

State of Virginia

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  <b>VA0160</b>	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____  B. WING _____	(X3) DATE SURVEY COMPLETED  <b>C</b> <b>02/17/2022</b>
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NAME OF PROVIDER OR SUPPLIER  <b>WESTMORELAND REHABILITATION &amp; HEALTHCARE</b>	STREET ADDRESS, CITY, STATE, ZIP CODE <b>2400 MCKINNEY BOULEVARD</b> <b>COLONIAL BEACH, VA 22443</b>
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F 000	<p>Initial Comments</p> <p>An unannounced biennial licensure survey was conducted 02/15/2022 through 02/17/2022. Corrections are required for compliance Virginia nursing home regulations.</p> <p>The census in this 66 licensed bed facility was 57 at the time of the survey. The survey sample consisted of 28 resident reviews.</p>	F 000		
F 001	<p>Non Compliance</p> <p>The facility was out of compliance with the following state licensure requirements:</p> <p>This RULE: is not met as evidenced by:</p> <p>12 VAC5-371-220(A). Please cross reference to F558.</p> <p>12 VAC5-371-140(E)(3)(b). Please cross reference to F 607.</p> <p>12 VAC5-371-250(C). Please cross reference to F657.</p> <p>12 VAC5-371-220(F). Please cross reference to F677.</p> <p>12 VAC5-371-220(C)(2). Please cross reference to F688.</p> <p>12 VAC 5-371-260(A). Please cross reference to F726.</p> <p>12 VAC5-371-300(B). Please cross reference to F761.</p> <p>12 VAC5-371-340(A). Please cross reference to F812.</p>	F 001	<p>12 VAC5-371-220(A). Please cross reference to F558.</p> <p>12 VAC5-371-140(E)(3)(b). Please cross reference to F 607.</p> <p>12 VAC5-371-250(C). Please cross reference to F657.</p> <p>12 VAC5-371-220(F). Please cross reference to F677.</p> <p>12 VAC5-371-220(C)(2). Please cross reference to F688.</p> <p>12 VAC 5-371-260(A). Please cross reference to F726.</p> <p>12 VAC5-371-300(B). Please cross reference to F761.</p> <p>12 VAC5-371-340(A). Please cross reference to F812.</p>	3/18/22

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE

TITLE

(X6) DATE

Electronically Signed

03/11/22

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F 001	<p>Continued From page 1</p> <p>12 VAC5-371-180(A). Please cross reference to F880.</p> <p>12 VAC5-371-370(B). Please cross reference to F919.</p> <p>12 VAC 5-371-75(B)(1)</p> <p>The facility staff failed to obtain a signed Sworn Statement prior to hire on 12 (Employees # 4, # 6, # 8, # 9, # 12, #15, # 17, # 18, # 19, # 20, # 22 and # 24) of 25 employees in the Employee Records Check sample;</p> <p>On 2/17/2022 at 8:40 a.m., review of the employee files selected for Employee Records Check was conducted with the Human Resources Manager (Employee F) in her office.</p> <p>During employee record review on 2/17/2022, Sworn Statements were not signed prior to hire on 12 employees (Employees # 4, # 6, # 8, # 9, # 12, #15, # 17, # 18, # 19, # 20, # 22 and # 24) in an employee record review sample of 25 employees.</p> <p>Evidence revealed Sworn Statements were not obtained in records reviewed from new hires in 2019, 2020 and 2021.</p> <p>Employee # 4-Maintenance- hired 12/20/2021- Sworn statement signed 1/25/2022</p> <p>Employee # 6- License Practical Nurse-hired 11/5/2020- No Sworn statement in the employee file at time of survey on 2/17/2022</p> <p>Employee # 8-Registered Nurse, Director of Nursing- hired 1/15/2020- Sworn statement signed 5/21/2021</p> <p>Employee # 9-Certified Nursing Assistant-hired</p>	F 001	<p>12 VAC5-371-180(A). Please cross reference to F880.</p> <p>12 VAC5-371-370(B). Please cross reference to F919.</p> <p>12 VAC 5-371-75 (B)(1)</p> <p>1. Education provided to HR manager on 02/17/2022 on obtaining sworn statements prior to hire.</p> <p>2. All residing residents have the potential to be affected.</p> <p>Human Resources will audit of all staff personnel files to ensure signed sworn statements by 03/18/2022. Any staff noncompliance will have a sworn statement obtained.</p> <p>3. New Hire Checklist was revised to include obtaining sworn statements to ensure that background check sworn statement is signed and dated.</p> <p>Added Sworn Statement to new hire application packets.</p> <p>Human Resources manager will conduct employee background checks within 30 days of hire.</p> <p>4. Administrator will review all new hire personnel files for 3 months to ensure sworn statements are obtained prior to hire then ongoing. Results of audits will be submitted to the QAPI committee for compliance</p>	

