

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  265430	(X2) MULTIPLE CONSTRUCTION A. Building B. Wing	(X3) DATE SURVEY COMPLETED  08/23/2024
NAME OF PROVIDER OR SUPPLIER  Arbor View Nursing and Rehabilitation		STREET ADDRESS, CITY, STATE, ZIP CODE  6400 the Cedars Court Cedar Hill, MO 63016	

For information on the nursing home's plan to correct this deficiency, please contact the nursing home or the state survey agency.

(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (Each deficiency must be preceded by full regulatory or LSC identifying information)
<p>F 0561</p> <p>Level of Harm - Minimal harm or potential for actual harm</p> <p>Residents Affected - Few</p>	<p>Honor the resident's right to and the facility must promote and facilitate resident self-determination through support of resident choice.</p> <p><b>**NOTE- TERMS IN BRACKETS HAVE BEEN EDITED TO PROTECT CONFIDENTIALITY**</b> 32751</p> <p>The facility failed to protect the rights of four of six sampled residents (Residents #1, #2, #3 and #4) by establishing a practice of revoking the resident's right to temporarily leave the facility by a physician's order for residents who are their own person, in response to that resident not following the rules established in the newly updated admission policy. The facility census was 86.</p> <p>Review of the facility's policy titled, Possession and/or use of Illegal Substances, Marijuana, and Alcohol, dated 2/1/2023 and updated 6/5/2024, showed:</p> <ul style="list-style-type: none"> <li>- If the facility staff identifies items or substances that pose risks to residents' health and safety and are in plain view, staff will confiscate them and alert their immediate supervisor;</li> <li>- The staff will notify resident's attending physician if resident is found with or suspected to be displaying signs/symptoms of being under the influence of illegal substance, alcohol, and/or marijuana to determine necessary interventions and/or medications/treatments they may need to hold;</li> <li>- The facility and/or physician also reserves the right to conduct alcohol and drug testing, suspend or discontinue out of facility pass (also referred to as Leave of Absence (LOA));</li> <li>- In order to maintain and ensure the health and safety of the resident, other residents, and staff, the facility reserves the right to and may conduct a search of the premises including the resident room and/or resident belongings if the facility determines through observation or report that a resident may have access to illegal substances, drug paraphernalia, unauthorized or unprescribed alcohol, or marijuana that they brought into the facility or secured from an outside source.</li> </ul> <p>1. Review of Resident #1's Quarterly Minimum Data Set (MDS), a federally mandated assessment instrument required to be completed by the facility staff, dated 05/23/24, showed:</p> <ul style="list-style-type: none"> <li>- An admitted [DATE];</li> <li>- The resident is cognitively intact;</li> <li>- Diagnoses of anxiety disorder (characterized by an unpleasant state of inner turmoil and dread), muscle weakness, paraplegia (impairment in motor function of the lower extremities), and Bi-Polar Disorder (conditions of episodes of mania and depression);</li> </ul> <p>(continued on next page)</p>

Any deficiency statement ending with an asterisk (\*) denotes a deficiency which the institution may be excused from correcting providing it is determined that other safeguards provide sufficient protection to the patients. (See instructions.) Except for nursing homes, the findings stated above are disclosable 90 days following the date of survey whether or not a plan of correction is provided. For nursing homes, the above findings and plans of correction are disclosable 14 days following the date these documents are made available to the facility. If deficiencies are cited, an approved plan of correction is requisite to continued program participation.

