

New Jersey Department of Health

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 90A000	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED C 07/25/2024
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NAME OF PROVIDER OR SUPPLIER MIRA VIE AT FANWOOD	STREET ADDRESS, CITY, STATE, ZIP CODE 295 SOUTH AVENUE FANWOOD, NJ 07023
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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
A 000	<p>Initial Comments</p> <p>Initial Comments: TYPE OF SURVEY: Complaint</p> <p>COMPLAINT #: NJ 00175584</p> <p>CENSUS: 57</p> <p>SAMPLE SIZE: 3</p> <p>The facility is not in substantial compliance with all of the standards in the New Jersey Administrative Code 8:36, Standards for Licensure of Assisted Living Residences, Comprehensive Personal Care Homes and Assisted Living Programs. The facility must submit a Plan of Correction, including a completion date for each deficiency and ensure that the plan is implemented. Failure to correct deficiencies may result in enforcement action in accordance with provisions of New Jersey Administrative Code Title 8, Chapter 43E, Enforcement of Licensure Regulations.</p>	A 000		
A 310	<p>8:36-3.4(a)(1) Administration</p> <p>(a) The administrator or designee shall be responsible for, but not limited to, the following:</p> <p>1. Ensuring the development, implementation, and enforcement of all policies and procedures, including resident rights;</p>	A 310		

