

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 157682	X2) MULTIPLE CONSTRUCTION A. BUILDING <u>00</u> B. WING _____	X3) DATE SURVEY COMPLETED 06/14/2017
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NAME OF PROVIDER OR SUPPLIER MAXIM HEALTHCARE SERVICES INC	STREET ADDRESS, CITY, STATE, ZIP CODE 1716 E DAY ROAD MISHAWAKA, IN 46545
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N 0000 Bldg. 00	<p>This was an offsite licensure investigation survey.</p> <p>Survey Date: 6/13-14/17</p> <p>Facility Number: #012154</p> <p>During this offsite investigation, the agency was found to be operating without a current Indiana Home Health license</p>	N 0000	<p><u>South Bend Plan of Correction for ISDH offsite survey conducted June 14, 2017</u></p> <p>By submitting this POC the agency does not admit the allegations in the survey report or that it violated any regulations. The agency is submitting this POC in response to its regulatory obligations and commitment to compliance. The agency further reserves the right to contrast any alleged findings, conclusions and deficiencies. The agency intends to request that this POC service as its Credible Allegation of Compliance.</p>	
N 0400 Bldg. 00	<p>410 IAC 17-10-1(a) Licensure Rule 10 Sec. 1(a) No home health agency shall:</p> <p>(1) be opened; (2) be operated; (3) be managed; (4) be maintained; or (5) otherwise conduct business; without a license issued by the department.</p> <p>Based on document review and interview, the agency failed to ensure it was operating with a current Indiana Home Health Agency license.</p> <p>Findings include:</p>	N 0400	<p>Response:</p> <p>The renewal application and fee was sent to ISDH on 6/14/17 and received by ISDH on 6/15/17. The home health license was renewed</p>	06/15/2017

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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	<p>1. The following was Indiana statute for licensure of home health agencies, "IC [Indiana Code] 16-27-1-8 Licensing Sec. [section] 8. (a) To operate a home health agency, a person must first obtain a license from the state health commissioner."</p> <p>2. A letter from Indiana State Department of Health dated January 27, 2017, stated, "Dear [administrator's name]: Our records indicate that your agency's license to operate a home health agency in the State of Indiana will expire May 31, 2017. Enclosed is a renewal application for you to complete and submit with requested documentation and \$250 license fee to: ... Please ensure your application is complete and arrives in advance of your facility's license expiration 5/31/17."</p> <p>3. The Indiana State Department of Health did not receive the renewal application by 5/31/17 when the agency's license expired.</p> <p>4. On 6/13/17 at 1:55 p.m., the agency was called and spoke with RN #1 who indicated the agency's current census was approximately 30 patients. The phone was transferred to the known alternate administrator who was unaware of the</p>		<p>on 6/15/17 and expires on 5/31/2018. The alternate administrator was educated to IC 16-27-1-8 Licensing section 8 (a), regarding the process for renewing agency license to operate, by the Administrator on 6.15.17.</p> <p>To prevent recurrence of this alleged deficiency, Maxim's Licensure Team Lead, Chief Counsel for Healthcare, Assistant General Counsel and Area Vice Presidents for Clinical and Operations will be sent calendar notifications that will alert two weeks prior to the due dates (i.e., 90 days prior to expiration) and expiration dates of all applicable licenses. Maxim's Chief Counsel for Healthcare will meet on a monthly basis with the Licensure Team Lead to review all licenses with a due date (i.e., 90 days prior to expiration) or expiration date in the following month, and to mark any open items for weekly follow-up with the Administrator. The agency Administrator will be responsible for ensuring that licensure renewal application is submitted to ISDH timely each year.</p> <p>The Administrator is responsible for ensuring compliance with this rule.</p> <p>Correction date 6/15/17.</p>		

