

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 335513	(X2) MULTIPLE CONSTRUCTION A. Building B. Wing	(X3) DATE SURVEY COMPLETED 10/28/2024
NAME OF PROVIDER OR SUPPLIER Seagate Rehabilitation and Nursing Center		STREET ADDRESS, CITY, STATE, ZIP CODE 3015 W 29 St Brooklyn, NY 11224	

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 0679</p> <p>Level of Harm - Minimal harm or potential for actual harm</p> <p>Residents Affected - Few</p>	<p>Provide activities to meet all resident's needs.</p> <p>**NOTE- TERMS IN BRACKETS HAVE BEEN EDITED TO PROTECT CONFIDENTIALITY** 44843</p> <p>Based on observation, record review, and interviews conducted during the Recertification survey from 10/21/2024 to 10/28/2024, the facility did not provide an ongoing program to support residents in their choice of activities, designed to meet the interests of and support the physical, mental, and psychosocial well-being of each resident. This was evident for 1 (Resident #287) of 6 residents reviewed for Activities out of 38 sampled residents. Specifically, Resident #287 was not provided with activities that met their cultural preferences and were in their preferred language.</p> <p>The findings are:</p> <p>The facility policy titled Therapeutic Recreation programs Scope of Services dated 6/17/2024 documented the activities program reflects the cultural interests of resident population and provides opportunities for continual enjoyment in areas of former leisure interests. The policy also documented that leisure programs were to enhance the social, emotional, intellectual, physical, creative, and spiritual wellbeing of the resident population.</p> <p>Resident #287 had diagnoses which included Heart Failure, Chronic Obstructive Pulmonary Disease, Diabetes Mellitus.</p> <p>The Annual Minimum Data Set assessment dated [DATE] documented Resident # 287 was severely impaired in cognition and their preferred language was Cantonese. The Annual Minimum Data Set assessment also documented it was very important for Resident #287 to do their favorite activities. The Annual Minimum Data Set assessment further documented only Resident #287's representative participated in the assessment.</p> <p>On 10/21/2024 at 10:47 AM, Resident #287's Representative was interviewed and stated Resident #287 was Taishanese and Cantonese speaking only and liked to watch Cantonese television channels when they were in the community. Resident #287's Representative also stated they were not aware if the facility had Cantonese television channels available for Resident #287. Resident #287's Representative further stated there was no television set in Resident #287's room and they did not observe that Resident #287 had been provided with any other device to watch television programs in their preferred language. Resident #287's Representative stated they participated in the care plan meeting for Resident #287 and told the staff that Resident #287 liked to watch television programs in Cantonese language.</p> <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 0679</p> <p>Level of Harm - Minimal harm or potential for actual harm</p> <p>Residents Affected - Few</p>	<p>During an observation of Resident #287's room on 10/21/2024 at 11:01 AM, no television set or other device was observed.</p> <p>From 10/21/2024 at 10:13 AM to 10/28/2024 at 09:23 AM, multiple observations were made of Resident #287 sitting in their wheelchair in the dining room with no ongoing activities and the television in the dining room was playing an English-language station. Resident #287 was also not provided or offered alternate activities in their preferred language.</p> <p>The Comprehensive Care Plan titled Activities: Activities/Socialization initiated on 05/15/2023 and last updated 8/13/2024 documented one of the goals for Resident #287 was to spend their leisure time watching television.</p> <p>The Quarterly/Annual/Significant Change Assessments - IDT (Interdisciplinary Team) dated 8/13/2024 documented Resident #287 enjoyed watching TV/DVDs/Videos.</p> <p>The facility document titled Complimentary Television Channels listed that the facility provided 50 television channels. Two channels (46 and 49) broadcasted in Spanish, three channels (4, 5, 6) broadcasted in Russian, and the remaining channels broadcasted in English.</p> <p>There was no documented evidence that a resident centered activity program that incorporated Resident #287's interests, hobbies, and cultural preferences, which is integral to maintaining and/or improving a resident's physical, mental, and psychosocial well-being, and independence, was implemented.</p> <p>On 10/25/2024 at 09:46 AM, Certified Nursing Assistant #11 was interviewed and stated Resident #287 was alert with episodes of confusion and did not speak English. Certified Nursing Assistant #11 also stated that Resident #287 had breakfast in the dining room every day and stayed there until going back to bed in the evening. Certified Nursing Assistant #11 further stated that the television in the dining room played English-language programs all the time and there were no Asian television channels at the facility. Certified Nursing Assistant #11 stated that Resident #287 did not watch the television in the dining room and there was no television set in Resident #287's room.</p> <p>On 10/25/2024 at 10:50 AM, Recreation Therapist #2 was interviewed and stated they did the admission, quarterly, and annual recreation assessment for Resident #287. Recreation Therapist #2 also stated that Resident #287's Representative was interviewed regarding Resident #287's activity preferences during the assessment and they were aware that Resident #287's preference was to watch Cantonese language television. Recreation Therapist #2 further stated that the facility only provided English and Spanish language television channels for residents, and Resident #287 did not understand English or Spanish. Recreation Therapist #2 stated that there was no television set in Resident #287's room and the television in dining room played English channels all day and they were not able to explain how Resident #287 might view programs in their preferred language.</p> <p>(continued on next page)</p>		

