STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:	(X2) MULTIPLE CONSTRUCTION	(X3) DATE SURVEY COMPLETED
	445260	A. Building B. Wing	02/13/2025

NAME OF PROVIDER OR SUPPLIER	STREET ADDRESS, CITY, STATE, ZIP CODE
Diversicare of Oak Ridge	100 Elmhurst Dr Oak Ridge, TN 37830

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)
F 0600 Level of Harm - Minimal harm or potential for actual harm Residents Affected - Few	Protect each resident from all types of abuse such as physical, mental, sexual abuse, physical punishment, and neglect by anybody. **NOTE- TERMS IN BRACKETS HAVE BEEN EDITED TO PROTECT CONFIDENTIALITY** 37078 Based on facility policy review, medical record review, facility investigation documentation review, and interview, the facility failed to protect the residents' right to be free from sexual abuse for 1 resident (Resident #1) by Resident #2 of 14 residents reviewed for abuse. The findings include: Review of the facility's abuse policy dated 1/2019, revealed .Purpose: To prohibit and prevent abuse . includes .sexual abuse .Sexual Abuse: Nonconsensual sexual contact of any type with a resident/patient . Review of the medical records and facility investigation documentation revealed on 2/1/2025 sexual contact between 2 residents occurred when Resident #1 and Resident #2 were observed in Resident #2's room having sexual intercourse. Review of the medical record revealed Resident #1 was admitted to the facility on [DATE] with diagnoses including Dementia, Anxiety, and Schizoaffective Disorder. Review of the quarterly Minimum Data Set (MDS) assessment dated [DATE] revealed Resident #1 scored a 4 on the Brief Interview of Mental Status (BIMS) which indicated severe cognitive impairment. The resident ambulated independently and required supervision or set up assistance of 1 person with activities of daily living (ADL's). Review of a Medical Director note for Resident #1 dated 2/3/2025, revealed .[Resident #1] caught in another patients room voluntarily actively engaging in sexual behavior Patient was reportedly happy and without any signs of abuse .No signs of trauma No signs of rape . Medical record review of a current care plan for Resident #1 revealed .Sometimes I demonstrate sexually inappropriate behaviors exhibited by inappropriate touching .Initiated 03/12/2024 Revision 02/03/2025 .As a diversion, offer me something else I like .attempt to redirect, reminding me that the behavior is not appropriate . Continued review revealed Resident #1 did not have a care plan and no documentation of a discussion with Resident #1's family/representative to include consensual sexual activity in the facility. (continued on next page)

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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F 0600 Level of Harm - Minimal harm or potential for actual harm Residents Affected - Few	Review of Social Services notes for Resident #1 revealed .2/04/2025 .she [Resident #1] states she is doing well today she feels safe and is going to an activity soon .2/05/2025 .spoke with [Resident #1] she is having a good day feels safe .getting ready to join an activity. Discussed if she had anything happen this past weekend that has upset her and [Resident #1] states, no I had a good weekend. no concerns . Review of the psychiatric note for Resident #1 revealed .2/05/2025 .[patient] able to make needs/desires known [and] physically act on needs/desires .excellent non-pharmacological intervention for mood .[patient] interviewed via telehealth [with] no [complaints of] mood sleep or appetite once again denies [signs/symptoms] trauma/fear, no [complaints of] staff or fell ow residents. Dementia appreciated however can make needs known . Review of the medical record revealed Resident #2 was admitted to the facility on [DATE] with diagnoses including Dementia, Anxiety, and Depression. The resident was discharged to the hospital on 2/6/2025. Continued review of the medical record revealed no documentation of a discussion with Resident #2's family/representative regarding consensual sexual activity in the facility. Review of the comprehensive MDS assessment dated [DATE] revealed Resident #2 scored a 9 on the BIMS assessment which indicated moderate cognitive impairment. The resident required assistance of 1 person with ADL's. Review of the facility investigation revealed on 2/1/2025 at 7:45 PM, Certified Nursing Assistant (CNA) C entered Resident #2's room and found Resident #1 having sex with Resident #2. During observation and interview on 2/10/2025 at 11:40 AM, Resident #1 stated .I make friends, and we go outside and talk .I don't have a boyfriend .yeah [feels safe] .no [no abuse including sexual] .I like to walk around I don't stay in my room .I just like it here I'm happy here . Observation showed the resident calm, smiling, and pleasant to talk to. During an interview on 2/10/2025 at 9:45 AM the Administrator stated .it was completely consensual .the Gero psych [geriactric psychiatric Nurse Practitioner] in her notes indicated that she's had [Resident #1] on case load and she has encouraged her to have a male friend the resident has a history and a desire to be friendly with others .the CNA didn't expect to see what she saw .the reason it was reported was because of [Resident #1's] BIMS being low .when the CNA walked in it was stopped .I interviewed [Resident #2] that night .I said I'm trying to find out if anything happened tonight unusual and he said no .I asked him if he had sexual relations and he denied it .I asked if he ever had sexual relations and if they didn't want to what would you do and he said I'd stop .he was calm he wasn't anxious or anything like that .I determined I did not have a perpetrator on my hands .he said three different times that he would know when to stop if someone didn't want to .when this surveyor asked what would you do if [Resident #1] walked into [Resident #2's] room he stated we would separate them .we are concerned because she has a low BIMS . During an interview on 2/10/2025 at 11:00 AM, the Social Services Director stated .I talked to [Resident #1] Monday [2/3/2024] morning .and then Tuesday and Wednesday also .I just asked did she feel safe, she did . she told me she had a good weekend .I asked her if anything happened over the weekend that may have bothered her or anything and she said no .she's still going with her friends to the dining room and joining activities .she's doing just fine . (continued on next page)

