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<th>(X4) ID PREFIX TAG</th>
<th>SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY MUST BE PRECEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION)</th>
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<th>PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY)</th>
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<td>S 000</td>
<td>Initial Comments</td>
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<td>Refers to R1, R2, R3, R4, R11 and R12 who resides in the Subpart U: Alzheimer Unit.</td>
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<td>STATEMENT OF LICENSURE VIOLATIONS:</td>
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<td>Section 300.610 Resident Care Policies</td>
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<td>a) The facility shall have written policies and procedures governing all services provided by the facility. The written policies and procedures shall be formulated by a Resident Care Policy Committee consisting of at least the administrator, the advisory physician or the medical advisory committee, and representatives of nursing and other services in the facility. The policies shall comply with the Act and this Part. The written policies shall be followed in operating</td>
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the facility and shall be reviewed at least annually by this committee, documented by written, signed and dated minutes of the meeting.

Section 300.3240 Abuse and Neglect

a) An owner, licensee, administrator, employee or agent of a facility shall not abuse or neglect a resident. (Section 2-107 of the Act)

b) A facility employee or agent who becomes aware of abuse or neglect of a resident shall immediately report the matter to the facility administrator. (Section 3-610 of the Act)

These regulations are not met as evidenced by:

Based on interview and record review the facility failed to protect six cognitively impaired residents who live on a secure dementia unit (R1, R2, R3, R4, R11, and R12) from mental abuse perpetrated by one staff member E3, who took unauthorized pictures and a video. These pictures were of the residents during toileting, bathing, in bed, and in wheelchairs and included partial nudity. Facility staff failed to follow facility policy and report known unauthorized pictures and video for these residents since April 2016. Pictures of R1, R2, R3, and R4 were posted on a social media website. All the pictures and the
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video were stored on E3's personal cell phone. As a result, these residents who were unable to express themselves, suffered public humiliation and dehumanization. R1, R2, R3, R4, R11 and R12 are six of 7 residents reviewed for abuse in the sample of 14.

Findings include:

1. R1's Physician's Order Sheet (POS) dated March 2017 documents the following diagnoses: Dementia without Behavior Disturbance, Joint Pain, Hearing Loss and Osteoporosis. R1's Minimum Data Set (MDS) dated 12/11/16 documents R1 as being cognitively impaired.

The facility's assessment titled "Potential for Abuse and Neglect" dated 3/6/17 rates R1 as high risk for abuse.

R1's care plan dated 12/20/16 documents (R1) is at risk for harming others or being harmed by others due to cognitive deficits and diagnosis of dementia.

On 3/9/17 at 10 AM E1, Administrator stated E3, Certified Nursing Assistant (CNA) texted E1, Administrator on 3/8/17 at approximately 7:40 PM and stated there were pictures of residents on a social media website. E3 had taken the pictures and Z2, (former boyfriend of E3) posted the pictures on a social media website. E1, Administrator showed surveyor an undated picture of a female resident. E1 identified the resident as R1. R1 was sitting in a shower chair in the shower room with feces on the floor. R1's head is bent forward and appears to have her eyes closed and her arms crossed. E1 identified
Continued From page 3

R1 and stated this picture of R1 was placed on social media website on 3/7/17.

On 3/14/17 at 10:25 AM surveyor spoke with Z10 County Police officer who identified herself as the officer assigned to investigate this case involving the facility. Z10 provided a picture on 3/15/17 at 9:15 AM which was obtained from the confiscated phone of E3 on 3/8/17. Z10 provided a picture of a female resident lying in bed with her gown around her head wearing an incontinence brief. R1’s breasts were exposed with R1’s arms folded in front. Z10 identified the female resident as R1.

On 3/16/17 at 5:07 PM Z8 R1’s son stated "(R1), this is a woman who got her degree from the (University) and was respected as a teacher. The pictures would have humiliated and devastated her. These pictures would have humiliated her and she would have come "unglued" on the picture they took of her breast exposed, with her trying to cover them up. These pictures would have put my mom over the edge."

2. The POS dated January 2017 includes the following diagnoses for R2: Dementia with Behavioral Disturbance, Hypertension and Anxiety Disorder. R2’s MDS dated 1/1/17 documents R2 as being cognitively impaired.

The facility’s assessment titled “Potential for Abuse and Neglect” dated 1/6/17 rates R2 as being at high risk for abuse.