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<p>F 0679</p> <p>Level of Harm - Minimal harm or potential for actual harm</p> <p>Residents Affected - Few</p>	<p>On 10/25/2024 at 11:08 AM, the Director of Recreation was interviewed and stated that the facility only had English and Spanish language television channels. The Director of Recreation also stated they had devices like iPad for residents to watch video programs in their preferred language. The Director of Recreation further stated that they were not sure if any such device had been provided to Resident #287 so they could watch television programs in their preferred language or if Resident # 287 was able to navigate these alternative devices. The Director of Recreation stated they were not aware that Resident #287's was not being provided activities in their preferred language.</p> <p>10 NYCRR 415.5(f)(1)</p>		

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<p>F 0725</p> <p>Level of Harm - Minimal harm or potential for actual harm</p> <p>Residents Affected - Some</p>	<p>Provide enough nursing staff every day to meet the needs of every resident; and have a licensed nurse in charge on each shift.</p> <p>**NOTE- TERMS IN BRACKETS HAVE BEEN EDITED TO PROTECT CONFIDENTIALITY** 40565</p> <p>Based on observation, record review and interviews conducted during the Recertification and Complaint Survey (NY00325830 & NY00337223) from [DATE] to [DATE], the facility did not ensure that there was sufficient nursing staff to attain or maintain the highest practicable physical, mental, and psychosocial well-being of each resident. Specifically, the facility reported low weekend staffing and 1 star staffing rating for Fiscal Quarter 3, 2024 as confirmed by a review of the Daily Staffing and the Payroll Based Journal (PBJ) Staffing Data Report. This was evident for 2 of 2 residents reviewed for Sufficient and Competent Nurse Staffing out of a sample of 38 residents.</p> <p>The findings include but are not limited to:</p> <p>The facility Staffing policy and procedure dated [DATE], last reviewed [DATE] documented that the facility maintains adequate staffing on each shift to ensure that resident's needs and services are met; licensed registered nursing and licensed nursing staff are available to provide and monitor the delivery of resident care services; Certified Nursing Assistants are available on each shift to provide the needed care services of each resident as outlined on the resident's comprehensive care plan.</p> <p>The New York State Department of Health Intake #NY00325830 dated [DATE] with the Addendum dated [DATE] documented that Resident #97 complained of unsafe staffing in the facility, most of the time, it is throughout the building during the day, with ,d+[DATE] Certified Nursing Assistants on each unit instead of 5; Residents are not getting the care they deserve; residents who are bed bound or can't ring the call bell are not changed frequently and left soiled. The complainant also stated that their unit does not consistently have a nurse, when the regular evening shift nurse takes vacation or has a day off, they would have no nurse, and they have to wait up to two hours for a nurse to come from another unit to give them medication.</p> <p>The New York State Department of Health Intake #NY00325830 dated [DATE] documented that the Representative for Resident #443 complained that residents were left sitting in the hallway in wheelchairs throughout the day, and there was a distinct smell of urine which led them to believe that residents were not being changed.</p> <p>The Payroll Based Journal (PBJ) Staffing Data Report for Fiscal Quarter 3, 2024 ([DATE]- [DATE]) documented the facility triggered for low weekend staffing and 1 star staffing rating.</p> <p>The Facility assessment dated [DATE] documented that the facility capacity was 360 beds and average daily census was 353 residents. The Facility Assessment also documented that the overall facility staff needed to ensure a sufficient number of qualified staff were available to meet each resident's needs were:</p> <p>6AM-2PM: Certified Nursing Assistants ,d+[DATE], Licensed Practical Nurses 10, and Registered Nurses 5, and Unit Managers 5.</p> <p>2PM-10PM: Certified Nursing Assistants ,d+[DATE], Licensed Practical Nurses/Registered Nurses 10, and Registered Nurse Supervisors 2.</p> <p>(continued on next page)</p>		

