

DEPARTMENT OF HEALTH AND HUMAN SERVICES
CENTERS FOR MEDICARE & MEDICAID SERVICES



PRINTED: 04/21/2015
FORM APPROVED
OMB NO. 0938-0391

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 185124	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____ B. WING _____	(X3) DATE SURVEY COMPLETED C 04/09/2015
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NAME OF PROVIDER OR SUPPLIER REDBANKS	STREET ADDRESS, CITY, STATE, ZIP CODE 861 KIMSEY LANE HENDERSON, KY 42420
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F 000	INITIAL COMMENTS	F 000		
F 172 SS=D	<p>483.10(j)(1)&(2) RIGHT TO/FACILITY PROVISION OF VISITOR ACCESS</p> <p>The resident has the right and the facility must provide immediate access to any resident by the following:</p> <p>Any representative of the Secretary;</p> <p>Any representative of the State;</p> <p>The resident's individual physician;</p> <p>The State long term care ombudsman (established under section 307 (a)(12) of the Older Americans Act of 1965);</p> <p>The agency responsible for the protection and advocacy system for developmentally disabled individuals (established under part C of the Developmental Disabilities Assistance and Bill of Rights Act);</p> <p>The agency responsible for the protection and advocacy system for mentally ill individuals (established under the Protection and Advocacy for Mentally Ill Individuals Act);</p> <p>Subject to the resident's right to deny or withdraw consent at any time, immediate family or other relatives of the resident; and</p> <p>Subject to reasonable restrictions and the</p>	F 172	<p>THE COMPLETION AND SUBMISSION OF THIS PLAN OF CORRECTION DOES NOT CONSTITUTE AN ADMISSION THAT THE FACILITY AGREES WITH THE DEFICIENCIES AS STATED IN THE 2567. THE FACILITY IS COMPLETING THE PLAN OF CORRECTION BECAUSE IT IS REQUIRED BY FEDERAL AND STATE LAW. THE FACILITY DISAGREES WITH AND DISPUTES THE DEFICIENCIES STATED IN THE 2567 AND MAINTAINS ITS RIGHT TO OBJECT TO THE FINDINGS AND CONCLUSIONS IN ANY OTHER FORUM IF NECESSARY.</p> <p>1.) Resident #1 identified in the statement of deficiencies will be allowed to have his/her family member visit even though he/she is a convicted sex offender as long as he/she follows the requests outlined in this plan of correction. The family member will be required to inform administrative staff prior to entering facility and provide a date and time that he/she will visit. The family member will be required to sign in at the front desk as requested of all visitors. At that time a staff member of Redbanks</p>	

LABORATORY DIRECTOR OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE	TITLE	(X6) DATE
	Executive Director	5/8/15

