b>Evaluation/Follow-up:</b> A minimum of 10% of clinical records will be reviewed by the Clinical Manager or appropriate designee on a quarterly basis to assure continued compliance. This will also be reviewed during ongoing Corporate Clinical audits.</p>	

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	<p>12/18/12.</p> <p>5. Interview with Employee C on 1-3-13 at 12:30 PM, Employee C indicated the agency staffed pediatric cases including patients who were on ventilators and/or had tracheotomies and required intensive skilled nursing staffing. Employee C explained the Plan of Care listed the physician orders for frequency and duration of skilled nursing services for each patient. In addition, the Plan of Care listed under "Variances" the prior certification period dates that the frequency and duration of visits was not met by the agency. The listing of "variances" was the way the agency notified the physician the frequency and duration of visits per the Plan of Care had not been met as the physician or ordering practitioner signed the Plan of Care for each certification period. Per Employee C, the agency had within the last six (6) months instituted a practice of sending to each patient/primary care giver a calendar with skilled nursing scheduled visits and what nurse would be making those visits. The calendar was sent at least 1 week prior to the start of the new certification period. Per employee C, the patients who needed a skilled nurse to attend school Monday through Friday with them sent the agency a school calendar with the dates school was not in session marked</p>				

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	<p>out on them so the agency could use that calendar as an assist to schedule staffing for the patient per patient/primary care giver need.</p> <p>6. In an interview with the primary care giver for patient #1 on 1-4-13 at 11:45 AM, the primary care giver indicated the agency nurse was supposed to take the patient to school Monday through Friday and the agency had not been able to consistently provide the needed staffing. Therefore, the patient has missed school and primary care giver has received complaints from the school due to the patient missing classes. The primary care giver further indicated the patient's Plan of Care frequency and duration may have been met as far as the days and hours of care provided by the agency, but sometimes the hours were not the hours school was in session and, therefore, the agency was not meeting the needs of the patient. The primary care giver indicated not meeting the needs of the patient for staffing had caused the primary care giver to make inconvenient alterations in personal schedules.</p> <p>7. On 1-4-13 at 11:45 AM, Employee G indicated that finding replacements for "call-offs" and planned absences by nurses was a problem for patient #1 and had prevented patient #1 from attending</p>						

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	<p>school every other Monday for several months. Employee G indicated there was a lack of "back-up staff" trained to care for Patient #1. There was no one to fill the shift if a nurse "called off." Employee G indicated there was an agency "transition nurse" who was supposed to be able to fill in for "call offs," but the transition nurse was not available any of the shifts when there were "call offs" for patient #1 as far as going to school with patient #1 Monday through Friday.</p> <p>8. Complaint log included two (2) complaints received related to staff not being able to meet the patient's needs. Both complaints indicated skilled nurses were supposed to attend school Monday through Friday with the patient, but, due to no agency staffing, the patients had missed school on a routine basis.</p> <p>A. A complaint dated 12-18-12 was from patient #2's primary care giver who complained of "open" shifts affecting the care giver's work schedule; nurses were pulled from schedule and not replaced.</p> <p>B. A complaint dated 10-1-12 was from patient #1's waiver case manager related to primary care giver's complaint of lack of staffing for patient #1 to attend school Monday through Friday.</p>						

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	9. Policy 3-11, revised 09/2008, titled "Care Planning" states, "Care planning for each patient is individualized to address the patient's problems and needs, goals/outcomes, and specific care or services to be provided."			

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N0522	<p>410 IAC 17-13-1(a) Patient Care Rule 13 Sec. 1(a) Medical care shall follow a written medical plan of care established and periodically reviewed by the physician, dentist, chiropractor, optometrist or podiatrist, as follows:</p> <p>Based on clinical record and policy review and interview, the agency failed to ensure skilled nurse visits had been provided as ordered by the physician on the written plan of care in 4 (#1, #2, #5, #6) of 7 records reviewed creating the potential to affect all of the agency's current patients that received skilled nursing services.</p> <p>The findings include:</p> <p>1. Clinical record number #1, start of care (SOC) 5/27/11, the patient named in the complaint, identified the patient had a diagnosis of Central Alveolar Hypoventilation Syndrome. The plan of care established by the physician for the certification period 11-18-12 to 1-18-13 included orders for the skilled nurse (SN) to see the patient 8-13 hours per day, 5-7 days per week for 60 days. Per medical record documentation, though not on the plan of care, the skilled nurse was to attend school with the patient Monday through Friday.</p>	N0522	<p>N522 <b>Action:</b> According to LCA policy 3-3 Admission; all pts are accepted pending assessment and determination if the pt needs fit the admission criteria and the agencies resources to meet the criteria. Agency will notify families when resources change or become unavailable. Agency will offer family other options for services and/or family will be contacted about level of care agency able to provide and such conversations/communications will be documented. <b>Responsible Party:</b> Clinical Manager or appropriate designee <b>Timeframe:</b> March 1, 2013 <b>Evaluation/Follow-up:</b> A minimum of 10% of clinical records will be reviewed by the Clinical Manager or appropriate designee on a quarterly basis to assure continued compliance. This will also be reviewed during ongoing Corporate Clinical audits.</p>	03/01/2013	

