

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 155334	X2) MULTIPLE CONSTRUCTION A. BUILDING 00 B. WING _____	X3) DATE SURVEY COMPLETED 09/20/2016
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NAME OF PROVIDER OR SUPPLIER KINDRED TRANSITIONAL CARE AND REHAB-WILDWOOD	STREET ADDRESS, CITY, STATE, ZIP CODE 7301 E 16TH ST INDIANAPOLIS, IN 46219
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F 0000 Bldg. 00	<p>This visit was for the Investigation of Complaints IN00202758, IN00204625, IN00208525, and IN00210221</p> <p>Complaint IN00202758- Substantiated. No deficiencies related to the allegations are cited.</p> <p>Complaint IN00204625- Unsubstantiated due to lack of evidence.</p> <p>Complaint IN00208525- Substantiated. Federal/State deficiency related to the allegations is cited at F223.</p> <p>Complaint IN00210221- Substantiated. Federal/State deficiency related to the allegations is cited at F223.</p> <p>Survey dates: September 14, 15, 16, 19, and 20, 2016</p> <p>Facility number: 000227 Provider number: 155334 AIM number: 100267520</p> <p>Census bed type: SNF/NF: 132 Total: 132</p> <p>Census payor type:</p>	F 0000	<p>Dear Ms Rhoades;</p> <p>Attached you will find the completed Plan of Correction and attachments for our complaint survey initiated on September 14, 2016 and concluded on September 20th, 2016. We request that you accept this plan of correction. Should you have any questions please contact me. Respectfully Linda Vest E.D.</p>	
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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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F 0223 SS=G Bldg. 00	<p>Medicare: 19 Medicaid: 98 Other: 15 Total: 132</p> <p>Sample: 6</p> <p>This deficiency also reflects State findings cited in accordance with 410 IAC 16.2-3.1.</p> <p>Quality review completed by 30576 on September 23, 2016</p> <p>483.13(b), 483.13(c)(1)(i) FREE FROM ABUSE/INVOLUNTARY SECLUSION The resident has the right to be free from verbal, sexual, physical, and mental abuse, corporal punishment, and involuntary seclusion.</p> <p>The facility must not use verbal, mental, sexual, or physical abuse, corporal punishment, or involuntary seclusion. Based on record review and interview, the facility failed to ensure a resident (Resident C) was not abused by violation of their privacy and dignity when photos of his exposed torso and groin were taken and transmitted by facility staff to a family member by cell phone. 1 of 3 resident reviewed for abuse.</p>	F 0223	1.Immediate corrective action was put into place in the form of all facility staff has been reeducated on the prevention of abuse including but not limited to privacy and dignity. All staff has been educated on the facility policy that prohibits the use of personal wireless communication devices that include but are not	09/21/2016

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	<p>Findings include:</p> <p>The record of Resident C was reviewed on 9/15/16 at 1:30 P.M. Diagnoses, obtained from the current electronic diagnosis record, included, but were not limited to, a history of cerebral infarct (stroke), coronary artery disease, hypertension, diabetes mellitus, acute kidney failure, and dementia.</p> <p>A Medicare 60 day Minimum Data Set (M.D.S.) assessment dated 8/23/16 indicated Resident C was severely cognitively impaired, required extensive staff assistance for all activities of daily living, did not ambulate, and was incontinent of bowel and bladder.</p> <p>Care plans initiated 6/28/16 indicated Resident C was at risk for skin breakdown due to incontinence of bowel and bladder, and care plans initiated 8/29/16 indicated Resident C had a behaviors of playing in his feces and removing his penis from his incontinence brief and urinating on his clothing.</p> <p>A Reported Incident form filed with the Indiana State Department of Health on 8/25/16 at 1:21 P.M., and updated on 8/30/16, indicated:</p>		<p>limited to the use of cameras, video cameras, MP3 Players, and recording devices. SSD continues to meet with resident C and spouse to ensure psychosocial well-being. The identified employee has been terminated from the facility for violation of facility policy in regards to abuse and wireless device involving camera usage.</p> <p>2.All other residents had the potential to be affected; through interviews and investigation no other residents were identified as being affected. All residents are educated on Resident Rights including but not limited to privacy and dignity. All staff has been educated on the facility policy that prohibits the use of personal wireless communication devices that include but are not limited to the use of cameras, video cameras, MP3 Players, and recording devices. All staff has been educated on abuse prevention and identifying abuse.</p> <p>3.Facility new hires will be educated in the orientation class on abuse prevention, code of conduct, HIPAA, resident rights, elder justice act, reporting abuse and neglect, and personal wireless communication device use. Current staff will continue to have monthly education provided regarding abuse and personal wireless communication devices x 3 months, then quarterly x 3 quarters, then twice yearly x 1 year, and then yearly and PRN as</p>		

