

Division of Licensing and Protection
103 South Main Street, Ladd Hall
Waterbury VT 05671-2306
<http://www.dail.vermont.gov>
Voice/TTY (802) 871-3317
To Report Adult Abuse: (800) 564-1612
Fax (802) 871-3318

November 14, 2013

Mr. Marc Hunter, Administrator
Rowan Court Health and Rehabilitation
378 Prospect Street
Barre, VT 05641

Dear Mr. Hunter:

INITIAL NOTICE OF IMMEDIATE JEOPARDY

On **November 13, 2013** a complaint survey was completed at your facility by the Vermont Division of Licensing and Protection to determine if your facility was in compliance with Federal participation requirements for nursing homes participating in the Medicare and/or Medicaid programs. This survey found that your facility was not in substantial compliance with the participation requirements, and the conditions in your facility constituted immediate jeopardy to resident health or safety and constituted substandard quality of care. The facility was verbally notified of the Immediate Jeopardy determination on November 13, 2013. The Immediate Jeopardy was not removed by the conclusion of the survey.

Immediate Jeopardy with Substandard Quality of Care

The most serious deficiencies identified in your facility constitute isolated deficient practices at **42 CFR Part 483.20(k)(3) - Professional Standards of Quality (F281); and 42 CFR Part 483.25 - Quality of Care (F309)**.

During the investigation concluded on November 13, 2013, staff from the State Agency (Division of Licensing and Protection) investigated a resident's fall that occurred on 6/4/13, which resulted in the untimely death of the resident. Resident #1 was found on his stomach on the floor during the evening of 6/4/13, with abrasions and bruising to the head. Per facility policy and standard of care, nursing staff were to monitor the Neurological Vital signs of Resident #1 every 15 minutes for 1 hour, every 30 minutes for 4 hours, every hour for 2 hours then every shift for 72 hours. In the medical record, there is evidence of only 1 un-timed check of Neurological Vital signs, and no evidence a qualified professional was adequately monitoring Resident #1 after the fall with a potential head injury. At 5:30 AM on 6/5/13, Resident #1 was found unresponsive in his/her room. Resident #1 was transferred to the hospital, diagnosed with a subdural hematoma and maxillary fracture, and died later that day, on 6/5/13.

During the investigation, it was also discovered that licensed nurses at Rowan Court ask LNA's (Licensed Nursing Assistants) on occasion to perform Neurological Vital signs, which violates the LNA's scope of practice and violates professional nursing standards.

All references to regulatory requirements contained in this letter are found in Title 42, Code of Federal Regulations.

An extended survey will be conducted by this office.

Recommended Enforcement

Denial of Payment for New Admissions;

State monitoring - frequency to be determined by State Agency or Regional Office;

23-day Termination: Effective December 6, 2013;

CMP: A per instance CMP of not less than **\$6500.00** is recommended.

Allegation of Compliance

In order to avoid termination you must **remove the Immediate Jeopardy and submit to this office a letter of credible allegation of compliance.** You need not submit a full plan of correction until you have received a complete CMS Form 2567 from this office.

Your credible letter of compliance must be submitted by close of business **November 19, 2013.** Failure to submit a credible letter of compliance by **November 19, 2013** will result in the imposition of termination of your Provider Agreement by **December 6, 2013.**

Your credible letter of compliance must contain the following:

- **How the jeopardy is removed for each situation described above (in sufficient detail the steps taken to remove the jeopardy).**
- **When the jeopardy was removed.**

If you have questions, please contact me at (802) 871-3317.

Sincerely,



Pamela M. Cota, RN
Licensing Chief

CC: CMS Regional Office, Boston
State Medicaid Agency