

DEPARTMENT OF DISABILITIES, AGING AND INDEPENDENT LIVING

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

May 21, 2012

Mr. Bradford Ellis, Administrator
Vernon Green Nursing Home
61 Greenway Drive
Vernon, VT 05354-9474

INITIAL NOTICE OF IMMEDIATE JEOPARDY

Dear Mr. Ellis:

On **May 17, 2012** a complaint survey and extended survey were 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.

Immediate Jeopardy with Substandard Quality of Care

The most serious deficiencies identified in your facility constitute deficient practices at **42 CFR part 483.10(b)(11) - F157 Notification of Changes, 42 CFR part 483.13(c) - F224 Staff Treatment of Residents, and 42 CFR part 483.20(k)(3) - F281 Professional Standards.** (add F490 Administration & F520 Quality Assurance??)

The complaint survey, initiated on April 26, 2012 and concluded on May 17, 2012 found the following immediate jeopardy concerns:

1. On April 11, 2012 during the early morning hours (between 12:00 midnight and 2:00 AM), Resident #1 had a change in condition that required physician notification. Resident #1 had a documented history of peptic ulcer disease and Gastrointestinal bleeding. The physician was not notified until the day shift staff arrived when the resident was in distress. The resident was sent to the Emergency Room and died shortly after (at around 9:30 AM) from a perforated ulcer. The facility failed to notify the physician of this significant change in the resident's condition.

2. The facility was aware of a significant history of performance issues with the nurse involved in the above deficiencies, including neglect of residents. The facility staff were aware of concerns about the nurse's judgement in the past. The facility, despite being aware of these issues, did not act on the concerns or provide supervision to the nurse.

3. The facility administration also had knowledge in April 2012 that at least 2 staff members had been neglecting to give medication to residents but were signing off as giving the medication on the Medication Administration Record. The administration did not act to correct this issue, and during the survey, Division staff found that staff members are continuing to neglect to give residents prescribed medication, but documenting the medication as given.

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

Recommended Enforcement

Termination: As a result of the survey findings, the Vermont Division of Licensing and Protection is recommending to the CMS Regional Office that termination of your Provider Agreement effective **June 9, 2012**, giving the facility **20 days** to remove the immediate jeopardy.

CMP: A per instance civil money penalty of no less than **\$3050.00 (three thousand and fifty dollars)** is recommended for the Immediate Jeopardy.

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 **May 25, 2012**. Failure to submit a credible letter of compliance by **May 25, 2012** will result in the imposition of termination of your Provider Agreement by **June 9, 2012**.

Your credible letter of compliance must contain the following:

- **How the jeopardy is removed (in sufficient detail the steps taken to remove the jeopardy).**
- **When the jeopardy was removed.**

Bradford Ellis
Page Two
May 21, 2012

If you believe that immediate jeopardy has been removed, you may contact the undersigned at the Division of Licensing and Protection, with your written credible allegation of compliance.

If you have questions, please contact me at (802) 871-3333.

Sincerely,

A handwritten signature in cursive script that reads "Frances L. Keeler".

Frances L. Keeler, RN, MSN, DBA
State Survey Agency Director

FK:jl

CC: CMS RO
State Medicaid Agency