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F 001	<p>Continued From page 2</p> <p>3/30/2020- Sworn Statement signed 5/3/2021 Employee # 12-Registered Nurse- hired 11/4/2020-Sworn Statement signed 5/17/2021 Employee # 15-Admissions Coordinator- hired 4/12/2021- Sworn Statement signed 5/11/2021 Employee # 17-Licensed Practical Nurse- hired-12/27/2019- Sworn Statement signed 5/10/2021 Employee # 18- Certified Nursing Assistant-hired 11/5/2020-Sworn Statement signed 5/4/2021 Employee # 19- Certified Nursing Assistant-hired 7/3/2019- No Sworn Statement in employee file at the time of survey Employee # 20-Certified Nursing Assistant-hired 8/25/2020-Sworn Statement signed 5/3/2021 Employee # 22- Certified Nursing Assistant-hired 11/16/2020-No Sworn Statement in the employee file at the time of survey Employee # 24- Certified Nursing Assistant-hired 2/15/2020-Sworn Statement signed 5/3/2021</p> <p>Nine of 25 employees had Sworn statements signed several months after hire and three of 25 had no sworn statements in their files at the time of review during survey on 2/17/2022.</p> <p>The Human Resources Manager stated she did not obtain sworn statements upon hire until 2021 after being informed by a sister facility that the Sworn statement was required. The Human Resources manager stated the corporate office usually obtained all of the required information during the hiring process.</p> <p>The Human Resources Manager presented a copy of an email dated 4/23/2021 at 9:24 AM in which she inquired the Corporate Director of Payroll and Benefits about sworn statements. The email read: "State surveyors are at [facility name redacted] and there has been some</p>	F 001	<p>verification and ongoing audit process.</p> <p>12 VAC 5-371-75(B)(3)</p> <ol style="list-style-type: none"> <li>Late Background Checks can not be corrected. Employee #19 and #24 employee background check was obtained.</li> <li>All residing residents have the potential to be affected.</li> <li>New Hire checklist was revised to include obtaining a criminal background check Education was provided to Human Resources manager on 02/17/2022 on obtaining criminal background checks within 30 days of hire and abuse prevention policy, which includes conducting criminal background checks by Administrator. Human Resources Manager will audit all staff personnel files for criminal background checks to ensure all staff have a criminal background check on file by 03/18/2022.</li> <li>Administrator will review all new hire personnel files weekly for 3 months to ensure criminal background checks Results of audits will be submitted to the QAPI committee for compliance verification and ongoing audit process by 03/18/2022.</li> </ol> <p>12 VAC 5-371-140(E)(3)(a)</p>	

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F 001	<p>Continued From page 3</p> <p>discussion that they were looking for a form for new hires that the applicant has to check boxes stating whether they have or have not committed some type of crime. I haven't seen anything like that since I started here in Nov'19. Can you assist me in finding what that form is?"</p> <p>There was a reply email dated 4/23/2021 at 10:44 AM which the Corporate Director of Payroll and Benefits stated he was "working on it with [name redacted], I will let you know once I have a final form."</p> <p>During subsequent interviews on 2/17/2022, the Human Resources Manager stated she was informed by Corporate about the need to obtain signature on the Sworn Statements and would be sure all future new hires would have Sworn Statements signed prior to hire.</p> <p>On 2/17/2022, an interview was conducted with the Administrator who stated the Human Resources Manager was hired in 2019. The Administrator stated that audits were done on employee files in 2021 after they were informed about the requirement of Sworn Statements being signed before or on the day of hire.</p> <p>No further information was provided.</p> <p>12 VAC 5-371-75(B)(3)</p> <p>For Employees # 8, # 11, # 14, # 19 and # 24, the facility staff failed to ensure a criminal background check was obtained within 30 days of hire.</p> <p>On 2/17/2022 at 8:40 a.m., review of the</p>	F 001	<ol style="list-style-type: none"> <li>Licenses were obtained for any noncompliance.</li> <li>All residing residents have the potential to be affected.</li> <li>Education was provided to Human Resources Manager on 2/17/2022 by Facility Administrator on obtaining license verification for all nursing staff at the time of hire. Human Resources Manager will audit all Nursing staff personnel files for license verification/license lookup to ensure license is uncumbered and valid by 3/18/2022. New Hire checklist was revised to include obtaining verification of license look up date.</li> <li>Administrator will review all new hired RNs, LPNs and CNAs personnel files weekly for three months to ensure nursing staff license look up are obtained. Results of audits will be submitted to the QAPI committee for compliance verification and ongoing auditing.</li> </ol>	