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F 0600 Level of Harm - Minimal harm or potential for actual harm Residents Affected - Few	During a telephone interview on 2/10/2025 at 12:25 PM, Resident #1's sister stated .they [the facility staff] said that [Resident #1] wasn't in her room and they went looking for her and found her in [Resident #2's] room in the same bed and her pants was down .I don't know if she could consent to something like that I just don't know I have no clue because I don't know what stage of dementia she's in she speaks for herself .I've seen her since and she doesn't seem to be scared .oh yeah I do think she is safe there [facility] . During an interview on 2/10/2025 at 2:20 PM, Licensed Practical Nurse (LPN) A stated .[CNA C] had came out of [Resident #2] room and said [Resident #1 and Resident #2] were getting it on [sexual intercourse] .I [LPN A] went into the room and I saw [Resident #2] pulling up his pants and [Resident #1] was in the bed closest to the door with her pants up and the top of her pants was kind of rolled down to the bottom area of her belly she did have a shirt on her brief was on the floor between the two beds .[Resident #2] was on the left side of the bed he had his shirt and his hat on and he was pulling his pants up and he had underwear on . from the time [CNA C] walked out to the time I walked in was about 45 seconds .[Resident #1] was in a pleasant mood relaxed she questioned why we were taking her to her room .[Resident #2] was rambling on he was upset that we were taking her out of the room .I couldn't tell you what [Resident #1] is actually capable of mentally .she is kind of forgetful and wonders .[Resident #2] knows right from wrong he takes care of himself . During an interview on 2/11/2025 at 6:35 AM, CNA C stated .I was doing my rounds on the 400 hall the door was closed and when I opened the door I witnessed 2 people having sex .I saw someone bent over the bed while [Resident #2] was standing behind someone having sex I seen the motions .I went out of the room got the nurse and we went back to the room immediately then I seen it was [Resident #1] from the 300 hall [Resident #2] was pulling up his pants and [Resident #1] was laying on the bed she had a shirt on and her pants was around her ankles and her brief was in the floor I told them to get their clothes on and I removed her and took her back to her room . During an interview on 2/11/2025 at 8:00 AM, the Psychiatric Nurse Practitioner stated .[Resident #1] had sex with [Resident #2] .[Resident #1] has a history of seeking out male attention .despite her cognitive shortcomings [Resident #1] can make needs known and act on needs .when I assess her if you were to grab her and she didn't want you to she would push you away because she knows .however she is confused she has mental pathology with dementia superimposed upon that pathology .she can make a decision about anything you can't force anything on [Resident #1] .I asked her .if somebody hurt her and she said no and she was just as placid as you can be .I did ask her again and she said she was fine she had no problems .if both parties are consensual in a sexual act then it would not be considered abuse in regards to this patient .