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Administrator

MARY GUINAN, MD, PhD
State Health Officer

STATE OF NEVADA
DEPARTMENT OF HEALTH AND HUMAN SERVICES
HEALTH DIVISION
BUREAU OF HEALTH CARE QUALITY AND COMPLIANCE

Health Facilities/Lab Services
1550 E. College Parkway
Suite 158
Carson City, Nevada 89706
(775) 687-4475
Fax: (775) 687-6588

Health Facilities/Lab Services
4220 S. Maryland Parkway
Suite 810, Building D
Las Vegas, NV 89119
(702) 486-6515
Fax: (702) 486-6520

Radiological Health
4150 Technology Way
Suite 300
Carson City, Nevada 89706
(775) 687-7550
Fax: (775) 687-7552

Radiological Health
2080 E. Flamingo
Suite 319
Las Vegas, Nevada 89119
(702) 486-5280
Fax: (702) 486-5024

NOTICE OF INTENT TO IMPOSE SANCTIONS AND ORDER OF BAN ON ADMISSIONS

HAND DELIVERY

February 9, 2010

Virginia Acoba, Administrator
Las Vegas Home Sweet Home
2615 Lindell Road
Las Vegas, NV 89146
NVS4208AGC

YOU ARE HEREBY NOTIFIED that the HEALTH DIVISION orders a ban on all new admissions effective immediately. The HEALTH DIVISION finds that the public health, safety or welfare requires this emergency action of a ban on admissions at this facility.

YOU ARE ALSO HEREBY NOTIFIED that the HEALTH DIVISION intends to impose monetary sanctions and a directed plan of correction effective eleven working days after your receipt of this notice.

Immediately upon receipt of this notice, Las Vegas Home Sweet Home must ban all new admissions to safeguard the health, safety and well-being of recipients receiving services regardless of payment source and to prevent the admissions of person who cannot adequately be served by the facility. This ban must be imposed for not less than 72 hours and must be terminated if the facility demonstrates that substantial improvements have been made to correct deficiencies and that the health safety and well-being of recipients are adequately safeguarded.

Nevada Administrative Code (NAC) 449.99883 requires Las Vegas Home Sweet Home to post a notice of the ban on admissions at all public entrances to the facility within 48 hours of receipt of this notice. The notice must be not less than 15 inches by 20 inches in size and include the words "NOTICE OF BAN OF ADMISSIONS" printed in boldface type not less than 1 and ½ inches in size; a statement identifying a member of staff of the facility who will provide additional information relating to the ban on admissions; and the number of the Bureau of Health Care Quality and Compliance. Failure to post or removal of the notice is a deficiency with a severity level of three and a scope level of three.

As required by NAC 449.99883, Las Vegas Home Sweet Home must advise any person contacting the facility in writing, by telephone or any other means of telecommunication about the ban on admissions. Failure to notify any person seeking services of the ban on admissions is a deficiency of severity level two and a scope level of three.

Statutory or Regulatory Authority

The Health Division is imposing sanctions on your facility in accordance with Nevada Revised Statutes (NRS) 449.160(1)(a), (c), (d), NRS 449.163 through 449.170, Nevada Administrative Code (NAC) 449.0118(1), and NAC 449.9982 through 449.99939. Specifically, NAC 449.99881(3) authorizes the Health Division to impose a ban on admission for deficiencies of a severity level of three and a scope level of three and NAC 449.9987 authorizes the Health Division to develop a directed plan of correction with which the facility must comply. The imposition of sanctions is based on the severity and the scope of the deficiency as defined by NAC 449.99861 and NAC 449.9986. The severity and scope scores assigned to the deficiencies are provided in the attachments.

Monetary Penalties

NAC 449.99895 authorizes the Bureau of Health Care Quality and Compliance (BHCQC) to impose monetary penalties and the Bureau will impose daily penalties in the future if subsequent re-surveys do not find that deficiencies have been corrected.

The Bureau is imposing monetary penalties of \$300 assessed for each repeat deficiency at TAG Y103, Y105, Y178, Y278, Y434, Y444, Y859 and Y936 also cited in the surveys dated 10/24/08, 2/19/09 and 8/27/09. NAC 449.99902(2) requires that, for each repeat deficiency present within 18 months after an initial deficiency, the monetary penalty must be computed at the rate of one and one-half times the rate that was or could have been assessed initially for a deficiency of that severity and scope.

The Bureau is imposing initial penalties of \$800, assessed for the deficiencies at TAG Y255 and Y392. NAC 449.99899(3) indicates for initial deficiencies with a severity level of three and a scope level of three an initial monetary penalty of \$800 per deficiency must be imposed.

The Bureau is imposing initial penalties of \$400, assessed for the deficiencies at TAG Y050 and Y878. NAC 449.99899(4) indicates for initial deficiencies with a severity level of three and a scope level of two or less, an initial monetary penalty of \$400 per deficiency must be imposed.

Total of Monetary Penalties = \$4800

NAC 449.99904 indicates the requirements for reduction of the penalty.

NAC 449.99908 indicates the time allowed for the payment of the penalty.

NAC 449.99911 indicates the possible consequences for failure to pay the penalty.

