

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 6, 2012

Mr. Francis Nolan, Administrator  
Michaud Memorial Manor  
47 Herrick Road  
Derby Line, VT 05830

Dear Mr. Nolan:

Enclosed is a copy of your acceptable plans of correction for the survey conducted on **October 2, 2012**. Please post this document in a prominent place in your facility.

We may follow-up to verify that substantial compliance has been achieved and maintained. If we find that your facility has failed to achieve or maintain substantial compliance, remedies may be imposed.

Sincerely,



Pamela M. Cota, RN  
Licensing Chief

PC:jl



Division of Licensing and Protection

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  <b>0143</b>	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____ B. WING _____	(X3) DATE SURVEY COMPLETED  C <b>10/02/2012</b>
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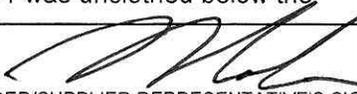
NAME OF PROVIDER OR SUPPLIER  <b>MICHAUD MEMORIAL MANOR</b>	STREET ADDRESS, CITY, STATE, ZIP CODE <b>47 HERRICK ROAD DERBY LINE, VT 05830</b>
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(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY MUST BE PRECEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION)	ID PREFIX TAG	PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY)	(X5) COMPLETE DATE
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R100	Initial Comments:  An unannounced onsite complaint investigation was completed by the Division of Licensing and Protection on 10/2/12. Based on information gathered, a regulatory violation was cited as follows.	R100		
R224 SS=G	<p>VI. RESIDENTS' RIGHTS</p> <p>6.12 Residents shall be free from mental, verbal or physical abuse, neglect, and exploitation. Residents shall also be free from restraints as described in Section 5.14.</p> <p>This REQUIREMENT is not met as evidenced by: Based on record reviews, staff interviews, and observations, the facility failed to assure that one resident (Resident #1) remained free from physical and mental abuse, as evidenced by reports that Resident #1 was sexually assaulted by another resident (Resident #2). Findings include:</p> <p>1. During an interview on 10/2/12 at 1:40 PM, Licensed Nurse Assistant (LNA) A reported that after supper on 9/26/12, the LNA who was assigned to the dining room came to him/her and reported that Resident #1 could not be located. When LNA A did not find Resident #1 on the first floor, s/he proceeded to the second floor and engaged LNA B in a room by room search. LNA A further stated that when s/he came to a room in the home, s/he heard through the closed door a faint cry of "Help me. Help me". LNA A entered the room and described what she observed as follows: Resident #1 was lying across the width of the bed. Resident #1 was unclothed below the</p>	R224	<p><b>PLAN OF CORRECTION: PLEASE SEE ACCOMPANYING DOCUMENT.</b></p>	

Division of Licensing and Protection

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



TITLE

**ADMINISTRATOR**

(X6) DATE

**10/23/12**

*Pme*

Division of Licensing and Protection

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  <b>0143</b>	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____ B. WING _____	(X3) DATE SURVEY COMPLETED  <b>C</b> <b>10/02/2012</b>
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R224	<p>Continued From page 1</p> <p>waist, with his/her incontinence brief off and one leg out of his/her pants. The resident who resides in the room (Resident #2) was observed "on top of" Resident #1. LNA A went on to say that Resident #2 jumped up to a standing position and was seen as entirely unclothed and sexually aroused. Resident #2 quickly grabbed his/her pants and donned them.</p> <p>LNA A reported that s/he asked Resident #2 how Resident #1 got up to his/her room on second floor and how Resident #1 got undressed. Resident #2 stated that s/he helped Resident #1. LNA A stated that in providing daily care for Resident #1, assistance is required to dress, undress, or to remove the brief and use the toilet, so s/he could not have undressed without help. LNA A then confirmed that LNA B had been directly across the hall when the incident was discovered and LNA B was a second witness.</p> <p>Per record review of Resident #1, a 2 PM to 10 PM shift nurse note dated 9/26/12 and signed by LNA B, revealed that after supper s/he found Resident #1 in Resident #2's bedroom, with "depend and pants off", lying on Resident #2's bed. Resident #2 was on top of Resident #1, with pants down. Resident #1 was "hollering help". LNA B further wrote that s/he asked Resident #2 how Resident #1 got upstairs and s/he said s/he helped him/her.</p> <p>During an observation at 12:40 PM on 10/2/12, Resident #1 received assistance from an LNA to locate and use the toilet. Resident #1 was observed as able to ambulate with a walker, yet requiring the guidance of the LNA to locate and use the toilet. Upon record review, the annual assessment of Resident #1 (dated 5/23/12) showed that s/he has severely impaired</p>	R224		

