

Health Regulation Administration

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: HCA-0002	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____ B. WING _____	(X3) DATE SURVEY COMPLETED 08/27/2010
NAME OF PROVIDER OR SUPPLIER COMMUNITY CARE NURSING SERVICES OF D		STREET ADDRESS, CITY, STATE, ZIP CODE 6031 KANSAS AVE NW WASHINGTON, DC 20002		
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H 000	INITIAL COMMENTS An annual survey was conducted at your agency on August 25, 2010 and August 27, 2010, to determine compliance with Title 22 DCMR, Chapter 39 (Home Care Agencies Regulations). The findings of the survey were based on a random sample of nine (9) active clinical records based on a census of fifty-four (54) patients, one (1) discharge clinical record, ten (10) personnel files based on a census of sixty (60) employees and three (3) home visits. The deficiencies cited during this survey were based on interviews conducted with agency staff and review of administrative records.	H 000		
H 120	3906.1(a) CONTRACTOR AGREEMENTS If a home care agency offers a service that is provided by a third party or contractor, agreements between the home care agency and the contractor for the provision of home care services shall be in writing and shall include, at a minimum, the following: (a) A description of the services to be provided; This Statute is not met as evidenced by: Based on record review and interview, it was determined that the agency failed to include the description of services for eight (8) of eight (8) contract agreements reviewed. The findings include: A record review on August 26, 2010, beginning at approximately 12:26 p.m., revealed a document entitled "Independent Contractor Agreement." Under the section entitled "Task, Duties and Scope of Work," section #2 stated, "Independent	H 120	H120 3906.1(a) The Corrective Action that has occurred with respect to this deficiency is that the descriptions of services are included in the Independent Contractor Agreement with a reference that the 485 Plan of Care will be provided as an attachment for each client that is serviced. (See page 4 A Description of Services) The measure that has been put into place is the Administrative Assistant will have the responsibility of ensuring that each Independent Contractor Agreement has a 485 Plan of Care attached for each client serviced during the month and on an ongoing basis. The Quality Assurance Nurse will audit the files on a monthly basis to ensure that this deficient practice does not occur again.	10/10

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
HEALTH REGULATION ADMINISTRATION
825 NORTH CAPITOL ST., N.E., 2ND FLOOR
WASHINGTON, D.C. 20002

SEP 24 2010

Health Regulation Administration

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

TITLE

(X5) DATE

STATE FORM

6600

RPIW11

If continuation sheet 1 of 8

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H 120	Continued From page 1 Contractor agrees to devote as much time, attention, and energy as necessary to complete or achieve the following: RN/LPN/HHA- Scope of Work." The Scope of Work shall be completed by employee's name. Section #3 of the aforementioned contract stated "Independent Contractor shall additionally perform any task and duties associated with the Scope of Work set forth above, including but not limited to, work already being performed or related changes orders. Independent Contractor shall not be entitled to engage in any activities, which are not expressly set forth by this Agreement." A face to face interview with the Administrative Assistant on August 26, 2010, at approximately 2:48 p.m., revealed that all employees except administrative staff are contract employees. At the time of the survey, there was no documented evidence of the description of services to be provided to the patient in the agents' contractor agreement. It should be noted, this citation is a repeat deficiency from a previous survey conducted on October 2, 2009.	H 120		
H 123	3906.1(d) CONTRACTOR AGREEMENTS If a home care agency offers a service that is provided by a third party or contractor, agreements between the home care agency and the contractor for the provision of home care services shall be in writing and shall include, at a minimum, the following: (d) The procedure for submitting clinical and progress notes, periodic patient evaluation, scheduling of visits, and other designated reports;	H 123	H123 3906.1(d) The Corrective Action that has occurred with respect to this deficiency is that Community Care Nursing Services of DC has added the procedure for submitting clinical and progress notes, periodic patient evaluations, scheduling of visits and other designated reports to the Independent Contractor Agreement. (See page 6 C Description of Services of the Independent Contractor Agreement) The Administrative Assistant will ensure that all Independent Contractors sign a revised Independent Contractor's Agreement immediately upon approval of the Plan of Correction. The Quality Assurance Nurse will monitor all Independent Contractor Agreements to verify that all of the revised Independent Contractor Agreements have been executed.	10/10