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 172	<p>Continued From page 1</p> <p>resident's right to deny or withdraw consent at any time, others who are visiting with the consent of the resident.</p> <p>The facility must provide reasonable access to any resident by any entity or individual that provides health, social, legal, or other services to the resident, subject to the resident's right to deny or withdraw consent at any time.</p> <p>This REQUIREMENT is not met as evidenced by: Based on observation, interview, record review, facility policy review, and gubernatorial documentation it was determined the facility failed to provide immediate access to one (1) of three (3) sampled residents (Resident #1) to immediate family or other relatives. Resident #1 wanted his/her family member to visit him/her at the facility and the facility refused to let the family member visit the resident within his/her home setting.</p> <p>The findings include:</p> <p>Review of the facility's policy titled, "Resident Rights", not dated, revealed all residents and their responsible party are informed of their rights both orally and in writing and the Resident Bill Of Rights can be found in our admissions packet as well as posted prominently in the center. When a resident enters the nursing facility, they will be treated with respect, dignity and consideration. Residents have the rights to use all these rights given to them by law and also to use the rights as a citizen of the State and a citizen of the United States. Additionally, a resident cannot be discriminated against, punished, have privileges</p>	F 172	<p>will escort the visitor to the resident's room. A staff member will then supervise the location of the family member at all times while he/she is in the facility, however, the resident will be allowed private visitation with the family member in the resident room or in another location as requested by the resident.</p> <p>2.) All residents that have family members that are convicted sex offenders have the potential to be affected by the deficient practice as outlined by the Office of Inspector General. At this time Redbanks is not restricting any other access of any residents family members.</p>	
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F 172	<p>Continued From page 2</p> <p>taken away, be abused physically, mentally or sexually. The resident had the right to have visitors and the nursing home must allow them to visit you at any reasonable hour. The visitation rights include immediate family or other relatives and others who want to visit that the resident consents.</p> <p>Record review revealed the facility admitted Resident #1 on 11/08/13 with diagnoses to include Congestive Heart Failure, Urinary Tract Infection, Chronic Obstructive Pulmonary Disease, Dementia, Hypertension, Tremors, Depression, Anxiety, Muscle Weakness and Obesity. Review of the quarterly Minimum Data Set (MDS) assessment, dated 01/16/15, revealed the facility assessed Resident #1's cognition as cognitively intact which indicated the resident was interviewable. In addition, the resident required maximum assistant with Activities of Daily Living (ADL's).</p> <p>Interview with Resident #1, on 04/07/15 at 1:15 PM, revealed he/she has a family member that used to visit him/her every day since he/she had been a resident in the facility. Resident #1 stated he/she had raised this family member since childhood. Resident #1 revealed on 08/05/1996, this family member was sentenced by the courts as a felony for sexual abuse - first degree and was sentenced to twenty-three (23) months in jail and placed on the state sex offender list for a period of ten (10) years. Resident #1 stated on 08/29/2001, the family member failed to comply with the sex offender registration and was sentenced to five (5) years in jail. Resident #1 revealed in 2008, the family member was cleared of all charges and was granted his/her right back as a citizen. Resident #1 stated when a new</p>	F 172	<p>3.) All facility staff have been educated on the Residents Rights to have Visitors as defined in this regulation and this new protocol allowing Resident #1 family member to visit provided he/she calls ahead to let Redbanks staff know he is coming, that he/she sign in at the front desk and be escorted while in the facility. This education was completed by the Staff Development Coordinator RN on 4/28/15 and continuing on 4/29/15 and 4/30/15 until all staff have received it. Any staff member not educated by 5/23/15 will not be allowed to return to work until having been educated.</p> <p>4.) A social Services representative of Redbanks will interview resident #1 monthly to ensure that the family member is being allowed to visit. The facility will do this monthly for three months and then quarterly for a total of one year of monitoring to ensure compliance. Random staff members will be interviewed to ensure resident</p>		

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F 172	Continued From page 3 Administrator took over the facility he stopped his/her family member from entering the grounds because of the sexual abuse background. Resident #1 stated this was very upsetting to him/her because the family member was having some health issues and he/she felt that their daily visits helped him/her cope with this health concern. Resident #1 further revealed he/she felt a lot of mental anguish over not being able to visit and he/she was not able to leave the facility to be able to visit with their family and that his/her rights were being violated. Interview with Resident #1's family member, on 04/08/15 at 3:18 PM, revealed he/she had been visiting Resident #1 in the facility since she was admitted there. He stated he had a prior conviction of sexual abuse back on 1996 and it was child related. He confirmed he had served his time which included being placed on the sex register for ten (10) years beginning in 1996. He stated that he was cleared off the register and had been pardoned by the Governor of Kentucky and had received his rights back except he cannot carry a gun or serve on a jury. He confirmed that once the new administrator took over the facility, he was not allowed to come to the facility. He stated he was told if he wanted to visit his loved one he could do so out on the front porch or the facility would let Resident #1 go with him in his care and they could leave the grounds. He stated he felt his right and the rights of his loved one were violated because this was his/her home and he should be allowed to visit her. He concluded that he had the same rights as any other visitor and this was against the facility's visitation policy.	F 172	#1 family member is following the restrictions monthly for three months and then quarterly for a total of one year to ensure compliance. The Resident Council will be interviewed monthly by the Activity Director regarding their Resident Rights. Any concerns will be addressed Immediately. Audit results will be reported to the QA committee monthly and then quarterly for one year of total monitoring.	5/24/15	

