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| STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION | X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:<br><br>155328 | X2) MULTIPLE CONSTRUCTION<br>A. BUILDING 00<br>B. WING _____ | X3) DATE SURVEY COMPLETED<br><br>02/07/2014 |
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| NAME OF PROVIDER OR SUPPLIER<br><br>WESTPARK REHABILITATION CENTER | STREET ADDRESS, CITY, STATE, ZIP CODE<br>25 S BOEHNE CAMP RD<br>EVANSVILLE, IN 47712 |
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| F000000            | <p>This visit was for the Investigation of Complaint IN00143458.</p> <p>Complaint IN00143458 - Substantiated, Federal/State deficiencies related to the allegations are cited at F223.</p> <p>Survey dates:<br/>February 6 and 7, 2014</p> <p>Facility number: 000221<br/>Provider number: 155328<br/>AIM number: 100267620</p> <p>Survey team:<br/>Anne Marie Crays RN</p> <p>Census bed type:<br/>SNF: 21<br/>SNF/NF: 70<br/>Total: 91</p> <p>Census payor type:<br/>Medicare: 19<br/>Medicaid: 57<br/>Other: 15<br/>Total: 91</p> <p>Sample: 3</p> <p>These deficiencies reflect state findings cited in accordance with</p> | F000000       | <p>The Preparation or execution of this plan of correction does not constitute admission of agreement by the provider of the truth of the facts alleged or conclusions set forth on the statement of deficiencies. The plan of correction is prepared and executed solely because it is required by federal and state law. We respectfully request this Plan of Correction serve as our allegation of compliance.</p> |                      |

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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| F000223<br>SS=D  | <p>410 IAC 16.2.</p> <p>Quality review completed on February 10, 2014, by Jodi Meyer, RN</p> <p>483.13(b), 483.13(c)(1)(i)<br/>FREE FROM ABUSE/INVOLUNTARY SECLUSION</p> <p>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.</p> <p>Based on observation, interview, and record review, the facility failed to ensure a resident was free from verbal and physical abuse, in that a registered nurse yelled at and pushed a resident, for 1 of 3 residents reviewed for abuse, in a sample of 3. Resident A</p> <p>Findings include:</p> <p>1. On 2/6/14 at 9:30 A.M., the Social Services Director (SSD) provided a current resident list, indicating those who were interviewable. The list indicated Resident A was</p> | F000223   | Resident A is free of verbal and physical abuse. Residents in the registered nurse's care have been assessed. Head to toe assessments were completed on dependent residents and alert and orientated residents were interviewed. It was determined that the residents are free of verbal and physical abuse. Facility staff were re-educated on the policy and procedure on resident abuse. Also, they have been provided additional coping techniques to be used in high stress situations. Allegations of verbal and physical abuse are investigated and reviewed by the Administrator and or the Director of Nursing/designee to determine | 02/14/2014           |   |

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|  | <p>interviewable.</p> <p>On 2/6/14 at 9:55 A.M., Resident A was interviewed. Resident A was observed lying in her bed, with a sling on her left arm. Resident A indicated her left arm hurt. Resident A indicated, "That nurse [RN # 1 name] did it. She pushed me because she wanted the newspaper. They fired her." Resident A indicated RN # 2 "saw it and called [Administrator name]." Resident A indicated she "had a fracture," and was to see an orthopedic doctor.</p> <p>On 2/6/14 at 10:15 A.M., the clinical record of Resident A was reviewed.</p> <p>A Minimum Data Set (MDS) assessment, dated 1/16/14, indicated the resident scored a 15 out of 15, indicating no memory impairment.</p> <p>A Progress Note, dated 1/27/14 and untimed, indicated: "DCR [care review] for physical altercation from nurse to [Resident A]. Incident has been filed [with] ISDH [Indiana State Department of Health], Sheriff Report done, APS [Adult Protective Services], Ombudsman. Another nurse, [RN # 2], immediately stopped altercation, separated</p> |   | <p>if allegations are substantiated. Results of investigations will be reviewed during monthly QA. Allegations of verbal and physical abuse will be reported to officials/agencies in accordance with State and Federal law (including the ISDH) and if the alleged violation is verified appropriate corrective action will be taken.</p> |  |  |   |  |