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H 123	Continued From page 2 This Statute is not met as evidenced by: Based on record review and interview, it was determined that the agency failed to include the procedure for submitting clinical and progress notes, periodic patient evaluation, scheduling of visits, and other designated reports in contractor agreements. The finding includes: A record review on August 25, 2010, at approximately 10:00 a.m., revealed a document entitled "Independent Contractor Agreement". There was no documented evidence of the procedure for submitting clinical and progress notes, periodic patient evaluation, scheduling of visits, and other designated reports. During a face to face interview with the Director on August 25, 2010, at approximately 10:00 a.m., she acknowledged the finding and admitted that this was a second citation of the aforementioned regulation. However, she indicated that the agency's lawyer is working on their contracts' to incorporate all required information.	H 123		
H 125	3906.1(f) CONTRACTOR AGREEMENTS If a home care agency offers a service that is provided by a third party or contractor, agreements between the home care agency and the contractor for the provision of home care services shall be in writing and shall include, at a minimum, the following: (f) The procedures used for managing and monitoring the work of personnel employed on a contractual basis;	H 125	H125 3906.1(f) The Corrective Action that has occurred with respect to this deficiency is that language has been added to the Independent Contractor Agreement to include the procedure for monitoring and managing the Independent Contractors. (See page 8 Procedures for Quality Assurance) A Registered Nurse Supervisors shall monitor and manage services rendered to clients on a monthly basis by the Independent Contractor. Additionally, the Director of Clinical Services shall verify the competency of each independent contractor prior to the services being rendered to the clients and yearly thereafter. The Quality Assurance Nurse will monitor the documentation to ensure proper monitoring of the Independent Contractors.	10/10

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H 125	<p>Continued From page 3</p> <p>This Statute is not met as evidenced by: Based on record review and interview, it was determined that the agency failed to include the procedures used for managing and monitoring the work of personnel employed on a contractual basis in its contractor agreements.</p> <p>The findings include:</p> <p>A record review on August 25, 2010, at approximately 10:00 a.m., revealed a document entitled "Independent Contractor Agreement". There was no documented evidence of the procedures used for managing and monitoring the work of personnel employed on a contractual basis.</p> <p>During a face to face interview with the Director on August 25, 2010 at approximately 10:00 a.m., she acknowledged the finding and admitted that this was a second citation of the aforementioned regulation. However, she indicated that the agency's lawyer is working on their contracts' to incorporate all required information.</p>	H 125		
H 126	<p>3906.1(g) CONTRACTOR AGREEMENTS</p> <p>If a home care agency offers a service that is provided by a third party or contractor, agreements between the home care agency and the contractor for the provision of home care services shall be in writing and shall include, at a minimum, the following:</p> <p>(g) The duration of the agreement, including provisions for renewal, if applicable; and...</p> <p>This Statute is not met as evidenced by: Based on record review and interview, it was</p>	H 126	<p><u>H126 3906.1(g)</u></p> <p>The Corrective Action that has occurred with respect to this deficiency is that the duration and renewal terms have been added to the Independent Contractor Agreement in the initial paragraph. (See page 1 the first paragraph of the Independent Contractor Agreement). The Administrative Assistant will ensure all Independent Contractors sign an updated Agreement upon approval of the Plan of Correction. The Director of Quality Assurance will ensure that all Independent Contractor Agreements are maintained on an ongoing basis with the duration and renewal terms included.</p> <p>Agreements are maintained on an ongoing basis.</p>	10/10

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H 126	Continued From page 4 determined that the agency failed to include the duration of the agreement, including provisions for renewal, if applicable in its contractor agreements. The findings include: A record review on August 25, 2010, at approximately 10:00 a.m., revealed a document entitled " Independent Contractor Agreement ". There was no documented evidence of the duration of the agreement, including provisions for renewal. During a face to face interview with the Director on August 25, 2010, at approximately 10:00 a.m., she acknowledged the finding and admitted that this was a second citation of the aforementioned regulation. However, she indicated that the agency's lawyer is working on their contracts' to incorporate all required information.	H 126		
H 127	3906.1(h)(1) CONTRACTOR AGREEMENTS If a home care agency offers a service that is provided by a third party or contractor, agreements between the home care agency and the contractor for the provision of home care services shall be in writing and shall include, at a minimum, the following: (h) Assurance that the contractor will comply with: (1) All applicable agency policies, including the assurance that contract personnel meet the qualifications and fulfill the responsibilities of agency employees as set out in these rules; This Statute is not met as evidenced by:	H 127	H127 3906.1(h)(1) The Independent Contractor Agreement has been updated to include the provision that Independent Contractor will abide by the Companies policies and procedures as well as the qualifications and responsibilities of the Independent Contractor. The Director of Quality Assurance will ensure that all Independent Contractors sign an updated Agreement upon approval of the Plan of Correction. The Administrative Assistant will ensure all Independent Contractor Agreements are maintained on an ongoing basis.	10/10

