

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 155029	X2) MULTIPLE CONSTRUCTION A. BUILDING 00 B. WING _____	X3) DATE SURVEY COMPLETED 01/20/2016
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NAME OF PROVIDER OR SUPPLIER COMMUNITY NURSING AND REHABILITATION CENTER	STREET ADDRESS, CITY, STATE, ZIP CODE 5600 E 16TH ST INDIANAPOLIS, IN 46218
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F 0000 Bldg. 00	<p>This visit was for the Investigation of Complaints IN00189842, IN00190341, and IN00190747.</p> <p>This visit was in conjunction with the Post Survey Revisit (PSR) to the Recertification and State Licensure Survey completed on 12/21/15.</p> <p>Complaint IN00189842 - Substantiated. Federal/State deficiencies related to the allegation is cited at F223.</p> <p>Complaint IN00190341 - Unsubstantiated due to lack of evidence.</p> <p>Complaint IN00190747 - Unsubstantiated due to lack of evidence.</p> <p>Survey dates: January 19 and 20, 2016.</p> <p>Facility number: 000012 Provider number: 155029 AIM number: 100274900</p> <p>Census and bed type: SNF/NF: 97 Total: 97</p> <p>Census and Payor type: Medicare: 16</p>	F 0000	<p>F000</p> <p>The creation and submission of this Plan of Correction doesnot constitute an admission by this provider of any conclusion set forth in thestatement of deficiencies, or of any violation regulation. This providerrespectfully requests that this Plan of Correction be considered the Letter ofCredible Allegation of Compliance and requests a desk review in lieu of a postsurvey on or after 2/13/16. This facility also respectfully requests aface-to-face IDR for F223 as the facility disagrees with the scope and severityof the deficiencies.</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>Medicaid: 58 Other: 23 Total:97</p> <p>Sample: 10</p> <p>This deficiency reflects State findings cited in accordance with 410 IAC 16.2-3.1.</p> <p>Quality review completed by 30576 on January 25, 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 observation, interview, and record review, the facility failed to ensure a resident was free from abuse resulting in psychosocial harm for 1 of 3 residents reviewed for abuse. (Resident #C)</p> <p>Findings include: The clinical record for Resident #C was</p>	F 0223	<p>F223 The facility failed to ensure a resident was free from abuseresulting in psychosocial harm for 1 of 3 residents interviewed for abuse. What correctiveaction(s) will be accomplished for those residents found to have been affectedby the deficient practice? ·Employee involved in this</p>	02/13/2016	

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	<p>reviewed on 1/19/16 at 12:30 p.m. The diagnoses for Resident #C included, but were not limited to: borderline personality disorder, schizoaffective disorder, and epilepsy.</p> <p>The 12/11/15 Quarterly MDS (minimum data set) assessment indicated Resident #C had a BIMS (brief interview for mental status) score of 15, the highest possible score, indicating Resident #C was cognitively intact.</p> <p>The investigative file for a 12/28/15 incident involving Resident #C was provided by the Executive Director (ED) on 1/19/16 at 12:05 p.m.</p> <p>The Follow-Up Incident Report submitted to the Indiana State Department of Health indicated, "Resident states CNA (Certified Nursing Assistant) has asked her for months if she wanted hot dog. Resident states CNA grabbed himself and then she knew CNA was referencing his penis as "hot dog". Resident immediately assessed for further clinical needs. ED, MD, APS (Adult Protective Services), Ombudsman notified. CNA suspended pending the outcome of an investigation. Social Services began assessments to identify if other residents were affected and initiated 3-day follow up of resident involved.</p>		<p>incident involving Resident #C was terminated and is no longer employed with this facility. How will you identify other residents having the potential to be affected by the same deficient practice and what corrective action will be taken?</p> <ul style="list-style-type: none"> ·All residents have the potential to be affected by the alleged deficient practice. ·All staff will be in-serviced on the Abuse Incident Reporting Policy by the CEC/designee by 02-13-16. <p>What measures will be put into place or what systematic changes you will make to ensure that the deficient practice does not recur?</p> <ul style="list-style-type: none"> ·All staff will be in-serviced on the Abuse Incident Reporting Policy by the CEC/designee by 02-13-16. ·DNS/designee will review the Facility Activity Report daily to identify any occurrence that may be considered a reportable incident and consult with the Executive Director to determine if the event is reportable to ISDH and if applicable to local law enforcement per CMS and ISDH guidelines. ·CEC/designee will in-service all new employees on the Abuse Incident Reporting Policy upon hire and then yearly thereafter. <p>How the corrective action(s) will be monitored to ensure the</p>	