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N 0434 Bldg. 00	<p>process of renewing the agency's license to operate.</p> <p>410 IAC 17-11-3 Renewal of home health licensure Rule 11 Sec. 3 An application for renewal of license shall be filed with the department at least sixty (60) days prior, but not sooner than ninety (90) days before, the expiration date of the current license.</p> <p>Based on document review and interview, the home health agency failed to ensure the renewal application for licensure was filed at least 60 days prior to the expiration of the Indiana home health license.</p> <p>Findings include:</p> <p>1. The following was Indiana statute for licensure of home health agencies, "IC [Indiana Code] 16-27-1-8 Licensing Sec. [section] 8. (a) To operate a home health agency, a person must first obtain a license from the state health commissioner."</p> <p>2. A letter from Indiana State Department of Health dated January 27, 2017, stated, "Dear [administrator's name]: Our records indicate that your agency's license to operate a home health agency in the State of Indiana will expire May 31, 2017. Enclosed is a renewal</p>	N 0434	<p>Response:</p> <p>The renewal application and fee was sent to ISDH on 6/14/17 and received by ISDH on 6/15/17. The home health license was renewed on 6/15/17 and expires on 5/31/2018. The alternate administrator was educated to IC 16-27-1-8 Licensing section 8 (a), regarding the process for renewing agency license to operate, by the Administrator on 6.15.17.</p> <p>To prevent recurrence of this alleged deficiency, Maxim's Licensure Team Lead, Chief Counsel for Healthcare, Assistant General Counsel and Area Vice Presidents for Clinical and Operations will be sent calendar notifications that will alert two weeks prior to the due dates (i.e., 90 days prior to expiration) and expiration dates of all applicable licenses. Maxim's Chief Counsel for Healthcare will meet on a monthly basis with the Licensure Team Lead to review all licenses with a due date (i.e., 90</p>	06/15/2017

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N 0444 Bldg. 00	<p>application for you to complete and submit with requested documentation and \$250 license fee to: ... Please ensure your application is complete and arrives in advance of your facility's license expiration 5/31/17."</p> <p>3. The Indiana State Department of Health did not receive the renewal application by 5/31/17 when the agency's license expired.</p> <p>4. On 6/13/17 at 1:55 p.m., the agency was called and spoke with RN #1 who indicated the agency's current census was approximately 30 patients. The phone was transferred to the known alternate administrator who was unaware of the process of renewing the agency's license to operate.</p> <p>410 IAC 17-12-1(c)(1) Home health agency administration/management Rule 12 Sec. 1(c) An individual need not be a home health agency employee or be present full time at the home health agency in order to qualify as its administrator. The administrator, who may also be the supervising physician or registered nurse required by subsection (d), shall do the following: (1) Organize and direct the home health agency's ongoing functions. Based on interview and record review the agency failed to ensure there was only</p>	N 0444	<p>days prior to expiration) or expiration date in the following month, and to mark any open items for weekly follow-up with the Administrator. The agency Administrator will be responsible for ensuring that licensure renewal application is submitted to ISDH timely each year.</p> <p>The Administrator is responsible for ensuring compliance with this rule.</p> <p>Response:</p>	06/15/2017			

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	<p>one administrator who organized and directed the home health agency's day to day operations.</p> <p>Findings include:</p> <ol style="list-style-type: none"> 1. The agency's home health license to operate expired May 31, 2017, and the Indiana State Department of Health did not receive a renewal application. 2. On 6/13/17 at 1:55 p.m. the agency was contacted and the administrator was requested. The individual who answered the phone indicated the administrator was not available and transferred the call to RN #1 who identified herself as "field support". RN #1 indicated the agency was currently without an administrator as the administrator position was recently vacated on 6/2/17. When queried about the name of the listed alternate administrator the ISDH had on file, she indicated she was currently at the agency and transferred the call to her. The alternate administrator indicated the agency was currently undergoing changes and the "operational manager" recently resigned. When asked about that individual's role she indicated he oversaw the day to day business operations of the agency. When queried about the administrator the ISDH had on file she indicated she is the "also" the 		<p>The administrator reviewed 410 IAC 17-12-1 (C) (1) Home health agency administration/management rule 12 sec. 1(C) regarding the role of the administrator and the administrator being responsible to organize and direct the home health agency's ongoing functions. All agency internal staff, including employee #1 and the alternate administrator, were educated to 410 IAC 17-12-1 (C) (1) Home health agency administration/management rule 12 sec. 1(C) regarding the role of the administrator. This education was completed on 6.15.17 by the Administrator.</p> <p>The renewal application and fee was sent to ISDH on 6/14/17 and received by ISDH on 6/15/17. The home health license was renewed on 6/15/17 and expires on 5/31/2018. The alternate administrator was educated to IC 16-27-1-8 Licensing section 8 (a), regarding the process for renewing agency license to operate, by the Administrator on 6.15.17.</p> <p>To prevent recurrence of this alleged deficiency, the organizational chart was updated to reflect the Administrator being solely responsible for organizing and directing the home health agency's ongoing functions and not sharing those responsibilities with the Accounts Manager role.</p>		