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<p>F 0725</p> <p>Level of Harm - Minimal harm or potential for actual harm</p> <p>Residents Affected - Some</p>	<p>10PM -6AM: Certified Nursing Assistants 22, Licensed Practical Nurses/Registered Nurses 10, and Registered Nurse Supervisors 1.</p> <p>The Daily Staffing Sheet reviewed for the weekends dated from [DATE], to [DATE], documented that the day and evening shifts were short of one Certified Nursing Assistant per unit on multiple occasions.</p> <p>Resident #163 was admitted to the facility with diagnoses that included Cerebrovascular Accident and Diabetes Mellitus.</p> <p>The Quarterly Minimum Data Set assessment dated [DATE] documented that Resident #163 had intact cognition.</p> <p>On [DATE] at 09:50 AM, Resident #163 was interviewed and stated that they are not getting adequate care because of the shortage of staff. Resident #163 also stated that there are only 3 Certified Nursing Assistants every day instead of 5, and they are not able to respond to the residents' needs in a timely manner.</p> <p>Resident #97 (NY00325830) was admitted to the facility with diagnoses that included Cerebral Palsy, Depression and Diabetes Mellitus.</p> <p>The Annual Minimum Data Set, dated dated [DATE] documented that Resident #97 had intact cognition.</p> <p>On [DATE] at 10:31 AM, Resident #97 was interviewed and stated that residents on the unit require a lot of care, but there are not enough staff to take care of the resident's needs. Resident #97 also stated that most of the time, especially on weekends and on the evening shift they do not have enough staff to take care of them, and sometimes there was no nurse to give them their medications on time, especially when the regular evening nurse was not working.</p> <p>On [DATE] at 09:30 AM, Resident #443's Representative (NY00337223) was interviewed and stated that their parent had since died , however Resident #443 had multiple pressure ulcers, could not verbalize their needs, and they felt that Resident #443 had not received proper care and was not being changed regularly.</p> <p>On [DATE] at 02:34 PM, an interview was conducted with Certified Nursing Assistant #1 who stated that they work the 2 PM to 10 PM shift and had not seen the charge nurse for their shift since they arrived on the floor at 2 PM and did not meet the outgoing nurse so was not given an update on the residents before beginning their shift. Certified Nursing Assistant #1 also stated that this happens all the time and sometimes when there is no nurse the supervisor comes to cover the floor. Certified Nursing Assistant #1 further stated that they work every other weekend, and there are supposed to be 4 Certified Nursing Assistants but most of the time there are only 3 Certified Nursing Assistants to work on the unit.</p> <p>(continued on next page)</p>		

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<p>F 0725</p> <p>Level of Harm - Minimal harm or potential for actual harm</p> <p>Residents Affected - Some</p>	<p>On [DATE] at 12:31 PM, the Corporate Staffing Manager was interviewed and stated that the facility has a par level which is consistent all the time and they always meet with the Administrator and the Director of Nursing to review staffing based on the resident's census and residents' acuity level. The Corporate Staffing Manager also stated that for the evening and weekends call outs, the supervisor on duty will reach out to staff to try to get someone to come in. The Corporate Staffing Manager further stated that there is a staffing agency that the facility works with, and if there are any problems with staffing the supervisor can reach out, in addition there are per-diem staff that can be called if needed.</p> <p>On [DATE] at 01:13 PM, an interview was conducted with the Director of Nursing who stated that they meet daily with the Administrator, Staffing Coordinator, and Human Resources staff to review staffing, discuss the needs of the building, review the schedule, and if any shortage is noted they try to fill in the staff. The Director of Nursing also stated that the facility does sometimes have staff call outs and they recently did a job fair as they are trying their best to have adequate staffing. Director of Nursing further stated that there was a supervisor to cover the unit that was reported by the surveyor without a nurse on [DATE], they were told that the supervisor just stepped out to attend to another urgent issue when the surveyor was there. Director of Nursing stated that they are not sure what happened to the nurse on the unit that day, but they were told that a supervisor went to the unit to take over the unit until the nurse was around.</p> <p>On [DATE] at 2:39 PM, the Administrator was interviewed and stated that when staff, residents, or residents' family member bring workload concerns to them they try to review the staffing for that day and make sure that their complaints are addressed properly. The Administrator also stated that the facility is trying to ensure that resident's care is not negatively affected due to shortage of staff. The Administrator stated that their labor relations committee and Quality Assurance Agency committee discuss the staffing problem regularly to ensure there is adequate staffing for the residents' care. The Administrator further stated that they make sure that they do not start the shift without adequate staffing, and never go below critical levels.</p> <p>10 NYCRR 415.13(a)(1)(i-iii)</p>		