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	<p>"Residents Involved: (Resident C)</p> <p>Staff Involved: (CNA #1)</p> <p>Description: Resident (Resident C) wife came into facility and spoke with ED and DNS (Executive Director and Director of Nursing Services). Wife alleges that (CNA #1) sent her pictures via text message of (Resident C) trying to show the wife that (Resident C) had pulled his brief off of himself. The wife was offended with the pictures and feels as though (CNA #1) may have an inappropriate relationship with the resident...Follow up added...(Resident C) has a history of disrobing and pulling off his brief...(CNA #1) stated she was trying to show his wife "Proof" that resident was doing these things and this is why she sent the pictures of what resident had done..."</p> <p>A recorded statement of an interview with CNA #1, dated 8/25/16, and signed by CNA #1, the Executive Director, the Director of Nursing Services, and a staff member as witness, indicated:</p> <p>"I was not assigned to (Resident C) as I normally am on evening shift, but (Resident C's wife) kept texting me throughout the shift...she had asked me a few weeks ago if it was OK if she texted</p>		<p>appropriate.</p> <p>4. The DNS/designee will complete new employee file audits for accuracy and completion of education every week for one month, then twice monthly, then monthly. A random sample of 10 residents will be interviewed monthly to ensure they are treated with dignity and provided privacy and are free from abuse. All findings will be reported to the PI committee monthly. The PI committee will determine when 100% compliance is achieved or if ongoing monitoring is needed.</p>	

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	<p>me on the nights I worked just to check on him. I didn't know I wasn't supposed to be having conversation with the families via text message...On the night I sent her the pictures...he had pulled his brief off and I told the wife what he had done and she asked me how did I know he did it, so I sent her a picture of him without his brief...after I sent the pictures she text (sic) me some more questions and I answered her. It was not until about midnight that I got another text back where she seemed like she was questioning why I had sent her the photos..."</p> <p>Resident C's wife was interviewed privately in person on 9/16/16 at 9:15 A.M. She was cooperative and forthcoming. She indicated that when she received the photos by text on the evening of 8/24/16 she was "shocked" and found the photos "very upsetting." She indicated she had never asked for any photos, or given permission for photos to be taken. She indicated that because her husband was cognitively impaired, and could not respond to concerns raised by this incident, that she continued to be "very upset" because "I just don't know what else might have been going on." She indicated that she or her family did not know CNA #1 in any way prior to Resident C being admitted to the facility.</p>			

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	<p>Resident C's wife indicated she still had the pictures on her phone sent to her by CNA #1, and she showed them to this writer. There were 3 pictures, showing Resident C from his upper abdominal-lower chest to just above his knees. His groin area was exposed and clearly visible in the pictures.</p> <p>Resident C was interviewed on 9/16/16 at 9:50 A.M., while at therapy. He did not respond verbally. He nodded or shook his head in response to questions. He did not seem to indicate any knowledge or concern about the pictures that were taken.</p> <p>The Executive Director (E.D.) was interviewed on 9/14/16 at 2:00 P.M. She indicated that on the morning of 8/25/16 Resident C's wife had shown her the pictures CNA #1 had texted her, and expressed her displeasure and concerns about the incident. The Executive Director indicated the incident had been investigated and had been confirmed, and that CNA #1 had been terminated for violating facility policies concerning resident dignity, abuse, and the taking and transmitting of pictures.</p> <p>The Director of Nursing Services (D.N.S.) was interviewed on 9/15/16 at</p>			

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	<p>9:30 A.M. She indicted CNA #1 admitted to taking and sending the pictures of Resident C to his wife, but denied that she had done anything wrong. The D.N.S., indicated the police had been notified, had come to the facility and taken a report, and at that time there had been no further communication from the police department.</p> <p>CNA #1's personnel file was reviewed on 9/16/16 at 3:00 P.M. Documentation of training on facility policy and procedure related to resident's rights, with the date signed by CNA #1, including privacy, dignity, and abuse, included, but were not limited to:</p> <p>Abuse/Neglect Definitions: 5/31/16</p> <p>Personal Wireless Communication Device Use- Employee-Owned Computers, Cameras, Video Cameras, MP3 Players, IPODS and Recording Devices: 06/16</p> <p>Elder Justice Act elder abuse prevention law: 5/31/16</p> <p>Reporting Abuse and Neglect: 5/31/16</p> <p>Read and Learn: Privacy and Security Updates: 5/31/16</p>			

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	<p>General Employee Checklist, including Abuse Prevention, Code of Conduct, HIPAA, and Resident Rights: 6/01/16</p> <p>The following facility policies and procedures were obtained from the Director of Staff Development on 9/14/16 at 3:15 P.M., and indicated to be current facility policies:</p> <p>Abuse, dated 8/15/16: "Policy: Verbal, sexual, physical, and mental abuse...are strictly prohibited...Patients most at risk of neglect and abuse may include...Patients who have dementia..."</p> <p>Safeguards: Photographing and Videoing Patients and Other Persons, dated 1/22/15: "Purpose: To provide guidelines for photographing, videoing and recording in patient care areas. Policy: HIPAA requires patient authorization for the release of protected health information, which includes individually identifiable photographs..."</p> <p>Personal Wireless Communication Device Use, undated: "Personal wireless communication devices (including cell phone with cameras)...may not be used or remain on while you are on duty...Cameras on cell phones or other devices may not be used at any time at work locations..."</p>			

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	<p>Employee-Owned Computers, Cameras, Video Cameras, MP3 Players, IPODS and Recording Devices, undated: "The use of employee-owned computers, cameras, video cameras...is prohibited in all (Facility name) facilities...No employee may photograph or record patients...by using cell phones (or) cameras, camera phones...without prior written permission..."</p> <p>This Federal tag relates to Complaints IN00208525 and IN00210221.</p> <p>3.1-27(a)(1)</p>						