R2’s care plan dated 1/5/17 documents (R2) is at risk for harming others or being harmed by others due to cognitive deficits and diagnosis of Dementia.

On 3/9/17 at 10AM E1, Administrator provided an
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<td>S9999</td>
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<td>Continued From page 4 undated picture of a male lying in bed sleeping in the resident's room. E1 obtained this picture from the social media website Z2 had posted. E1 identified this male as R2. In this picture R2 was dressed in a gown lying in bed with R2's head resting on top of the bed's headboard and half of E3's face was seen. E1 stated this was one of the pictures posted to social media by Z2 and stored on E3's phone. Z4, spouse of R2 stated on 3/15/17 &quot;(R2) was a very private man. (R2) would of been devastated knowing his picture was taken.&quot; Z4 was crying during the interview and was extremely upset knowing (R2) picture was placed on social media. 3. The POS dated March 2017 includes the following diagnoses for R3: Dementia with Behavioral Disturbance, Depression and Arthritis. R3's MDS dated 2/13/17 documents R3 as being cognitively impaired. The facility's assessment titled &quot;Potential for Abuse and Neglect&quot; dated 2/16/17 rates R3 as being at high risk for abuse. R3's care plan dated 2/22/17 documents (R3) is at risk for harming others or being harmed by others due to cognitive deficits and diagnosis of Dementia. On 3/9/17 at 10AM E1, Administrator provided an undated picture and identified the picture as R3 being in the facility's shower room. R3 was in a wheelchair leaning over with her gown over the top of her head, R3's breast area was exposed. E1 stated this picture was posted on social media by Z2 and the picture was stored on E3's phone. Z3, Daughter of R3, stated on 3/15/17 at 11:03</td>
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AM "My mom would have been horrified to know her picture was on social media."

4. The POS dated March 2017 includes the following diagnoses for R4: Alzheimer's Disease and Hypertension.

The MDS dated 12/29/16 documents R4 as being cognitively impaired.

The facility's assessment titled "Potential for Abuse and Neglect" dated 12/30/16 rates R4 as being at high risk for abuse.

On 3/9/17 at 10AM E1, Administrator provided an undated picture and identified R4 sitting on her bed in her room in the facility. One of R4's pant legs was pulled up above her knee. There is a caption under the picture stating "Uploaded these to state...and no I don't have your truck title if I did you can have it...faster you are gone the better. LOL (Laugh out loud) plus I posted them... thanks for the pictures."

E1, Administrator confirmed this picture was posted to social media on 3/8/17 by Z2, former boyfriend of E3, CNA.

Z5, son of R4, stated on 3/16/17 at 1:13 PM, "This would anger my mom to the point she would confront them. This picture would have made my mom very angry."As a family member I am very upset with what happened."

5. The POS dated March 2017 includes the following diagnoses for R11: Dementia with Behaviors, Arthopathy, Hypertension and Insomnia. R5's MDS dated 1/8/17 documents R11 as being cognitively impaired.
The facility's assessment titled "Potential for Abuse and Neglect" dated 1/19/17 rates R11 as being at high risk for abuse.

On 3/15/17 at 9:15 PM Z10, County Police Officer provided a picture of a female resident which Z10 identified as R11 sitting on the toilet with her pants and incontinence brief down to the top of her knees. E16, CNA is sitting on R11's lap while R11 is on the toilet, E16 is bending over looking at his cell phone and R11 has her hands on E16's waist, while R11 has a look of being uneasy on her face. Z10, County Police Officer stated this picture was taken on 2/13/17 by E3's phone and this picture was not posted to social media. E1, Administrator was not aware of this picture of R11 until surveyor made E1, Administrator aware.

E1 stated on 3/15/17 at 11:30 AM "The employee is (E16); (E16) CNA is sitting on the lap of (R11) who is sitting on the toilet. (E16) is on his smartphone. (R11)'s pants and brief are down as if (R11) is using the toilet. The look on (R11)'s face is distressed. (Z10) told me (E16) was sitting on (R11)'s lap."

E16 stated on 3/14/17 at 12:36 PM "I honestly have no clue who took the pictures they were found on (E3)'s phone and (Z2) posted the pictures on social media. I have no other information to share with you." E16 refused to elaborate further about the picture on E3's confiscated phone by Z10, County Police Officer.