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	<p>Resident referred to psych (psychological) services to identify if further follow up if (sic) needed...No injury noted...CNA suspended pending the outcome of an investigation to ensure no further contact with resident....Facility investigation confirmed need to terminate employment with CNA (name of CNA #7) upon completion of investigation. Resident has been followed by Social Services and has exhibited no signs or symptoms of distress. Resident has been referred to Psych services to assess need for further follow up."</p> <p>The 12/29/15 CNA #3 and CNA #4 written statement, written by CNA #3 and signed by CNA #3 and CNA #4 indicated, "I (names of CNA #3 and CNA #4) came on shift which was 12/27/15 going into 12/28/15 Monday morning 2:45. (Name of CNA #7) walks up and say (sic) Merry Christmas to (names of CNA #3 and CNA #4). We all started having short talk and (name of CNA #7) started talking bout (sic) hotdogs and I (name of CNA #3) said go on (name of CNA #7) with that hotdog talk. Then he ask (sic) (name of CNA #4) bout (sic) hotdog and then asked (name of Resident #C) and (name of Resident #C) said I got a husband. I don't need your hot dog and stop talking to me that way cause (sic) I know what you mean. You say it again</p>		<p>deficient practice will not recur,i.e., what quality assurance program will be put into place?</p> <ul style="list-style-type: none"> ·An Abuse-Staff Interview CQI tool will be completed weekly times 4 weeks and monthly times 5. Data will be submitted to the CQI committee for follow up. ·If threshold of 95% is not achieved an action plan will be developed to ensure compliance. <p>By what date willsystematic changes be completed?</p> <ul style="list-style-type: none"> ·All systematic changes will be completed by 2/13/16 	
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	<p>and I am turning you in to the administration. Then he started acting like he didn't understand what (name of Resident #C) was saying. So we told the nurse (names of LPN #9 and LPN #6) and told them (name of Resident #C) said she was going to turn him, meaning (name of CNA #7) in in the morning. The first person we sent (sic) Monday morning was (name of Staff Scheduler). We told her. Cause (sic) (name of Resident #C) said it offended her and made her uncomfortable (sic) she also stated when asked what hot dog he grabbed himself and that's when she clicked, and told him no one wants your nasty stinking hotdog and then he turned and left and didn't say anything the rest of (sic) night or the next day. Never witness (sic) the grab, but heard the rest. He also say this to lots of people bout (sic) hot dog."</p> <p>The 12/27/15 Resident #C statement indicated, "An aide name (name of CNA #7) keep (sic) asking me for months do I want hotdog. Said I got hotdog. I didn't relize (sic) he was talking about his (expletive). I thought it was an Africian (sic) food for weeks until he grab (sic) himself. Then I knew it was his penis. I told his (sic) got to get the (expletive) away from me with his nasty stinky (expletive) (expletive). Don't nobody</p>			
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	<p>want it or him, an (sic) told 2nd floor, one of the nurses what he said. It was scary."</p> <p>The 12/28/15, 8:15 a.m. Unit Manager (UM) #5 written statement indicated, "Writer clocked in for work. Resident (room number of Resident #C) came to me and stated that (name of CNA #7) CNA asked her if she wanted to see his hot dog. Resident asked him what was on it and staff grab (sic) his private part. Writer reported to CEC (Clinical Education Coordinator), DNS (Director of Nursing Services) and ED. Will continue to observe."</p> <p>The undated LPN #6 written statement was provided by the CEC on 1/19/16 at 3:09 p.m. It indicated, "On Sunday, 12/28 @ around 6:30 a.m., my CNA (name of CNA #3) notified me that the CNA upstairs (name of CNA #7) was downstairs and talking to her, (name of CNA #4) and patient (name of Resident #C) about wanting a hot dog & grabbed his penis. I notified the DON (aka DNS) and scheduler (name of Staff Scheduler). I checked on the patient who was unharmed, asked the patient what happened who said the male CNA grabbed his penis and asked if she wanted a hot dog. The patient seemed calm & not upset about situation. Skin</p>			

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	<p>assessment normal. DON told me to make CNA leave due to accusation. CNA was leaving for the shift at this time."</p> <p>The 12/28/15 Staff Scheduler written statement indicated, "This morning around 7:15 a.m. (names of CNA #4 and CNA #3) told me that (name of Resident #C), a resident here, stated a staff member member made sexual and inappropriate conversation with her. (Names of CNA #4 and CNA #3) stated that (name of Resident #C) said the staff (name of CNA #7) asked her if she wanted a hot dog. And she (name of Resident #C) said yes, he grabbed his crotch and she said no and told him to leave her room."</p> <p>The 1/20/16 CNA #7 written statement indicated, "I had work (sic) with CNA (name of CNA #4) at another facility and we are friends. A while ago, I came down stairs and I saw (name of CNA #4) and another CNA eating something with biscuit (sic), and she said do you want some, (sic) is hot dog, it tastes good, and I said hot dog, I never heard of that, what is it? And they laughed and said it make (sic) out of pork, not really from dog. From that day at any time they saw me, they asked me do you want hot dog. It was joke (sic) and we were saying back</p>			