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N 0451 Bldg. 00	<p>administrator the two split the administrator role.</p> <p>3. The agency organizational chart (updated 6-2017) received by fax on 6/13/17 at 3:35 p.m., was reviewed and indicated the listed administrator, recognized by the ISDH, was at the same level of responsibility as the vacant "accounts manager" role.</p> <p>4. The administrator was interviewed on 6/14/17 at 9:30 a.m., and indicated the accounts manager and her role shared administrative responsibilities within the agency. The administrator indicated being primarily responsible for the clinical side, while the accounts manager oversaw the business side.</p> <p>410 IAC 17-12-1(c)(8) Home health agency administration/management Rule 12 Sec. 1(c)(8) The administrator, who may also be the supervising physician or registered nurse required by subsection (d), shall do the following: (8) Ensure that a qualified person is authorized in writing to act in the administrator's absence. Based on interview and record review and the agency failed to ensure the alternate administrator was knowledgeable and aware of the agency's</p>	N 0451	<p>The Administrator is responsible for ensuring compliance with this rule.</p> <p>Response:</p> <p>The administrator reviewed 410 IAC 17-12-1 (C) (8) Home health agency administration/management rule</p>	06/15/2017			

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	<p>administrative responsibilities to act in the absence of the administrator.</p> <p>Findings include:</p> <ol style="list-style-type: none"> 1. The agency's home health license to operate expired May 31, 2017, and the Indiana State Department of Health did not receive a renewal application. 2. On 6/13/17 at 1:55 p.m. the agency was contacted and the administrator was requested. The individual who answered the phone indicated the administrator was not available and transferred the call to RN #1 who identified herself as "field support". RN #1 indicated the agency was currently without an administrator as the administrator position was recently vacated on 6/2/17. When queried about the name of the listed alternate administrator the ISDH had on file, she indicated she was currently at the agency and transferred the call to her. The alternate administrator was queried about the agency's license to operate, the current status, and who was responsible for submitting the licensure renewal. The alternate administrator was heard speaking to an individual trying to seek answers to the questions. The alternate administrator indicated she was seeking the advice from RN #1. RN #1 informed the alternate administrator the agency's 		<p>12 sec. 1(C)(8) regarding the role of the administrator and the administrator being responsible to ensure that a qualified person is authorized in writing to act in the administrator's absence. All agency internal staff, including employee #1 and the alternate administrator, were educated to 410 IAC 17-12-1 (C) (1)(8) Home health agency administration/management rule 12 sec. 1(C)(8) regarding the role of the alternate administrator. This education was completed on 6.15.17 by the Administrator.</p> <p>The alternate administrator was educated to 410 IAC 17-12-1 (C) (1) Home health agency administration/management rule 12 sec. 1(C) regarding the role of the administrator as well as the administrator job description and responsibilities of the alternate administrator. This education was completed on 6.14.17 by the Administrator.</p> <p>The organizational chart was updated to reflect the Alternate Administrator.</p> <p>To prevent recurrence of this alleged deficiency, the Administrator and Alternate Administrator will have weekly meetings to discuss office operations, status and updates in order for the Alternate Administrator to be able to act in</p>				

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	license was not due to expire until mid-June. When queried what led to this belief the alternate administrator, again, asked RN#1 why she thought this and she replied she had a received an email from corporate telling this. The alternate administrator continually sought the advice of RN#1 when answering ISDH's questions. When the alternate administrator was informed of the a survey being posted on the SRS she indicated now knowing how to retrieve, but RN#1 indicated she had the password to access.		the Administrator's absence. These weekly meetings began on week of 6.19.17 and will be ongoing. The Administrator is responsible for ensuring compliance with this rule.	