Z7, (Son-in-law of R11) stated on 3/17/17 at 11:10 AM , "(R11) was a private person and would have been embarrassed, upset and angry. (R11) was in the nursing field all of her life, (R11) was the Director of Nurses for years. (R11) would not only be upset for herself but for the other patients,
Continued From page 7

(R11) was a nurse and knew this should have never happened..."

6. The POS dated March 2017 for R12 includes the following diagnoses: Dementia, Alzheimers, Anxiety Disorder and Hypertension. R12 MDS dated 1/22/17 documents R12 as being cognitively impaired.

The facility's assessment titled "Potential for Abuse and Neglect" dated 1/25/17 rates R12 as being at high risk for abuse.

Z10, County Police Officer provided a video of a female resident which Z10 identified as R12. R12 was sitting on the toilet rocking back and forth. Z10 stated this video was on E3 phone dated 4/10/16.

E3, CNA confirmed on 3/14/17 at 11:51AM that E3 took the picture of R2; E3 stated it was taken on impulse. E3 stated she could not remember when she took the picture of R2. These pictures were on my old phone and I did not delete them when I received my new phone. (Z2), (ex-boyfriend) phone had broken and I was going to let him use my old phone but I did not get a chance to reset the old phone to factory settings so (Z2) got the pictures of the residents from the old phone. I did not take all the pictures but the pictures were stored on my phone. I think someone sent them to me. I don't know who sent the pictures." E3 confirms she did take the picture of R11 where E16 was sitting on R11's lap while R11 was sitting on the toilet. E3 stated she took the picture to show R16 how ridiculous he looked. E3 confirmed on 3/17/17 at 12:39 PM she did take the video of R12 because R12 was displaying this new behavior of rocking back and forth on the toilet. E3 stated she took the video to
Continued From page 8

show the nurse who was in charge R12's new behavior. E3 stated she could not remember who the nurse was she showed the video to.

E19, Licensed Practical Nurse (LPN) stated on 3/17/17 at 1:15 PM "No I have no recollection of that. A video is not something a staff person would normally do, the staff would come and get me so I can see the behavior in progress we are not allowed to video residents. The facility's time schedule documents E19 as the nurse working on 4/16/16 the night E3, CNA videoed R12.

Z6, son of R12 stated on 3/17/17 at 11:20 AM "(R12) would of been upset and embarrassed....This would be disturbing to her."

Z2, (Former boyfriend of E3) stated on 3/14/17 at 1:03 PM "Yes, I posted the pictures to social media. I have talked with the sheriff about all of this. I was asking for help, I posted these pictures on the facility's social media page and I was blocked and my post was removed: (E3) called me and told me you did not get anything posted because the facility blocked it. I was not able to get the help I needed so I posted all the pictures to (social media). (E3) and her friends which (E3) worked with took all the pictures I posted. I don't know the names of (E3's) friends.

Reason I wanted help was because I wanted the facility to know what was going on with the staff making fun of the residents and this is not right. I contacted the facility but they refused to talk with me so I posted the pictures on (social media). I have been receiving these pictures for almost a year now off and on."

E1, Administrator stated on 3/9/17 at 10 AM "I was contacted by (E3) on 3/8/17 at approximately 7:40 PM by text letting me know that residents
pictures was placed on (social media) by (E3's) former boyfriend. I came into work immediately within 10 to 15 minutes from getting the text from (E3), upon entering the facility I started notifying everyone I needed to, the police which arrived at the facility approximately 8:15 PM. Additional management (E25) Human Resource Director and (E24), Executive Director. Families were contacted by management staff. Social Media site was contacted by (E1), Administrator to request removal of pictures from al social media site. (E26), Senior Sales Marketing Director removed the pictures from the facility's social media webpage and blocked further unauthorized usage of their facility's webpage on social media.

On 03/09/17 at 10AM E1 stated she was not contacted by (Z2) at all about pictures (Z2) obtained from (E3),CNA.

The facility policy titled "Social Media Policy" dated 2/11/15 states in number 11: "employees, contractors, volunteers or consultants are prohibited from taking photos of residents. Taking, posting, and sharing unauthorized images of residents via social media can constitute abuse in violation of the Federal Conditions of Participation (COPS) for nursing homes. Posting photographs or videos of residents without proper written authorization can result in a HIPAA violation and trigger HIPAA breach analysis and reporting requirement."

(A)