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE	TITLE	(X6) DATE
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<p>F 0561</p> <p>Level of Harm - Minimal harm or potential for actual harm</p> <p>Residents Affected - Few</p>	<p>- The resident is his/her own responsible party.</p> <p>Review of the progress notes dated 07/02/24, showed Resident #1 had signed an updated smoking, alcohol, marijuana and drug policy and had noted documentation of violation of this said policy. The note did not indicate what the violation was or what may have occurred. The note said the resident's room was searched and no contraband was found. The resident was educated on the policy again then nursing management notified resident that his/her LOA privileges had been revoked per the policy.</p> <p>Review of the resident's Physician Order Sheet (POS), dated June 2024, showed an order dated 06/06/24 which revoked the resident's LOA privileges and required all in house family visits to be supervised.</p> <p>During an interview on 08/14/24 at 11:30 A.M., the Administrator (ADM) said the resident is his/her own responsible party and liked to wheel him/herself to the gas station down the road. The ADM said she felt this was dangerous as the resident has to go onto the highway to get there. On the date the doctor revoked the LOA, the resident had come back to the facility and appeared drunk. That is why the doctor ordered the revocation of the LOA. The ADM said there is no way to provide protective oversight if the resident is allowed to go LOA.</p> <p>During an interview on 08/14/24 at 1:00 P.M., Resident #1 said the staff are not nice. Resident #1 said first they took away his/her right to go out of the facility, then they met his/her family at the door, accused them of having drugs, wouldn't allow them in and refused to let him/her go with them. Resident #1 said he/she is his/her own responsible party and should be allowed to leave the building any time he/she wants as long as he/she signs out. What he/she does out of the facility is his/her business. The resident is currently in the hospital and is hoping not to return to the facility.</p> <p>2. Review of Resident #2's Significant Change MDS dated [DATE] showed:</p> <p>- An admitted [DATE];</p> <p>- The resident is cognitively intact;</p> <p>- Diagnoses of Traumatic Ischemia of the Muscle (a condition that occurs when a severe injury happens and prevents adequate blood supply to the muscles), anxiety disorder and heart disease (a heart condition that includes diseased vessels, structural problems and blood clots);</p> <p>- The resident is his/her own responsible party.</p> <p>Review of the resident's POS, dated July 2024, showed an order, dated 07/03/24, to revoke the resident's LOA privileges.</p> <p>During an interview on 08/14/24 at 2:30 P.M., Resident #2 said he/she had gone with family and did not come back until the next morning. The staff then had his/her doctor write an order he/she cannot go out with family again. Resident #2 said he/she is his/her own responsible party and does not understand why he/she can't go out with whomever he/she wishes.</p> <p>3. Review of Resident #3's Quarterly MDS dated [DATE] showed:</p> <p>(continued on next page)</p>

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<p>F 0561</p> <p>Level of Harm - Minimal harm or potential for actual harm</p> <p>Residents Affected - Few</p>	<p>- An admitted [DATE];</p> <p>- The resident is cognitively intact;</p> <p>- Diagnoses of paraplegia and Traumatic Brain Disorder (brain dysfunction caused by a blow to the head);</p> <p>- The resident is his/her own responsible party.</p> <p>Review of Resident #3's Progress Notes, dated 06/03/24, showed staff saw the resident headed up the hill toward the highway in his/her electric wheelchair. The staff stopped the resident and asked what he/she was doing. The resident responded going for a stroll. The staff educated the resident on this not being safe. The physician wrote an order, dated 06/03/24, to revoke Resident #3's LOA privileges.</p> <p>During an interview on 08/14/24 at 2:15 P.M., Resident #3 said he/she got a new electric wheelchair and wanted to go to the quick stop and get some snacks. As he/she was headed out, staff stopped him and now he/she cannot go off the premises or LOA. Resident #3 said he/she felt this is wrong, and he/she has lost what ever little independence he/she had left.</p> <p>4. Review of Resident #4's Quarterly MDS, dated [DATE], showed:</p> <p>- The resident admitted on [DATE];</p> <p>- The resident is cognitively intact;</p> <p>- Diagnoses of anxiety disorder and Chronic Kidney Disease (long standing disease to the kidneys causing renal failure);</p> <p>- The resident is his/her own responsible party.</p> <p>Review of the resident's progress note, dated 06/06/24, showed the resident may not go LOA for violating the smoking policy by lighting a cigarette in the dining room after his/her father passed away. They informed the resident of the revocation of LOA privileges on 06/06/24.</p> <p>Review of the resident's July 2024 POS, showed an order to revoke his/her LOA privileges.</p> <p>During an interview on 08/23/24 at 8:00 A.M., Resident #4 said someone told the staff he/she had marajuana in his/her room. The staff searched the room and found it and now he/she is not allowed to leave the facility with or without family. The resident said it is not right, but what can we do?</p> <p>(continued on next page)</p>		

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<p>F 0561</p> <p>Level of Harm - Minimal harm or potential for actual harm</p> <p>Residents Affected - Few</p>	<p>During an interview on 08/14/24 at 11:45 A.M., the Regional Nurse (RGN) said the facility revised the policy and had all the residents to sign it. This policy is to not allow any contraband in the facility such as drugs or alcohol. This gives the facility the right to search the resident's personal belongings and their room. The facility will search any room if they suspect drugs or alcohol whether the policy is signed or not. She said this is the only way to provide protective oversight. If a resident goes off site and violates this policy by partaking in drugs or alcohol, staff will have the facility physician to sign an order to revoke the resident's right of LOA of any kind. They will tell the resident they cannot leave if this order is invoked. This included residents that are cognitively intact with no Guardian. If they leave during a revocation, the facility will discharge the residents for leaving against medical advice (AMA).</p> <p>During an interview on 08/14/24 at 1:50 P.M., the facility Medical Director (MD) said the only way to protect the facility from residents who go out and may drink or use drugs while on LOA is to invoke an order to prevent them from leaving. He said this is to protect the resident, the facility and himself/herself.</p> <p>During an interview on 08/14/24 at 4:20 P.M., the Director of Nurses (DON) said she does not have any choice but to prevent the residents from leaving if there is an physician' order. This is the only way to protect the physician's rights and make sure the residents don't use drugs that interfere with medications.</p> <p>During an interview on 08/14/24 at 4:25 P.M. the Social Worker (SW) said he/she is concerned with the possible resident rights issues with the new policy. The SW said he/she reached out to the Omsbudsman for advice, but got no response. The SW said Resident #3 had tried to leave the premises and they believed he/she might purchase alcohol, so they revoked the resident's LOA privileges. Resident #2 came back to the facility drunk after being with family and they revoked the residen's LOA privileges. It is a form of punishment.</p> <p>Complaint #MO239985</p>		