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|  | <p>nurse/[Resident A], [and] reported incident to Administrator...."</p> <p>On 2/6/14 at 10:30 A.M., the Administrator provided documents, including witness statements and incident reports, related to the investigation into the abuse of Resident A.</p> <p>A Progress Note, dated 1/26/14 at 5:15 A.M., indicated, "While standing at my medication cart outside room [number] I saw resident [Resident A] in her wheelchair going from the nurses station towards her room. [RN # 1] came from the ICF day room and told resident in a loud voice to give her the newspaper. Resident yelled back that she is allowed to look at the newspaper. The nurse attempted to take the newspaper from the resident who then pulled the paper away. The nurse then grabbed the residents [sic] arm and once more attempted to remove the paper. The resident pushed the nurse back and stood up out of her wheelchair. The nurse then grabbed the resident by both arms and pushed the resident against the wall. Residents arms were towards head, grabbed by forearms and pushed back against wall. The resident</p> |  |  |  |
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|                    | <p>broke the left arm free and swung it at the nurse. I am unsure if this connected. The nurse then swung her right arm at the resident. I am unsure if this connected. The resident threw the newspaper down the hallway; broke free simultaneously...I immediately went to the residents room...A small fresh skin tear was documented to RUE [right upper extremity] with fresh bruising inferior. A bruise was noted to superior left breast."</p> <p>A statement by RN # 1, dated 1/29/14 at "4:15 A or 4:30 A," indicated, "On 1/26/14, I saw [Resident A] grab something from the desk. I confronted her on what she had and she said the newspaper [and] [Administrator] said I could have it.' I told her it was not for her [and] she shouldn ' t be taking things from the nurse's desk that did not belong to her. She rolled her w/c [wheelchair] away from me. I stopped her [and] she stood up [and] was trying to hit me. I grabbed her [right] wrist (she had on long sleeves). She was still trying to hit me so I took her arm [and] put it on her chest [and] put her against the wall until she stopped...She said, 'I know you want to hit me.' I told her I would like to put her head threw [sic]</p> |               |   |                      |

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|  | <p>the wall [and] walked away. I went about my business."</p> <p>An Incident Report included the following: "Incident Date: 01/26/2014, Incident Time: 05:40 AM, Residents Involved [Resident A]...Staff Involved [RN # 1], Brief Description of Incident, Description added - 1/31/2014 (sic) [Resident A] removed the newspaper from the nurse's station. [RN # 1] confronted [Resident A] and demanded she put the newspaper back. [Resident A] refused. [RN # 1] then grabbed the residents [sic] arm in an attempt to remove the paper. [Resident A] stood up from her wheelchair and pushed [RN # 1]. [RN # 1] pushed [Resident A] against the wall. [Resident A] broke free and threw the paper down the hall...Another staff nurse had seen the incident develop and was headed toward [Resident A and RN # 1]...Type of Injury added - 1/31/2014 (sic) Skin assessment completed. Assessment revealed bruise on rt [right] wrist (3.1 x 3.1), bruise on lt [left] breast (1.2 x 1.1) and scratch rt forearm (0.7 x 0.2)...."</p> <p>On 2/6/14 at 11:30 A.M., CNA # 1 was interviewed. CNA # 1 indicated she was working the morning of</p> |   |   |  |  |   |  |

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|  | <p>1/26/14. She indicated she did not see the altercation between RN # 1 and Resident A. She indicated RN # 2 instructed her to go sit with Resident A and close the door. She indicated Resident A told her that RN # 1 shoved her against the wall, threw a punch at her, and hit her shoulder. CNA # 1 indicated there was a bruise on the resident's shoulder.</p> <p>On 2/6/14 at 2:05 P.M., during interview with LPN # 1, she indicated she was working the morning of 1/26/14. She indicated she had not witnessed the altercation between Resident A and RN # 1. She indicated RN # 2 instructed her to go to Resident A's room and do a head-to-toe skin assessment. She indicated her and LPN # 2 went together to do the assessment. LPN # 1 indicated she found a scratch on the resident's right arm and a small bruise on the resident's left chest area. LPN # 1 indicated the resident told her that RN # 1 grabbed the newspaper from her, twisted and scratched her arm.</p> <p>On 2/7/14 at 12:10 P.M., during interview with the Director of Nursing, she indicated RN # 1 had been terminated from the facility.</p> |   |   |                      |   |

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|  | <p>On 2/7/14 at 2:00 P.M., during interview with RN # 2, he indicated he was working on an adjoining unit on 1/26/14 when he saw the altercation between RN # 1 and Resident A. He indicated he observed Resident A leaving the nursing station holding onto a newspaper. He observed RN # 1 come up behind the resident and grab the resident's arm and Resident A pulled back. He indicated, "They took a swing at each other but I don't know if either connected." He indicated the resident threw the newspaper and proceeded to roll her wheelchair into her room. He indicated he immediately walked down the hall, checked the resident, and called the Administrator to report the abuse.</p> <p>2. On 2/6/14 at 2:00 P.M., the Administrator provided the current facility policy on "Prevention and Reporting: Resident Mistreatment, Neglect, Abuse...", revised April 2013. The policy included: "Verbal abuse is oral, written, or gestured language that includes disparaging and derogatory terms to the resident or their families or within their hearing distance regardless of their age, ability to comprehend or</p> |   |   |  |  |   |  |

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|                    | <p>disability. Physical abuse includes hitting, slapping, pinching scratching, spitting, holding roughly, etc. It also includes controlling behavior through corporal punishment...Mental/Emotional Abuse includes, but is not limited to, humiliation, harassment, and threats of punishment or deprivation."</p> <p>This Federal tag relates to Complaint IN00143458.</p> <p>3.1-27(b)</p> |               |   |                      |

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