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F 001	<p>Continued From page 4</p> <p>employee files selected for Employee Records Check was conducted with the Human Resources Manager (Employee F) in her office.</p> <p>Review revealed the following:</p> <p>Employee # 8-Registered Nurse, Director of Nursing- hired 1/15/2020- Criminal Background Check on 7/8/2020</p> <p>Employee # 11-Certified Nursing Assistant-hired 3/18/2020-Criminal Background Check on 7/8/2020</p> <p>Employee # 14- Licensed Practical Nurse-hired 1/22/2020-Criminal Background Check on 7/8/2020</p> <p>Employee # 19- Certified Nursing Assistant-hired 7/3/2019- No Criminal Background Check in employee file</p> <p>Employee # 24- Certified Nursing Assistant-hired 2/15/2020-No Criminal Background Check in employee file</p> <p>On 2/17/2022, an interview was conducted with the Human Resources Manager who stated the corporate office usually obtained all of the required information during the hiring process. The Human Resources Manager stated the Corporate office conducted Criminal Background Checks upon hire but she later learned that those did not meet the requirements. The Human Resources Manager stated she would be sure all future new hires would have Criminal Background Checks within 30 days of hire.</p> <p>On 2/17/2022 at 11:32 a.m., an interview was conducted with the Administrator who stated she explained to the Human Resources Manager that criminal background checks must be obtained within 30 days of hire.</p>	F 001		
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F 001	<p>Continued From page 5</p> <p>Review of the Abuse Policy entitled "Abuse Prevention Program", Revised May 2017, revealed the following:</p> <p>"Policy Statement: Our residents have the right to be free from abuse, neglect, misappropriation and exploitation...."</p> <p>"Policy Interpretation and Implementation As part of the resident abuse prevention, the administration will:</p> <p>2. Conduct employee background checks and will not knowingly employ or otherwise engage any who has:</p> <p>a. Have been found guilty of abuse, neglect, exploitation, misappropriation of property or mistreatment by a court of law</p> <p>b. Have had a finding entered the State nurse aide registry concerning abuse, neglect, exploitation, misappropriation of property.</p> <p>c. Have a disciplinary action in effect against his or her professional license by a state licensure body as a result of abuse, neglect, exploitation, misappropriation of property.</p> <p>3. Develop and implement policies and procedures to aid our facility in preventing abuse, neglect, or mistreatment of our residents."</p> <p>On 2/27/2022 at 3:59 p.m. during the end of day debriefing, the facility Administrator was again informed of the findings. The Administrator stated Criminal Background Checks should be conducted on all new hires. The Administrator stated she had no questions about the findings.</p> <p>No further information was provided.</p>	F 001		

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F 001	<p>Continued From page 6</p> <p>12 VAC 5-371-140 (E)(3)(a)</p> <p>The facility staff failed to verify licensure for 2 (Employees # 7 and # 8) of 3 Registered Nurses upon hire and failed to verify licensure for 3 (Employees # 6, # 14 and # 17 ) of 3 Licensed Practical Nurses and failed to verify certification for 3 (Employees # 11,19, and # 20) of 12 Certified Nursing Assistants.</p> <p>On 2/17/2022 at 8:40 a.m., review of the employee files selected for Employee Records Check was conducted with the Human Resources Manager (Employee F) in her office.</p> <p>Review revealed the following:</p> <p>Employee # 7-Registered Nurse, Assistant Director of Nursing- hired 7/1/2021- No License Verification- no license look up date. There was a copy of a Maryland License which would expire on 8/28/2022. The Maryland License was a Compact State license that had been renewed on 6/23/2020. There was no date indicating the date of look up.</p> <p>Employee # 8-Registered Nurse, Director of Nursing- hired 1/15/2020- License Verification on 12/3/2021</p> <p>Employee # 11-Certified Nursing Assistant-hired 3/18/2020-License Verification on on 7/8/2020</p> <p>Employee # 14- Licensed Practical Nurse-hired 1/22/2020-License Verification on 10/6/2021.</p> <p>Employee # 17-Licensed Practical Nurse-hired-12/27/2019- License Verification on 1/7/2020, 2/6/2020 and 6/8/2020.</p>	F 001		

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F 001	<p>Continued From page 7</p> <p>Employee # 19- Certified Nursing Assistant-hired 7/3/2019- License Verification on 2/3/2020.</p> <p>Employee # 20-Certified Nursing Assistant-hired 8/25/2020-License Verification on 7/22/2021.</p> <p>Employee # 8-Registered Nurse, Director of Nursing- hired 1/15/2020- License verification on 12/3/2021.</p> <p>On 2/17/2022 at 10:44 a.m., an interview was conducted with the Human Resources Manager who stated she had thrown the original license verifications away when the updated or renewed licenses were submitted. The Human Resources Manager stated she did not realize that was not the correct procedure until this surveyor requested the files along with a list of required documents on 2/16/2022.</p> <p>On 2/17/2022 at 11:32 a.m., the Business Office Manager stated "Now I understand that the original Licenses cannot be thrown away when the new one is updated. I didn't know that at first."</p> <p>On 2/17/2022 at 11:32 a.m., an interview was conducted with the Administrator who stated she explained to the Human Resources Manager that original licenses must be verified prior to hire or care and maintained in the personnel files. She also stated that copies of verification of renewed licenses must be maintained in the files also.</p> <p>On 2/17/2022 at 3:59 p.m. during the end of day debriefing, the facility Administrator was again informed of the findings. The Administrator stated she had no questions about the findings.</p> <p>No further information was provided. .</p>	F 001		