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<p>F 0563</p> <p>Level of Harm - Minimal harm or potential for actual harm</p> <p>Residents Affected - Few</p>	<p>Honor the resident's right to receive visitors of his or her choosing, at the time of his or her choosing.</p> <p><b>**NOTE- TERMS IN BRACKETS HAVE BEEN EDITED TO PROTECT CONFIDENTIALITY**</b> 32751</p> <p>The facility failed to protect the rights of one of the six sampled residents (Resident #1) by prohibiting the visitation of a family member based on the facility's assumption that the family member was in possession of Marijuana. The census was 86.</p> <p>Record review of the policy on Possession and/or use of Illegal Substances, Marijuana, and Alcohol dated 2/1/2023 and updated 6/5/2024, showed:</p> <ul style="list-style-type: none"> <li>- If the facility staff identifies items or substances that pose risks to residents ' health and safety and are in plain view, they will confiscate them and alert their immediate supervisor;</li> <li>- The staff will notify resident ' s attending physician if resident if found with or suspected to be displaying signs/symptoms or being under the influence of illegal substance, alcohol, and /or marijuana to determine necessary interventions and/or medications/treatments they may need to hold;</li> <li>- The facility and/or physician also reserves the right to conduct alcohol and drug testing, suspend or discontinue out of facility pass (LOA);</li> <li>- In order to maintain and ensure the health and safety of the resident, other residents, and staff, the facility reserves the right to and may conduct a search of the premises including the resident room and /or resident belongings if the facility determines through observation or report that a resident may have access to illegal substances, drug paraphernalia, unauthorized or unprescribed alcohol, or marijuana that they brought into the facility or secured from an outside source;</li> <li>- To protect the health and safety of residents, the facility will provide additional monitoring and supervision, which includes denying access or providing supervised visitation to individuals who have a history of bringing in illegal substances;</li> <li>- All employees, residents, family members, visitors and others that enter the facility may be subject to an investigation of substance abuse to include tests that detect the use of alcohol, illegal drugs, marijuana, or any substance which is unlawful under the Controlled Substance Act.</li> </ul> <p>1. Record review of Resident #1's Quarterly Minimum Data Set (MDS), a federally mandated assessment instrument required to be completed by the facility staff, dated 05/23/24, showed:</p> <ul style="list-style-type: none"> <li>- An admitted [DATE];</li> <li>- The resident is cognitively intact;</li> <li>- Diagnoses of anxiety disorder (characterized by an unpleasant state of inner turmoil and dread), muscle weakness, paraplegia (impairment in motor function of the lower extremities), and Bi-Polar Disorder (conditions of episodes of mania and depression);</li> <li>- The resident is his/her own responsible party.</li> </ul> <p>(continued on next page)</p>		