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

TITLE

(X6) DATE

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A 310	<p>Continued From page 1</p> <p>This REQUIREMENT is not met as evidenced by: Complaint # NJ 00175584</p> <p>Based on interview, record review and pertinent facility documentation, it was determined that the facility Executive Director (ED) failed to implement and enforce the policies and procedure titled, "Ensuring Resident Rights and Dignity" and "Elder Abuse/Neglect New Jersey" regarding a NJ Exec Order 26.4b1 for 2 of 3 residents reviewed, Resident #1 and Resident #2. This deficient practice was evidenced by the following:</p> <p>On 7/16/24, the Department of Health (DOH) investigated a Reportable Event Report (RER) received from the facility on NJ ex order 26.4b1 which indicated that on NJ ex order 26.4b1 a Care Partner (CP) mistreated a resident. According to the report, an Activities Assistant (AA) reported the mistreatment of Resident #1 and Resident #2 to the NJ ex order 26.4b1. The report also indicated that the NJ ex order 26.4b1 NJ ex order 26.4b1</p> <p>At 10:38 a.m., the surveyor interviewed the Executive Director (ED) regarding the incident on NJ ex order 26.4b1. The ED stated that she was not aware of the incident until NJ ex order 26.4b1 as the MSD did not immediately notify her. The ED continued to state that the NJ ex order 26.4b1 NJ ex order 26.4b1 or herself, immediately NJ ex order 26.4b1 Resident #1 and Resident #2. The surveyor</p>	A 310		
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A 310	<p>Continued From page 2</p> <p>questioned the ED as to what "immediately" meant, the ED responded stating "immediately" means "as soon as you can once all residents are safe."</p> <p>At 11:38 a.m. the surveyor placed a telephone call to CP #1. CP #1 did not answer, the surveyor left a message requesting a return call.</p> <p>At 12:45 p.m., the surveyor interviewed the DHW, in the presence of the ED, regarding the incident on [redacted]. The DHW stated she was unaware of the incident until [redacted] and stated that she should have been made aware on [redacted] regarding the incident. The DHW continued to state that she and the ED, began the investigaion of the incident and obtained statements from CP #1, AA, MSD, CP #2, and the CMA.</p> <p>At 1:18 p.m., the surveyor placed a telephone call to the AA. The AA did not answer, the surveyor then left a message and requested a return call.</p> <p>At 1:20 p.m., the surveyor placed a telephone call to the MSD. The surveyor was unable to reach the MSD and a message was left to return the call.</p> <p>On 7/16/24 at 3:37 p.m., the surveyor received a return call from CP #1. The surveyor conducted a telephone interview with CP #1 regarding the incident on [redacted]. CP #1 stated she [redacted] Resident #2. Additionally, CP #1 [redacted]</p> <p>The surveyor reviewed the facility's policies and procedures titled:</p> <ol style="list-style-type: none"> 1. "Elder Abuse/Neglect New Jersey" which 	A 310		
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A 310	<p>Continued From page 3</p> <p>revealed, " ... 4) Upon the notice of reported observed, suspected, or at imminent risk of abuse or exploitation: a) Immediate steps will be to ensure the resident is protected from potential future abuse and neglect while the investigation is being conducted ..."</p> <p>2. "Ensuring Resident Rights and Dignity" which revealed, " ... 7) Residents will not be mistreated or mishandled in any way (see abuse and neglect) 8) Never reprimand, scold, or punish a resident ..."</p> <p>The facility failed to follow their own policy when they allowed CP #1 to continue to work the rest of her shift, working with Resident #2 on her assignment on [redacted] from NJ ex order 26.4b1. after the MDS was made aware of the [redacted] No immediate steps were taken to ensure Resident #2 would be NJ Exec Order 26.4b1 as the facility policy states until [redacted], when CP #1 NJ ex order 26.4b1. Resident #2, Resident #1 and all other residents on the NJ Exec Order 26.4b1 unit had the potential for NJ Exec Order 26.4b1 when CP #1 NJ ex order 26.4b1 [redacted] at 3:43 p.m. NJ ex order 26.4b1 [redacted] at 11:00 p.m. Additionally, the facility failed to follow their own policy when CP #1 NJ Exec Order 26.4b1 Resident #1 and Resident #2, as CP #1 NJ ex order 26.4b1 Resident #2 because the resident NJ ex order 26.4b1 [redacted] on Resident #1.</p> <p>At 3:00 p.m., the ED and DHW were notified of the NJ ex order 26.4b1.</p> <p>On 7/18/24, after supervisor review, the facility was provided with an updated imminent danger template.</p> <p>On [redacted] NJ ex order 26.4b1, the ED submitted a Removal Plan</p>	A 310		
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A 310	<p>Continued From page 4</p> <p>which indicated that the following will be implemented: The policy titled "Elder Abuse/Neglect New Jersey" was revised and implemented on 7/18/24. All staff would be in serviced starting 7/18/24 and in-services would be completed by 7/24/24 on the following topics, Elder Abuse/Neglect, Timely Reporting, Ensuring Resident Rights and Dignity, Elder Abuse and Prevention, and Dementia related behavior and how to respond. CP #1, AA, and MSD were all terminated on 7/18/24 following suspension on 7/12/24 and never returned to work between 7/12/24 until 7/18/24.</p> <p>On 7/25/24, a revisit survey was conducted and the surveyor confirmed that the Removal Plan was implemented.</p> <p>Refer to 8:36-4.1(a)(4)</p>	A 310		
A 361	<p>8:36-4.1(a)(4) Resident Rights</p> <p>(a) Each assisted living provider will post and distribute a statement of resident rights for all residents of assisted living residences, comprehensive personal care homes, and assisted living programs. Each resident is entitled to the following rights:</p> <p>4. The right to be treated with respect, courtesy, consideration and dignity;</p> <p>This REQUIREMENT is not met as evidenced by: Complaint # NJ 00175584</p>	A 361		