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H 127	Continued From page 5 Based on record review and interview, it was determined that the agency failed to include that the contractor will comply with all applicable agency policies, including the assurance that contract personnel meet the qualifications and fulfill the responsibilities of agency employees as set out in these rules in its contractor agreements. The findings include: A record review on August 25, 2010, at approximately 10:00 a.m., revealed a document entitled " Independent Contractor Agreement ". There was no documented evidence that the contractor will comply with all applicable agency policies, including the assurance that contract personnel meet the qualifications and fulfill the responsibilities of agency employees as set out in these rules in its contractor agreements. During a face to face interview with the Director on August 25, 2010, at approximately 10:00 a.m., she acknowledged the finding and admitted that this was a second citation of the aforementioned regulation. However, she indicated that the agency's lawyer is working on their contracts' to incorporate all required information.	H 127		
H 129	3906.2(h)(3) CONTRACTOR AGREEMENTS If a home care agency offers a service that is provided by a third party or contractor, agreements between the home care agency and the contractor for the provision of home care services shall be in writing and shall include, at a minimum, the following: (h) Assurance that the contractor will comply with:	H 129	H129 3906.2(h)(3) The Independent Contractor Agreement has been updated to include Independent Contractors will abide by all federal and District laws and regulations. The Director of Quality Assurance will ensure that all Independent Contractors sign a revised Independent Contractor Agreement upon approval of the Plan of Correction. The Administrative Assistant will ensure Independent Contractor agreements are maintained on an ongoing basis.	10/10

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H 129	Continued From page 6 (3) All applicable federal and District laws and regulations. This Statute is not met as evidenced by: Based on record review and interview it was determined that the agency failed to include the assurance that the contractor will comply with all applicable federal and District laws and regulations in its contractor agreements. The findings include: A record review on August 25, 2010, at approximately 10:00 a.m., revealed a document entitled "Independent Contractor Agreement". There was no documented evidence that the contractor will comply with all applicable federal and District laws and regulations in its contractor agreements in its contractor agreements. During a face to face interview with the Director on August 25, 2010, at approximately 10:00 a.m., she acknowledged the finding and admitted that this was a second citation of the aforementioned regulation. However, she indicated that the agency's lawyer is working on their contracts' to incorporate all required information.	H 129		
H 170	3907.11 PERSONNEL Each home care agency shall ensure that each employee or contract worker shall present a valid agency identification prior to entering the home of a patient.	H 170	H170 3907.11 Community Care Nursing Services of DC will ensure all employees and contractors have a Community Care Nursing Services of DC issued picture identification on them during all patient encounters. The RN Supervisors will ensure compliance during all monthly supervisory visits. Memorandum was sent to all employees and contractors stating the necessity of displaying picture identification during all patient encounters on 9/10/10.	10/10

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H 170	<p>Continued From page 7</p> <p>This Statute is not met as evidenced by: Based on an observation and interview, it was determined that the Home Care Agency (HCA) failed to ensure that two (2) of the three (3) staff presented valid agency identification prior to entering the home of a patient. (Staff #4 and #5).</p> <p>The findings include :</p> <p>1. Observations during a home visit of Patient #2 on August 27, 2010, at approximately 10:21 a.m., revealed that Staff #4 did not have valid agency identification on their person.</p> <p>During a face to face interview with with Staff #4 on August 27, 2010, revealed that he had valid agency identification, but had left it home on the day of the survey.</p> <p>At the time of the survey, the HCA failed to ensure Staff #4 had valid agency identification before entering Patient #'s home on August 27, 2010.</p> <p>2. Observations during a home visit of Patient #3 on August 27, 2010, at approximately 11:14 a.m., revealed that Staff #5 did not have valid agency identification on their person.</p> <p>During a face to face interview with with Staff #5 on August 27, 2010, revealed that she had valid agency identification, but had left it home on the day of the survey.</p> <p>At the time of the survey, the HCA failed to ensure Staff #5 had valid agency identification before entering Patient #'s home on August 27, 2010.</p>	H 170		