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	<p>and forth to each other and we laugh about it. On 12/28/15 at 5:30 a.m., I came down stairs to chart and I saw (name of CNA #4) and CNA down hallway and joking and say do you got hot dog. They laughed and we just talk friendly, and there was no resident around, and when get (sic) done with my charting and went home...."</p> <p>A telephone interview was conducted with CNA #3 on 1/19/16 at 2:19 p.m. CNA #3 indicated about 5:00 a.m., on 12/28/15, CNA #7 asked her (CNA #3) 'do you like hot dogs?'. CNA #3 indicated she told him "not to start with that". CNA #3 indicated she'd heard CNA #7 say hot dog before, but never to a resident. CNA #3 indicated CNA #7 asked Resident #C 'do you like hot dogs?'. Resident #C looked at him and said, 'No, I dont. I have a husband. Don't bring that to me. I know what you're talking about.' CNA #3 indicated Resident #C started cussing and telling CNA #7 she didn't want his nasty hot dog. CNA #3 indicated she did not see CNA #7 grab himself. CNA #3 indicated Resident #C was upset and said she was going to report it. CNA #3 indicated she, along with CNA #4 told 2 nurses right away. CNA #3 indicated Resident #C was "looking crazy" because she (Resident #C) said she'd been raped</p>			
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	<p>before. CNA #3 indicated Resident #C just kept saying she was going to report his (expletive), because he had no business talking to her like that, and she was uncomfortable. CNA #3 indicated her written statement may have been inaccurate regarding the incident occurring at 2:45, and meant to write 5:45 a.m.</p> <p>An interview was conducted with CNA #4 on 1/20/16 at 1:31 p.m. CNA #4 indicated she, CNA #3, and Resident #C were in the hallway and CNA #7 asked Resident #C 'you want hot dog?' CNA #4 indicated Resident #C took it to mean a real hot dog, but when she realized what he meant, she got mad. CNA #4 indicated, "From my perspective, he was talking about his private." CNA #4 indicated Resident #C was really upset, and that she and CNA #3 had to calm her down. CNA #4 indicated Resident #C told CNA #7 if she wanted a hotdog, she had a husband, and didn't need CNA #7's (expletive) hot dog. CNA #4 indicated she and CNA #3 told LPN #6 immediately. CNA #4 indicated she and CNA #3 stayed with Resident #C until she calmed down because they knew she had seizures. CNA #4 indicated, "We didn't want her to worry herself into a seizure, so we had to calm her." CNA #4 indicated CNA #7 indicated 'me got hot</p>			

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	<p>dog' before, but this was the first time she'd heard him say it to a resident. CNA #4 indicated, "To be in the caregiving field, you just don't say those things."</p> <p>An interview was conducted with Resident #C on 1/19/16 at 3:34 p.m. She indicated CNA #7 said something she didn't like, and he was fired the same day. She indicated he asked her, 'You want my hot dog?'. She indicated she never paid attention to it until he grabbed himself, and that was when she figured out what he meant by 'hot dog'. She indicated CNA #7 had been saying it for about a week to her. She indicated afterwards she felt nervous, insulted, and like she needed to get help right away. She indicated CNA #3 and CNA #4 stayed with her until CNA #7 left the area. She indicated she told CNA #7, "Don't nobody want your nasty stankin' (expletive) (expletive)." She indicated she informed CNA #7 she was going to report him. Resident #C indicated she was proud of the way the facility handled everything. She indicated she was sexually abused as a child, so CNA #7's statements and actions "really shook me up." Resident #C indicated she pictured CNA #7 grabbing himself, in her head, for a couple of weeks after the incident. She indicated she prayed at night for the next couple of days for God to keep her</p>			

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	<p>safe and not let it happen again. She indicated she never had to go through anything like that before at the facility. She indicated when CNA #7 grabbed himself, he made a "humping" motion. Resident #C made a fist, placed it at her pubic area, and began motioning back and forth to display what she observed from CNA #7. Resident #C indicated she spoke with her therapist about the situation.</p> <p>Resident #C's 1/12/16 Psychotherapy Progress Note, written by Licensed Clinical Social Worker (LCSW) #8, indicated her symptom behavior reflective of psychiatric problems were: anxiety/rumination, agitation, sad/hopelessness/helpless and tearful. It indicated the description of the session as: utilized poor expressive/receptive verbal reasoning, and poor general feeling of well-being. It indicated, "If I sleep 4 hours, I'm doing good. I'm scared to fall asleep. I might have nightmares about sex." The comments section of the note indicated, 'I'm just sad today. Life sucks. I don't care anymore.' Pt was in good spirits last week. The Barriers section of the note indicated, "Low self esteem, compares herself to others..."</p> <p>A telephone interview was conducted with LCSW #8 on 1/20/16 at 11:31 a.m.</p>			