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	<p>The record evidenced missed skilled nursing visits on 12/3/12 from 7 AM to 7 PM, 12/7/12 from 7 AM to 7 PM, and 12/20/12 and 12/31/12 from 7 AM to 7 PM. The record evidenced a skilled nurse was not available to take the patient to school on these dates.</p> <p>2. Clinical Record #2, SOC 3-25-10, included a plan of care with orders for visits from a skilled nurse for 6-9 hours per day for 3-5 days per week for the certification period 11/9/12 to 1/7/13 and the skilled nurse was to attend school with the patient Monday through Friday.</p> <p>The record evidenced skilled nursing visits were missed on 11/26/12 and 11/29/12 for the certification period 11/9/12-1/7/13.</p> <p>3. Clinical record #5, SOC 6-21-11, included a plan of care for the certification period 12/12/ 12 - 2/9/13 with orders for skilled nursing visits to 8-13 hours per day 5-7 days a week for 60 days. The record evidenced missed visits on 12/26/12 and 12/28/12.</p> <p>4. Clinical record #6, SOC 10/11/10, included a plan of care with orders for skilled nursing visits 8-18 hours per day 4-7 days per week for 60 days for the certification period 11/1/12 -12/30/12.</p>				

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	<p>The record failed to evidence skilled nursing visits were made on 12/10/12 or 12/18/12.</p> <p>5. Interview with Employee C on 1-3-13 at 12:30 PM, Employee C indicated the agency staffed pediatric cases including patients who were on ventilators and/or had tracheotomies and required intensive skilled nursing staffing. Employee C explained the Plan of Care listed the physician orders for frequency and duration of skilled nursing services for each patient. In addition, the Plan of Care listed under "Variances" the prior certification period dates that the frequency and duration of visits was not met by the agency. The listing of "variances" was the way the agency notified the physician the frequency and duration of visits per the Plan of Care had not been met as the physician or ordering practitioner signed the Plan of Care for each certification period. Per Employee C, the agency had within the last six (6) months instituted a practice of sending to each patient/primary care giver a calendar with skilled nursing scheduled visits and what nurse would be making those visits. The calendar was sent at least 1 week prior to the start of the new certification period. Per employee C, the patients who needed a skilled nurse to attend school Monday through Friday with them sent</p>						

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	<p>the agency a school calendar with the dates school was not in session marked out on them so the agency could use that calendar as an assist to schedule staffing for the patient per patient/primary care giver need.</p> <p>6. In an interview with the primary care giver for patient #1 on 1-4-13 at 11:45 AM, the primary care giver indicated the agency nurse was supposed to take the patient to school Monday through Friday and the agency had not been able to consistently provide the needed staffing. Therefore, the patient has missed school and primary care giver has received complaints from the school due to the patient missing classes. The primary care giver further indicated the patient's Plan of Care frequency and duration may have been met as far as the days and hours of care provided by the agency, but sometimes the hours were not the hours school was in session and, therefore, the agency was not meeting the needs of the patient. The primary care giver indicated not meeting the needs of the patient for staffing had caused the primary care giver to make inconvenient alterations in personal schedules.</p> <p>7. On 1-4-13 at 11:45 AM, Employee G indicated that finding replacements for "call-offs" and planned absences by</p>				

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	<p>nurses was a problem for patient #1 and had prevented patient #1 from attending school every other Monday for several months. Employee G indicated there was a lack of "back-up staff" trained to care for Patient #1. There was no one to fill the shift if a nurse "called off." Employee G indicated there was an agency "transition nurse" who was supposed to be able to fill in for "call offs," but the transition nurse was not available any of the shifts when there were "call offs" for patient #1 as far as going to school with patient #1 Monday through Friday.</p> <p>8. Policy 3-10, revised 10/2009, "Physician Orders" states, "Ranges: Ranges are used as required by the care of the patient, in consideration of the family's ability to provide care, and as authorized by the payer. ... 3. Ranges are not to be used for the convenience of the agency, or where a nurse is not available to staff a shift."</p>				