

ISDH Long Term Care
Newsletter Issue # 10-01
January 8, 2009

In Today's Issue:

- Security Alert
- Reports
- Recalls
- Regulatory Update

Security Alert

The Indiana State Department of Health (ISDH) wishes to make health care facilities aware of a recent security event that occurred in a health care facility. Health care facilities have been targets for some time for theft of pharmaceutical drugs kept by the facility. The recent event is an example of a rather bold theft. The ISDH encourages facilities to review their internal security procedures to ensure everyone's safety.

In the recent incident, a man came to the nurses station and advised the nurse that a resident needed immediate assistance. The nurse went to the indicated room and did not find a problem. When the nurse returned to the nurse's station, the nurse found that the medication cart was gone. The cart was later found in a bathroom where it had been forced open and contents taken.

Reports

The Centers for Medicare and Medicaid Services (CMS) Financial Report for Fiscal Year 2009 has been posted on their website at:

http://www.cms.hhs.gov/CFORepor/Downloads/2009_CMS_Financial_Report.pdf.

The CMS Emergency Preparedness Resource Inventory (EPRI) Pilot Project Evaluation Report has been finalized and is posted on the Survey & Certification Emergency Preparedness Website. You can access the report at: <http://www.cms.hhs.gov/SurveyCertEmergPrep/Downloads/eprifinalreport.pdf>.

The GAO report, "Nursing Homes: Opportunities Exist to Facilitate the Use of the Temporary Management Sanction," GAO-10-37R, November 20 can be found at: <http://www.gao.gov/cgi-bin/getrpt?GAO-10-37R>.

The GAO report "Nursing Homes: Addressing the Factors Underlying Understatement of Serious Care Problems Requires Sustained CMS and State Commitment," GAO-10-70, November 24 can be accessed at: <http://www.gao.gov/cgi-bin/getrpt?GAO-10-70>. The highlights report can be accessed at: <http://www.gao.gov/highlights/d1070high.pdf>.

An e-supplement report to the one on understatement is also available. It is titled "Nursing Homes: Responses from Two Web-based questionnaires to Nursing Home Surveyors and State Agency Directors," GAO-10-74SP, November 24. It can be accessed at <http://www.gao.gov/cgi-bin/getrpt?GAO-10-74>.

Recalls

Tylenol Arthritis Pain Caplet, 100 count bottles: Recall of all lots

[Posted 12/28/2009] McNeil Consumer Healthcare and FDA notified consumers that it is expanding a voluntary recall to include all available product lots of TYLENOL Arthritis Pain Caplet 100 count bottles, with the distinctive red EZ-OPEN CAP (Full list of lot numbers provided in press release at link below). In November 2009, 5 lots of this product were recalled due to consumer reports of an unusual moldy, musty, or mildew-like odor that was associated with nausea, stomach pain, vomiting and diarrhea. The odor is caused by the presence of a chemical 2,4,6-tribromoanisole, believed to be the breakdown of a chemical used to treat wooden pallets that transport and store packaging materials. The health effects of this compound have not been well studied, and to date all of the observed events reported to McNeil were temporary and non-serious. Consumers who purchased TYLENOL Arthritis Pain Caplet 100 count bottles with the distinctive red EZ-OPEN CAP from the lots included in this recall should stop using the product and contact McNeil for instructions on a refund or replacement. Complete recall information at <http://www.fda.gov/Safety/Recalls/ucm195690.htm>.

Recall of Goodman Company's Air Conditioner/Heat Pump Units Because of Fire Hazard

Name of Product:Packaged Terminal Air Conditioner/Heat Pump (PTACs) Units
Units: About 30,000; previously recalled in [August 2008](#)
Manufacturer:Goodman Company, LP, of Houston, Texas

Hazard:The power cords on the PTACs can overheat, posing a burn or fire hazard.
Incidents/Injuries:Goodman has received eleven reports of smoke or fire associated with the PTAC's power cords. No injuries have been reported.

Description:The recall includes 5.0 kW Amana-brand, Comfort-Aire-brand and Century-brand Packaged Terminal Air Conditioner units with model numbers PTxxx3x50xx (Amana) and EKTxxx-150x (Comfort-Aire and Century) and serial numbers 0702112056 through 0804237539. The model and serial numbers are located on the control board plate found under the PTAC unit's front cover.

Sold at:Goodman and heating and cooling equipment dealers nationwide from February 2007 through June 2008 for between \$700 and \$1,000.

Manufactured in:United States

Remedy: Consumers should contact Goodman to receive a free replacement power cord. Commercial and institutional owners will be contacted directly and will install the power cord.

Consumer Contact:For additional information regarding Amana-brand units, contact Goodman at (800) 366-0339 between 8 a.m. and 5 p.m. CT Monday through Friday; for Comfort-Aire and Century-brand units call (877) 442-4482 between 8 a.m. and 5 p.m. ET Monday through Friday; or visit www.regcen.com/ptaccord for all products.

For more information, go to: <http://www.cpsc.gov/cpscpub/prerel/prhtml10/10058.html>.

Regulatory Update

CMS' Regulation Station Update

The ISDH is forwarding this week's "CMS Regulation Station Update." CMS periodically provides clarifications to regulations to improve understanding of what CMS is looking for in a survey. The intention is for the narrative to be short and to the point, almost like a Tip o' the Week. Most of the time,

CMS is commenting on regulations that they have seen non-compliance with during Federal Monitoring Surveys.

Regulation: K48.

Incorrect written fire safety plans are a common source of deficiencies during Life Safety Code (LSC) surveys. K48, K154, and K155 are the K tags that correspond to the LSC requirements for written fire safety plans. K48 requires compliance with LSC Sections 18.7.2.2 or 19.7.2.2, which state that a written fire safety plan must cover the eight listed items in those code sections. The following are a few examples of issues that result in deficiencies being cited at K48:

1. The written fire safety plan fails to address the evacuation of the smoke compartment, which was a new requirement to the 2000 Edition of the LSC. Related to this are issues when a plan states residents will be evacuated to another area of the building. Using an undefined term, such as "another area", does not cover the requirement for evacuation of the smoke compartment, because "another area" may be in the same smoke compartment as the fire.
2. The written fire safety plan instructs staff to determine the size of a fire and act accordingly. Fire plans have been reviewed where staff are instructed to extinguish the fire and not remove residents or activate the fire alarm if, in the staff member's opinion, the fire is small. A fire plan should not have different actions based on a staff member's determination of the size of a fire. Upon discovering a fire, a staff member's first action should be to rescue anyone in immediate danger. While doing so, they should call out a code word alerting other staff members of the fire so they can activate the fire alarm.

These examples do not address all possible reasons for a citation at K48.



That is all for this first newsletter of 2010. Stay warm and safe. Temperatures are predicted to drop below zero this weekend so precautions should be taken to prevent frostbite or other cold-related problems.

Terry Whitson
Assistant Commissioner
Indiana State Department of Health