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A 361	<p>Continued From page 5</p> <p>Based on observation, interview, and review of resident records and pertinent facility documents, it was determined that the facility failed to ensure that residents were treated with [redacted] and [redacted] for 2 of 3 residents, Resident #1 and Resident #2. The deficient practice was evidenced by the following:</p> <p>On 7/16/24, the Department of Health (DOH) investigated a Reportable Event Report (RER) received from the facility on [redacted] which indicated that on [redacted] a [redacted] [redacted] According to the report, an Activities Assistant (AA) [redacted] of Resident #1 and Resident #2 to the [redacted] on [redacted]. The report also indicated that the [redacted] [redacted]</p> <p>At 10:17 a.m., the surveyor observed Resident #1 [redacted] from the dining room to his/her apartment. The surveyor was not able to interview the resident due to the resident's [redacted]. Surveyor review of the resident's "Admission Record" revealed that the resident [redacted] [redacted].</p> <p>At 10:26 a.m., the surveyor observed Resident #2 sitting in his/her wheelchair in the activity room who appeared asleep. The surveyor was not able to interview the resident due to the resident resting. Surveyor review of the resident's medical record revealed the resident was admitted to the facility [redacted] with diagnoses which [redacted] [redacted].</p> <p>At 10:38 a.m., the surveyor interviewed the Executive Director (ED) regarding the incident on</p>	A 361		
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A 361	<p>Continued From page 6</p> <p>NJ ex order 26.4. The ED stated that she was not aware of the incident until NJ ex order 26.4 as the MSD delayed notification. The ED continued to state that the AA should have contacted the Director of Health and Wellness (DHW), or herself, immediately upon witnessing the abuse of Residents #1 and #2. The surveyor questioned the ED as to what "immediately" means, the ED responded stating "immediately means as soon as you can once all residents are safe." Additionally, the ED confirmed that CP #1 NJ ex order 26.4b1 at 3:43 p.m. until 11:00 p.m., when the CP's shift ended on NJ ex order 26.4b.</p> <p>During continued surveyor interview, the ED stated that upon notification of the NJ Exec Order 26.4b1 she and the DHW NJ ex order 26.4b1. She continued to state that after NJ ex order 26.4b1 they NJ ex order 26.4b1 from CP #1, AA, and MSD and all NJ ex order 26.4b1.</p> <p>Additionally, the ED stated statements were collected from a Certified Medication Aide (CMA) and CP #2, both of which worked during the time of the incident on NJ ex order 26.4b from 3:00 p.m. to 11:00 p.m., but both employees denied witnessing the abuse. The ED continued to state that she also notified the police of the incident.</p> <p>At 11:15 a.m., the surveyor interviewed the CMA regarding the incident that took place on NJ ex order 26.4b. The CMA stated that she noticed Resident #2 NJ ex order 26.4b1 but Resident #2 "NJ ex order 26.4b1". Additionally, the CMA stated that she was interviewed by the ED but that she told her that she did not see anything happen and that she just noticed Resident #2 "NJ ex order 26.4b1".</p> <p>At 11:38 a.m., the surveyor placed a call out to CP #1. CP #1 did not answer, the surveyor left a</p>	A 361		
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A 361	<p>Continued From page 7</p> <p>message requesting a return call. Additionally, the surveyor reviewed a statement dated [redacted] written by CP #1 which documented, " [redacted]</p> <p>At 12:07 p.m., the surveyor in the presence of the ED, viewed a video dated for [redacted] and timed 3:43 p.m. The video was only visual and did not contain audio. The surveyor observed Resident #2 [redacted] next to Resident #1 who was seated in a chair surrounding a table in the activity area with two other residents. Resident #2 was observed seating in the [redacted] and appeared to be [redacted]. CP #1 was observed seated in a chair around the same table as Residents #1 and #2. Additionally, the surveyor observed the AA at a table with five residents playing what appears to be bingo. The surveyor continued to observe CP #1 as [redacted] and [redacted] into the direction of Resident #2 twice. The surveyor then observed Resident #2 [redacted] away from the table after CP #1 [redacted] him/her.</p> <p>The surveyor then observed CP #1 [redacted] of Resident #2. After the [redacted] the surveyor observed Resident #1 [redacted], move his/her chair in a [redacted], and take off his/her glasses. The surveyor also observed Resident #2 adjust himself/herself in the [redacted] and [redacted] further away from the table. The surveyor observed CP #1 walk over to Resident #2 and [redacted] onto Resident #2. The surveyor then observed Resident #2 move his/her [redacted]</p>	A 361		
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A 361	<p>Continued From page 8</p> <p>and [redacted] which was placed on his/her [redacted] in a repeated NJ Exec Order 26.4b1 followed by Resident #2 NJ ex order 26.4b1. During continued video observation, the surveyor observed CP #1 walk into a room and obtain what appears to a white towel and dry off the table.</p> <p>At 12:45 p.m., the surveyor interviewed the DHW, in the presences of the ED, regarding the incident on NJ ex order 26.4b1. The DHW stated she was unaware of the incident until NJ ex order 26.4b1 and she should have been made aware on NJ ex order 26.4b1. The DHW stated that she and the ED NJ ex order 26.4b1 from CP #1, AA, MSD, CP #2, and the CMA. Additionally, the DHW stated she assessed Resident #1 and Resident #2 and NJ ex order 26.4b1. The DHW stated Resident #1 and Resident #2 NJ ex order 26.4b1</p> <p>At 1:18 p.m., the surveyor placed a call out to the AA. The AA did not answer, the surveyor NJ ex order 26.4b1. Additionally, the surveyor reviewed a statement dated NJ ex order 26.4b1, written by the AA which indicated that she witnessed CP #1 NJ ex order 26.4b1 at Resident #2 in response to Resident #2 NJ ex order 26.4b1. Continued review of the written statement revealed AA then witnessed CP #1 NJ ex order 26.4b1 Resident #2 NJ ex order 26.4b1 on Resident #1. The statement written by AA continued to indicate that Resident #1 was NJ Exec Order 26.4b1 and asked CP #1 NJ ex order 26.4b1 " AA indicated that another aide witnessed the events yet did nothing and she continued to play bingo with the other residents.</p> <p>At 1:20 p.m., the surveyor placed a call out to the MSD. The MSD did not answer, the surveyor left a message requesting a return call. Additionally,</p>	A 361		
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A 361	<p>Continued From page 9</p> <p>the surveyor reviewed a statement dated [redacted] and written by the MSD which indicated she received a text at 4:55 p.m. from the AA, followed by a phone call, informing her that CP #1 [redacted]</p> <p>At 1:21 p.m., the surveyor conducted a telephone interview with CP #2 regarding the incident on [redacted]. CP #2 stated she was sitting in the kitchen eating when she heard CP #1 state [redacted]." CP #2 continued to state she did not know who CP #1 was talking to and she did not look over. Additionally, CP#2 stated that she did not hear what CP #1 said.</p> <p>At 3:00 p.m., the ED and DHW were notified of the [redacted].</p> <p>On 7/17/24 at 3:37 p.m., the surveyor [redacted] from CP #1. The surveyor interviewed CP #1 regarding the incident on [redacted]. CP #1 stated she had Resident #2 on her assignment for her shift on [redacted] from [redacted]. CP #1 continued to state she remembers sitting in the activity area with Resident #1 and Resident #2. Additionally, CP #1 stated [redacted]</p> <p>Resident #2. CP #1 [redacted] and she [redacted] CP #1 confirmed that she worked until the end of her shift at 11:00 p.m. on [redacted]. She stated that upon her arrival for her scheduled shift to the facility the next day on [redacted], the ED escorted her into the ED's office and [redacted] about her shift on [redacted]. Finally, CP #1 confirmed that after she gave her statement, the ED [redacted]</p>	A 361		

