

DEPARTMENT OF DISABILITIES, AGING AND INDEPENDENT LIVING

Division of Licensing and Protection
103 South Main Street, Ladd Hall
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Voice/TTY (802) 871-3317
To Report Adult Abuse: (800) 564-1612
Fax (802) 871-3318

September 18, 2013

Ms. Rachael Parker, Administrator
Starr Farm Nursing Center
98 Starr Farm Rd
Burlington, VT 05408-1396

Dear Ms. Parker:

INITIAL NOTICE OF IMMEDIATE JEOPARDY

On **September 16, 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. The survey began on September 10, 2013 and was concluded on September 16, 2013. 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 notified of the Immediate Jeopardy determination on September 11, 2013. Staff from the Division of Licensing and Protection found the Immediate Jeopardy to be **removed** during their assessment on September 16, 2013 due to the facility taking immediate corrective actions during the course of the survey; however deficient practice remains. The facility alleged removal of the Immediate Jeopardy as of September 13, 2013 and the surveyors did not find evidence of ongoing Immediate Jeopardy after that date, so the IJ is removed as of **September 13, 2013**.

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(h) - Accidents (F323)**.

During the investigation from September 10-16, 2013, staff from the State Agency (Division of Licensing and Protection) investigated an incident that occurred on 9/2/13 that resulted in significant injury/harm to Resident #1. The injury occurred during a routine transfer using a mechanical lift to move the resident from the bed to a shower chair, where the resident fell backwards, striking his/her head on the floor. During the State Agency's review of transfers and mechanical lift techniques, on 9/10/13 the surveyors observed an LNA tipping a wheelchair backwards while placing a resident into the wheelchair using a mechanical lift. In

interview with the staff member observed tipping back the wheelchair, who is the LNA coordinator and trains other LNA's on these techniques, s/he stated that s/he always tips back the wheelchair so that proper positioning can be assured. Also, per interview with a witness to portions of the 9/2/13 transfer of Resident #1 to the shower chair, one of the LNA's involved in the transfer was observed tipping the shower chair backwards during the transfer that resulted in injury to the resident. This is an avoidable accident hazard.

Also, per interviews with staff and review of the facility investigation, a Licensed Practical Nurse (LPN) responded to the 9/2/13 incident when the LNA's called for help. Even though the resident was bleeding from his/her head and complaining of pain, the LPN instructed the LNA's to move the resident via hooyer lift. This was done by the LNA's as instructed by the LPN. There was no evidence that staff took measures to stabilize the neck/spine of the resident, and no evidence of an assessment by a Registered Nurse prior to the resident being moved. During interview, the LPN stated s/he was not aware that moving a resident who has fallen and has a head injury was against facility policy and professional standards of practice. The resident was transported to an acute care hospital where a spinal fracture was identified. This violates professional standards of practice and facility policy.

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

Recommended Enforcement

Denial of Payment for New Admissions: Effective December 16, 2013

Termination: Effective March 16, 2013

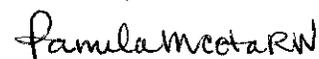
CMP: A per day CMP of not less than **\$3050.00** is recommended for the Immediate Jeopardy for the period of September 2, 2013 to September 13, 2013.

Allegation of Compliance

Starr Farm has already submitted a credible allegation of compliance and removed the IJ as of September 13, 2013. **You need not submit a full plan of correction until you have received a complete CMS Form 2567 from this office.** The complete 2567 will be sent within 10 working days of the exit date.

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