Directed Plan of Correction

NAC 449.9987(2) authorizes BHCQC to develop a directed plan of correction with which the facility must comply with regardless if the facility plans to appeal this notice. The facility is directed to do the following as part of BHCQC's directed plan of correction within 30 days of receipt of this notice:

1. Submit an application to BHCQC to reduce the bed count from fourteen residents to ten residents. Currently the facility is licensed to care for fourteen residents and is required to maintain a commercial food service permit with BHCQC. Since the facility is unable to comply with chapter 446 of NRS, the total bed count must be reduced down to ten residents.
2. The facility must transfer Resident #1 to a more appropriate setting. The facility is not licensed to care for persons with Alzheimer's disease. In addition, the facility will provide a written statement indicating it will not admit any residents in the future with the diagnoses of Alzheimer's disease or dementia.

Facts Supporting the Sanctions

An annual State Licensure survey was conducted on 2/19/09. This survey revealed 34 violations of state regulations and the facility received the grade of D. The Statement of Deficiencies (SOD) was mailed on 2/26/09, but the facility failed to submit a Plan of Correction (POC) within 10 days and waited until 4/26/09 to submit its plan; two months late. The 4/26/09 POC was unacceptable and a notice was sent to the facility on 5/5/09. The facility did not re-submit an acceptable POC until 5/28/09. The facility also failed to submit the required grading system re-survey application within the 30 day timeframe after receiving their SOD. The Bureau finally received the grading system re-survey on 8/12/09 after repeated attempts via the telephone and a written memo dated 6/17/09. The facility was also sanctioned \$900 for three repeated deficiencies from a previous annual State Licensure survey. The Bureau compliance consultant offered her services to the facility in May of 2009, but the facility failed to contact the consultant.

The mandatory grading system re-survey was conducted on 8/27/09. This survey revealed 11 violations of state regulations involving issues with tuberculosis testing, criminal background checks, and medication management. The facility again received the grade of D. Six of the regulatory violations were repeated deficiencies from the 2/19/09 annual State Licensure survey. The SOD was mailed on 10/18/09 and the bureau received an acceptable POC on 11/3/09.

An annual State Licensure survey was conducted on 1/27/10. This survey again revealed 28 violations of state regulations involving issues with protective supervision, medication management, criminal background checks, fire drills, smoke detector testing, sanitation, caregiver training, resident health care, physical hazards, emergency lighting, and exiting lighting. Nine of the regulatory violations were repeated deficiencies from previous State Licensure surveys. In addition, the facility's food service permit expired on 10/31/09 because the facility failed to renew the permit, food operations were discontinued immediately due to the unsanitary conditions in the kitchen and food preparation areas and an Immediate Jeopardy situation was declared involving missing resident medications.

The deficiencies identified during the above mentioned visits are documented in the attached statements of deficiencies. It has been determined that residents are not safe at this facility due to chronic, repeated non-compliance and that the facility is engaging in practices detrimental to the health and safety of the residents.

Notice of Right to Appeal

Nevada Revised Statutes 449.170(2) affords the facility the right to contest the action of the Health Division. If you wish to oppose this action, you must send a written appeal to Richard Whitley, MS, Health Division Administrator, 4150 Technology Way, Suite 300, Carson City, Nevada 89706. You can fax your written appeal to (775) 684-4211.

In order for you to receive a hearing, the Administrator must receive this written appeal by 5:00 pm on the 10th working day after you have received this notice. The local Bureau of Health Care Quality and Compliance office cannot accept your appeal. Your written appeal must include the following information: a) the action to be contested, b) the name of the division officer or employee who signed this notice, c) the reasons that the appellant believes the action is incorrect, and d) whether or not the appellant is seeking an informal internal resolution prior to the formal appeal process.

You are entitled to be represented by counsel at your own expense in these proceedings. If you retain an attorney, your counsel must notify the Administrator of his or her representation of you.

Effective Date of Sanction

The monetary sanction and the directed plan of correction are effective 11 days after receipt of the notice. The ban on admissions is effective immediately. The effective date of the action will be stayed, pending the hearing on appeal if you submit a timely request for appeal.

In order for the ban on admissions to be removed from the facility; the facility must:

1. Develop a plan which addresses the cause of the problems, and implement the plan.
2. Provide the Health Division with an acceptable Plan of Correction.
3. Receive a resurvey and at the time of the resurvey be in compliance with the regulations for which the ban was imposed.
4. Receive notice from the Health Division that the ban has been removed.

Other Notifications

The Bureau must upload information about sanctions applied to medical facilities to the Healthcare Integrity and Protection Data Bank (HIPDB) within 30 days of providing the sanction notice to the facility.

If you have any questions, please call the supervisor listed below at (775-687-4475).

Patricia Chambers, RN, HFS III
For Marla McDade Williams, MPA, Bureau Chief

Cc: Richard Whitley, Administrator
Mary Wherry, Deputy Administrator

Enclosures: 29 Pages Statement of Deficiencies dated 2/19/09
9 Pages Statement of Deficiencies dated 8/27/09
28 Pages Statement of Deficiencies dated 1/27/10