Division of Licensing and Protection

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R224	Continued From page 2  decision-making related to memory loss and anxiety, and has daily wandering behavior. Resident #1 was also assessed as requiring assistance by one person for dressing and toileting, and as able to ambulate with a walker unassisted.	R224			

**Michaud Memorial Manor**  
**47 Herrick Road**  
**Derby Line, VT 05830**  
**802-873-3152**

Plan of Correction for Survey completed on 10/2/12

R224 6.12

1. Michaud Memorial Manor (Vermont Catholic Charities) follows Policy #HR00010 "Abuse, neglect, exploitation, mistreatment...of the residents is not tolerated." (see attached)

All new employees receive a copy of Vermont Catholic Charities Human Resource Policies and Guidelines, and sign a verification of receipt form.

An annual in-service education training session will be presented for all staff on Policy HR00010 and "Resident Rights". To be completed October 25, 2012 and each year thereafter.

A reminder and review of Policy HR # 00010 will be discussed at regularly scheduled staff meetings. To begin November 15, 2012.

All staff is required to report any sense or knowledge of abuse, neglect, exploitation and mistreatment to the Administrator immediately upon recognition or suspicion of such acts upon a resident.

All new residents are given a personal copy of the "Residential Rights" (see attached). The "Residential Rights Licensing Regulation" poster is posted in the entrance way of the lobby, by the elevator, and on both floors of the facility.

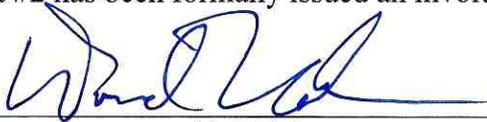
Discussion about resident rights, abuse, neglect, and exploitation will be discussed with residents at regularly scheduled monthly meetings with the Administrator. Residents will be encouraged to bring to the attention of the Director of Nursing and/or Administrator any sense or experience of abuse, neglect, exploitation or mistreatment. To begin October 30, 2012.

Michaud Memorial Manor will invite the state's ombudsman to address the residents on Resident Rights, abuse and neglect. To be completed by November 30, 2012.

2. Staff is currently monitoring resident # 2's location every hour. It was recommended that staff monitor resident #2 every fifteen minutes. As a level III residential care home, and based on our staffing levels, Michaud Memorial Manor is not in a position to monitor one resident every fifteen minutes, twenty four hours a day.

Resident #2 has been formally issued an involuntary discharge notice with 30 day notice.

Signed: \_\_\_\_\_



Administrator

Date: 10.23.12

R224 POC accepted 11/5/12 PmeetaRN

# Vermont Catholic Charities, Inc.

## Residential Care Homes Policies and Guidelines

<b>SUBJECT: Resident Rights/ Abuse &amp; Neglect</b>	<b>Policy Number HR 00010</b>
	Section: Human Resources
	Sub-Section: Employee Relations
	Approved Date: March 1, 2010

### INTRODUCTION

It is the goal of Vermont Catholic Charities, Inc., to promote a Residential Care Home that is a safe, secure, and creates a homelike environment for residents.

### POLICY

Abuse, neglect, mistreatment and/or financial exploitation of the residents is not tolerated. Staff orientation and annual training regarding this policy will include designations of any potential abuse issues, reporting requirements, and mandatory reporting to comply with Vermont law and regulations.

### PURPOSE

Resident Protection.