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F 172	<p>Continued From page 4</p> <p>Review of the Background Screening Report completed by the facility, dated 08/05/1998, revealed Resident #1's Family Member was convicted of a felony for sexual abuse - first degree by the court. He/she was sentenced to twenty-three (23) months in jail and he/she was to be placed on the state sex offender list for a period of ten (10) years. On 08/29/2001, Resident #1's Family Member failed to comply with the sex offender registration and was sentenced for 5 years in jail.</p> <p>Review of the Commonwealth of Kentucky Certificate presented by the Governor of the state, reads "to all to whom these presents shall come, greeting: Whereas, it is represented to me that the conduct of the family member has been of an exemplary nature and merits the restoration of certain civil rights lost by reason of conviction of a felony. Now, Known Ye, that in consideration of the premises and by virtue of the power vested by the Constitution, I do hereby grant unto the said (Resident #1's family member) the rights to vote and hold public office denied by judgment of conviction aforesaid and any prior conviction. This order restores the right to vote and hold public office and does not restore any other civil right including but not limited to the right to receive, possess or transport in commerce of a firearm or to serve on a jury. In testimony whereof, I have hereunto set my hand and caused the seal of the Commonwealth of Kentucky to be affixed at Frankfort this twenty-seventh (27th) day of March, 2009".</p> <p>A review of the Kentucky State Police Sex Offender Register, on 04/07/15 at 9:45 AM, revealed Resident #1's family member was not on the register.</p>	F 172			

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F 172	Continued From page 5 Interview with the Assistant Director of Nursing (ADON), on 04/08/15 at 9:28 AM, revealed visiting hours were set and visitors should sign in when they enter. The ADON stated a situation that could change the facility policy would be if a family member was abusive to the residents because the safety of a resident was the first priority. The ADON revealed within the past three (3) months there had not been any allegations of sexual misconduct or sexual abuse by a visitor to her knowledge. The ADON revealed there had been restrictions placed one resident in the facility related to visitation. The restrictions were that the resident had a family member that was not allowed to visit on the premises or inside the building and this was initiated approximately three to four (3-4) weeks ago. The ADON stated she was not in the room but the Administrator spoke with the family member about him being a registered sex offender in the past. The ADON revealed she was not present and was not involved in the decisions prior to the Administrator making this decision. The ADON could not verify if the family/guardian had been informed of these restrictions. The ADON stated Resident #1 was his/her own person and had not been ruled incompetent. The ADON confirmed there was accommodations to allow this resident to have visitation rights which included the ADON would take the resident to the facility front door and allow his/her to visit with family. The ADON stated the facility was going to set up an arrangement for the resident to be taken out of the facility by the company van. Interview with the Director of Nursing (DON), on 04/08/15 at 9:55 AM, revealed she had been in her current position since 01/19/15. The DON	F 172		

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F 172	<p>Continued From page 6</p> <p>stated she was aware of the policy on visitation. The DON revealed the residents have the right to a safe place, free of harm, and a home like environment. The DON stated the residents can choose who they want to visit and who they want information given to. The DON revealed the facility was responsible to protect all residents from harm and it was the obligation of the administration to protect all staff and residents. The DON stated there had been no allegations of sexual misconduct of a visitor within the past three (3) months. The DON confirmed there had been restrictions placed on Resident #1's family member related to visitation. The DON revealed Resident #1's family member was not allowed on the premises to visit his loved one but she was not involved in the decision to place these restrictions. The DON confirmed the family/guardian had been informed of this restriction but was not sure if they were aware of why the restrictions were placed.</p> <p>Interview with the Administrator, on 04/08/15 at 12:47 PM, revealed he had been the Administrator for six (6) weeks. He stated that in January 2014, Resident #1's family member applied to volunteer at the facility in which they performed a background check and sex offender check. The Administrator at that time allowed Resident #1's family member to visit and volunteer at the facility. The Administrator revealed he denied Resident #1's family member access to the facility and denied the family member to volunteer due to the past record. The Administrator stated the family member could come and get the resident or the facility could use the company van to take the resident to meet the family member off grounds. The Administrator stated he was concerned for the other residents.</p>	F 172		
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