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	<p>LCSW #8 indicated she'd been working with Resident #C for over a year and tried to see her once a week, but sometimes it was every other week. LCSW #8 indicated Resident #C told her about the incident involving CNA #7. LCSW #8 indicated Resident #C was upset about it in that Resident #C felt like why didn't she catch that, and was kind of down on herself. LCSW #8 indicated the reason for that was she was supposed to be in a safe place. The facility was her home, so it would be totally unexpected for that to happen, so she was down on herself for not picking up on it. LCSW #8 indicated Resident #C was molested as a child and had nightmares about her dad, especially close to her Haldol (antipsychotic medication) shot being due. LCSW #8 indicated Resident #C was "already tormented by her childhood, so this guy at the facility doing this would trigger nightmares and more fear." LCSW #8 indicated Resident #C seemed shocked that CNA #7 would say that, and (Resident #C) felt like it was so obvious what he meant, how could she (Resident #C) not pick up on that.</p> <p>The 12/31/15, 1:16 p.m., IDT (Interdisciplinary Team) Note indicated, "IDT met to review to discuss residents status post 12/27/15 event. Resident states she feels safe in facility and with</p>			

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	<p>all care givers. Resident expressed she is happy living in facility and comfortable here. Resident also voiced her appreciation with the immediate reaction and actions taken by staff as a result of event, and is happy with the outcome. Resident states she is not in any psychological, mental, emotional or physical distress as result of the 12/27/15 event....Resident cont (continues) to attend several activities on a daily basis. Resident has experienced no change in diet or consumptions. Residents normal sleep pattern has not been affected. Resident shows no s/sx (signs/symptoms) of distress. Resident cont to deny ay pain or discomfort. Will cont to F/U (follow up) with resident. In attendance: DNS, ED, SSD, Activities Director, CDM (Certified Dietary Manager), and UM (Unit Manager)."</p> <p>An interview was conducted with the ED, DNS, and Social Services Director (SSD) on 1/19/16 at 1:49 p.m. The ED indicated she determined the allegation took place and employee #7 needed terminated. The ED indicated she thought the conversation started out as a conversation between coworkers and became something that he could involve the resident in. The ED indicated she did not know if CNA #7 had intent to verbally abuse her. The ED indicated it</p>			

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 155029		X2) MULTIPLE CONSTRUCTION A. BUILDING 00 B. WING _____		X3) DATE SURVEY COMPLETED 01/20/2016	
NAME OF PROVIDER OR SUPPLIER COMMUNITY NURSING AND REHABILITATION CENTER				STREET ADDRESS, CITY, STATE, ZIP CODE 5600 E 16TH ST INDIANAPOLIS, IN 46218			
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	<p>was "undetermined" whether CNA #7's statements were disparaging and derogatory.</p> <p>A telephone interview was conducted with CNA #7 on 1/20/16 at 11:02 a.m. He indicated it became a laughing matter that he didn't know what a hot dog was. He indicated he was talking to another CNA around 5:30 a.m., on 12/28/15, and no resident was around. He indicated he did not make any gestures.</p> <p>The 1/7/16 Employee Record for CNA #7 indicated, "Above employee utilized profane language & inappropriate conduct toward resident...Action taken from this discussion/investigation: Termination. Final Written Warning Violations: Horseplay, disruptive or unruly behavior, creation of unreasonable noise, or use of profane language."</p> <p>The Abuse Prohibition, Reporting, and Investigation policy and procedure was provided by the ED on 1/19/16 at 12:05 p.m. It indicated, "Abuse is the willful infliction of injury, unseasonable confinement, intimidation or punishment with resulting physical harm or pain, or mental anguish." The policy defined willful as, "the individual's action was deliberate (not inadvertent or accidental), regardless of whether the individual</p>						

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	<p>intended to inflict injury or harm." It indicated, "Verbal abuse - oral, written, or gestured language that includes disparaging and derogatory terms to residents or their families, or within their hearing, regardless of their age, ability to comprehend, or disability. Examples would include, but are not limited to: threats of harm, saying things to frighten a resident,..." It indicated, "Sexual Abuse-sexual harassment, sexual coercion, or sexual assault...Examples: ...gestures...harassment, seduction, coercion...Mental Abuse-Verbal or nonverbal infliction or anguish, pain, or distress that results in psychological or emotional suffering. 1. Staff to resident-any episode...Examples: humiliation, harassment, threats of punishment or deprivation, bullying... (Name of corporate facility) will not permit residents to be subjected to abuse by anyone, including employees..."</p> <p>This Federal tag relates to complaint IN00189842.</p> <p>3.1-27(b)</p>			