### PROCEDURE:

#### REPORTING OF ABUSE, NEGLECT, OR EXPLOITATION

- An employee will immediately report any sign of abuse, neglect, or exploitation to the Administrator and/or D.O.N.
- The Administrator and D.O.N., shall report any case of suspected abuse, neglect or exploitation to the Adult Protective Services (APS) as required by 33 V.S.A. §6903. APS may be contacted by calling toll-free 1-800-564-1612. Reports must be made to APS within 48 hours of learning of the suspected, reported or alleged incident.
- The Administrator and D.O.N are required to report suspected or reported incidents of abuse, neglect or exploitation. It is not the Administrator or D.O.N's responsibility to determine if the alleged incident did occur or not; that is the responsibility of the licensing agency. A home may, and should, conduct its own investigation. However, that must not delay reporting of the alleged or suspected incident to Adult Protective Services.
- Incidents involving resident-to-resident abuse must be reported to the licensing agency if a resident alleges abuse, sexual abuse, or if an injury requiring physician intervention results, or if there is a pattern of abusive behavior. All resident-to-resident incidents, even minor ones, must be recorded in the resident's record. Families or legal representatives must be notified and a plan must be developed to deal with the behaviors.

#### RESIDENTS' RIGHTS

- Every resident shall be treated with consideration, respect and full recognition of the resident's dignity, individuality, and privacy.
- A home may not ask a resident to waive the resident's rights.
- Residents may retain personal clothing and possessions as space permits, unless to do so would infringe on the rights of others or would create a fire or safety hazard.
- A resident shall not be required to perform work for the Home. If a resident chooses to perform specific tasks for the Home the resident shall receive reasonable compensation which shall be specified in a written agreement with the resident.
- Each resident shall be allowed to associate, communicate and meet privately with persons of the resident's own choice.
- Each resident may send and receive personal mail unopened.
- Residents have the right to reasonable access to a telephone for private conversations. Residents shall have reasonable access to the home's telephone except when restricted because of excessive unpaid toll charges or

**Vermont Catholic Charities, Inc.**  
**Residential Care Homes Policies and Guidelines**

<b>SUBJECT: Resident Rights/ Abuse &amp; Neglect</b>	<b>Policy Number HR 00010</b>
	Section: Human Resources
	Sub-Section: Employee Relations
	Approved Date: March 1, 2010

misuse. Restrictions as to telephone use shall be in writing. Any resident may, at the resident's own expense, maintain a personal telephone in his or her own room.

- A resident may complain or voice a grievance without interference, coercion or reprisal. Each home shall establish a written grievance procedure for resolving residents' concerns or complaints that is explained to residents at the time of admission. The grievance procedure shall include at a minimum, time frames, a process for responding to residents in writing, and a method by which each resident filing a complaint will be made aware of the Office of the Long Term Care Ombudsman and Vermont Protection and Advocacy as an alternative or in addition to the home's grievance mechanism.
- Residents may manage their own personal finances.
- The resident's right to privacy extends to all records and personal information.
- The resident has the right to review the resident's medical or financial records upon request.
- Residents have the right to formulate advance directives as provided by state law and to have the home follow the residents' wishes.
- The enumeration of residents' rights shall not be construed to limit, modify, abridge or reduce in any way any rights that a resident otherwise enjoys as a human being or citizen.

Any violation of this policy will result in disciplinary action up to and including termination.

*\* This policy replaces, revokes, and rescinds all former policies, including VCCI Human Resource Policy HR-0042, therefore, any modifications or changes to the utilization and administration of those policies is superseded by this new plan.*

## VCC Residential Care Homes

Code: Admin-022

Subject: Residents' Rights

### POLICY

This Home and its employees will conduct themselves in a manner that recognizes that all residents are entitled to these fundamental rights and privileges:

1. Every resident shall be treated with consideration, respect and full recognition of his or her dignity, individuality and privacy. The Home shall not ask a resident to waive his or her rights.
2. The Home's policies regarding rights and responsibilities of residents shall be explained to residents at the time of admission.
3. Residents may retain personal clothing and possessions as space permits, unless, to do so, would infringe on the rights of others, or would create a fire or safety hazard.
4. A resident shall not be required to perform work for the Home. If a resident chooses to perform specific tasks for the licensee (the Home), the resident shall receive reasonable compensation which shall be specified in a written agreement with the resident.
5. Each resident shall be allowed to associate, communicate and meet privately with persons of his or her own choice. The Home's visiting hours shall be from 8:00 a.m. to 8:00 p.m. and shall be posted in a public place.
6. Each resident may send and receive personal mail unopened.
7. Residents have the right to reasonable access to a telephone for private conversations. Residents shall have reasonable access to the Home's telephone except when restricted because of excessive unpaid toll charges or misuse. Restrictions as to telephone use shall be in writing. Any resident may, at his/her own expense maintain a personal telephone in his/her own room.
8. A resident may complain, or voice a grievance, without interference, coercion or reprisal. The Home shall follow an established grievance procedure for resolving residents' concerns or complaints, and this procedure shall be explained to the resident at the time of admission. The grievance procedure includes time frames, the process to respond to residents in writing, and a method by which each resident filing a complaint will be made aware of the Office of the Long Term Care Ombudsman and the Vermont Protection and Advocacy system, as an alternative or in addition to the Home's grievance mechanism.
9. A resident may manage his/her own personal finances. The Home will manage a resident's finances, only when such a request is made in writing, by the resident, and then in accordance with the resident's wishes. The Home shall keep a record of all transactions and make it available, upon request, to the resident or legal representative, and shall provide the resident or legal representative with an accounting of all

transactions at least quarterly. Resident funds shall be kept separate from other accounts or funds of the Home.

10. The resident's rights to privacy extend to all records and personal information. Personal information about a resident shall not be discussed with anyone not directly involved in the resident's care. Release of any record, excerpts from or information contained within such records shall be subject to the resident's written approval, except as requested by representatives of the licensing agency to carry to its responsibilities or as otherwise provided by law.
11. The resident has the right to review his/her medical or financial records.
12. Residents shall be free from mental, verbal, or physical abuse, neglect, and exploitation. Residents shall also be free from restraints as described in Section 5.13, of the Residential Care Home Licensing Regulations.
13. When a resident is adjudicated mentally disabled, such powers as have been delegated by the Probate or Family Court to the resident's guardian, shall devolve to the guardian pursuant to applicable law.
14. Residents subject to transfer or discharge from the Home; under Section 5.3 of the Residential Care Home Licensing Regulations shall:
  - be allowed to participate in the decision - making process of the Home concerning the selection of an alternative placement;
  - receive adequate notice of a pending transfer; and
  - be allowed to contest their transfer or discharge by filing a request for a fair hearing before the Human Services Board in accordance with the procedures in 3 VSA, Section 3091.
15. Residents have the right to refuse care to the extent allowed by law. This includes the right to discharge himself or herself from the Home. The Home must fully inform the resident of the potential consequences of refusing care. If the resident makes a fully informed decision to refuse care, the Home must respect that decision and is absolved of further responsibility. If the refusal of care will result in a resident's needs increasing beyond what the Home is licensed to provide, or will result in the Home being in violation of the regulations, the Home shall issue the resident a thirty (30) day notice of discharge in accordance with Section 5.3.a of the regulations.
16. Residents have the right to formulate advanced directives as provided by state law, and to have the Home follow the resident's wishes.
17. ACCS residents have the right to be away from the Home for voluntary leaves of more than 24 hours, unless a legally appointed guardian directs the Home otherwise. ACCS residents have the right to make decisions about such voluntary leaves without influence from the Home.
18. The enumeration of resident rights shall not be construed to limit, modify, abridge, or reduce in any way, any rights that a resident otherwise enjoys as a human being or citizen.

**Important Phone Numbers**

Long Term Care Ombudsman	1-800-789-4195
Our local Ombudsman	_____
Vermont Protection and Advocacy, Inc	1-800-564-1612
Vermont Citizen's Law Project	1-802-863-2871

**PURPOSE**

To specify residents' rights.

**PROCEDURE**

A copy of our statement of Residents' Rights and Responsibilities, as well as the Facility's grievance policy, is attached as an addendum to the Admission Agreement. Residents' Rights are also posted in the facility, and all staff receive orientation and annual inservice on the subject.