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<p>F 0563</p> <p>Level of Harm - Minimal harm or potential for actual harm</p> <p>Residents Affected - Few</p>	<p>Review of Progress Notes showed:</p> <ul style="list-style-type: none"> <li>- On 07/02/24, staff noted the resident had signed an updated smoking, alcohol, marijuana and drug policy and has noted documentation of this said policy. Nursing management notified resident that his/her LOA privileges had been revoked per the policy;</li> <li>- On 08/03/24, staff noted the Administrator (ADM) had been informed by other residents in the facility that Resident #1 said his/her family was visiting and bringing in drugs for sale. The family came to visit and the ADM refused to allow them into the building. This triggered Resident #1 into a behavioral episode where he attacked several staff members and had to taken to the emergency room via emergency services.</li> </ul> <p>Review of the resident's Physician Order Sheet (POS) for June 2024 showed an order to revoke the resident's LOA privileges and all visits were to be supervised supervised dated 06/06/24.</p> <p>During an interview on 8/14/2024 at 11:30 A.M., the Administrator (ADM) said on 08/03/24 Resident #1 had been telling other residents that a family member was coming to visit and bringing the resident marijuana. The ADM did not investigate the rumors or speak with the resident prior to the visitor's arrival. When the resident's family member arrived, the ADM told them to leave and come back another time. The ADM did not indicate there had been any other issues with the family bringing in drugs previously, nor did she say they had ever found marajuana or other contraband in the resident's room. This ADM did not discuss her concerns with the resident or his/her family. The ADM did not offer a supervised visit for the resident and his/her visitors. The resident was upset they had to leave. The resident was not allowed to leave with them. The ADM said this caused Resident #1 to have a catastrophic event and the police were called to remove the resident from the building. An ambulance came and took the resident to the emergency room . The ADM said she filed assault charges against the resident. All the residents have signed an updated policy saying they will not have drugs or alcohol in the building.</p> <p>During an interview on 08/14/24 at 11:45 A.M., the Regional Nurse (RGN) said, the facility revised the policy and had all the residents to sign it. This policy prohibits any contraband in the facility such as drugs or alcohol. This policy also gives the facility the right to search the resident's personal belongings, their room and restrict visitors, however whether they sign or not staff will search resident rooms for contraband.</p> <p>During an interview on 08/14/24 at 1:00 P.M., Resident #1 said the staff are not nice. They would not allow his/her family in the building because they accused the family member of having drugs. They also would not allow him/her to go out with them. Resident #1 said no one talked to or asked him about any drugs. He/She said the ADM has had it out for him/her since she got there. Resident #1 said he/she is their own responsible party and he/she can do whatever he/she chooses just like the ADM. The resident is still in the hospital and will have surgery the following day for an unrelated issue. The resident does not want to return to the facility.</p> <p>During an interview on 07/14/24 at 4:25 P.M. the Social Worker (SW) said she is concerned with the possible resident rights issues with the new policy. She said she has reached out to the Omsbudsman for advice. The new policy is a form of punishment. The SW said she was not at the facility the day of the ADM refusing to allow the family to visit. She is aware of the new policy and feels there are resident rights issues.</p>		

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<p>F 0567</p> <p>Level of Harm - Potential for minimal harm</p> <p>Residents Affected - Some</p>	<p>Honor the resident's right to manage his or her financial affairs.</p> <p>32751</p> <p>Based on record review and interview, the facility failed to obtain written authorization from the resident and/or financial guardian for money withdrawn for two residents (Resident #6 and #7) out of a sample of 14. Additionally, the facility also failed to allow residents access to resident funds on an ongoing basis. This had the potential to affect all residents the facility managed funds for. The facility census was 86.</p> <p>1. Record review of the facility maintained Resident Trust Ledger for the period 07/01/24 through 08/19/24, showed the following withdrawal from Resident #6's account:</p> <p>Date Amount Description</p> <p>07/30/24 \$50.00 Resident Advance Cash</p> <p>Record review on 08/19/24 of the facility maintained paperwork for Resident #6's Resident Trust Ledger, showed Resident #6's handwritten name with no written authorization by Resident #6 and/or financial guardian for the listed withdrawal.</p> <p>During an interview on 08/19/24 at 1:52 P.M., the Business Office Manager said the handwritten name for the withdrawal listed was not Resident #6's signature. The staff member's initials that were next to Resident #6's handwritten name were for a previous staff member that worked at the facility and is no longer employed at the facility.</p> <p>2. Record review of the facility maintained Resident Trust Ledger for the period 07/01/24 through 08/19/24, showed the following withdrawal from Resident #7's account:</p> <p>Date Amount Description</p> <p>08/16/24 \$50.00 Resident Advance Cash</p> <p>Record review on 08/19/24 of the facility maintained paperwork for Resident #7's Resident Trust Ledger, showed Resident #7's cursive written name.</p> <p>During an interview on 08/19/24 at 2:08 P.M., Resident #7 said he/she scribbles his/her name and the cursive written name was not his/her signature.</p> <p>During an interview on 08/19/24 at 1:50 P.M., the Business Office Manager said the cursive written signature for the withdrawal was not Resident #7's signature and Resident #7 signs with a scribble and did not know who signed for Resident #7.</p> <p>3. Record review of the facility maintained Resident Trust Ledger for the period 07/01/24 through 08/19/24, showed Resident #11 had a balance of \$44.00 as of 08/19/24.</p> <p>During an interview on 08/19/24 at 12:31 P.M., Resident #11 said he/she has not been able to get cigarettes for about one month.</p> <p>(continued on next page)</p>		

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<p>F 0567</p> <p>Level of Harm - Potential for minimal harm</p> <p>Residents Affected - Some</p>	<p>During an interview on 08/19/24 at 1:09 P.M., the Activities Supervisor said he/she asked for money for cigarettes for Resident #11 but there was no resident petty cash available in the office when the request was made.</p> <p>4. During an interview on 08/19/24 at 2:50 P.M., the Business Office Manager said he/she would ask residents if they can wait until the next day if there was no cash in the office. The Receptionist used to have a key to the office but there is no longer anyone at the front desk in the evening, Monday through Friday.</p> <p>Complaint MO00240601</p>