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A 361	<p>Continued From page 10</p> <p>The facility failed to ensure Resident #2 [redacted] CP #1 [redacted] at Resident #2, which also landed on Resident #1, for [redacted] NJ ex order 26.4b1. The facility [redacted] CP #1 from patient care despite the MSD being aware of CP #1 treatment and actions to Resident #2 and #1 [redacted] CP #1 continued to work with all residents on the [redacted] NJ Exec Order 26.4b1 unit and provided direct care and contact with Resident #2 from the time of the incident at 3:43 p.m. to the end of her work shift at 11:00 p.m.</p> <p>On [redacted] NJ ex order 26.4b1, after supervisor review, the facility was notified of the [redacted] NJ ex order 26.4b1 and provided the ED with an updated [redacted] NJ ex order 26.4b1.</p> <p>On 7/24/24, the ED submitted a Removal Plan which indicated that the following will be implemented: The policy titled "Elder Abuse/Neglect New Jersey" was revised and implemented on 7/18/24. All staff would be in serviced starting 7/18/24 and in-services would be completed by 7/24/24 on the following topics, Elder Abuse/Neglect, Timely Reporting, Ensuring Resident Rights and Dignity, Elder Abuse and Prevention, and Dementia related behavior and how to respond. CP #1, AA, and MSD were all [redacted] NJ ex order 26.4b1 on [redacted] NJ ex order 26.4b1 on [redacted] NJ ex order 26.4b1 and never returned to work between [redacted] NJ ex order 26.4b1 until [redacted] NJ ex order 26.4b1.</p> <p>On 7/25/24, a revisit survey was conducted and the surveyor confirmed that the Removal Plan was implemented.</p>	A 361		
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