

SUMMARY SHEET
 BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
 June 12, 2014

_____ ACTION/DECISION

_____ X _____ INFORMATION

- I. TITLE: Administrative Orders, Consent Orders, and Sanction Letters issued by HEALTH REGULATION (HR).
- II. SUBJECT: Sanctions completed during the period April 1, 2014, through April 30, 2014.
- III. FACT: For the period April 1, 2014, through April 30, 2014, Health Regulation is reporting five (5) Consent Orders, with total penalties of \$61,000.00.

Program	Consent Orders	Administrative Orders	Emergency Suspension Orders	Amount
Health Licensing	4			\$51,000
Radiological Health	1			\$10,000

IV. ANALYSIS **Reid's Residential Care Facility, 726 Old Spartanburg Hwy., Wellford, SC 29385-9668.** By Consent Order, executed on April 3, 2014, the Department Imposed a monetary penalty in the amount of \$31,500. A term of this Consent Order requires Reid's to make payment of \$4,800 of the assessed monetary penalty to the Department in twelve (12) monthly installments of \$400. The remainder of the assessed penalty (\$26,700) is held in abeyance pending Reid's remaining in substantial compliance with Regulation 61-84 and the Consent Order for twelve (12) months following execution of the Consent Order. In addition, Reid's was required to correct the violations that led to the Department's imposition of the monetary penalty.

Previous Sanctions: None

Eden Terrace of Spartanburg, 2780 East Main Street, Spartanburg, S.C. 29307-1248. By Consent Order executed on April 3, 2014, the Department imposed a monetary penalty in the amount of \$4,000. A term of this Consent Order requires Eden Terrace to make payment of \$1,000 of the assessed monetary penalty to the Department within thirty (30) days of execution of the Consent Order. The remainder of the assessed penalty (\$3,000) is held in abeyance pending Eden Terrace remaining in substantial compliance with Regulation 61-84 and the Consent Order for twelve (12) months following

execution of the Consent Order. In addition, Eden Terrace was required to correct the violations that led to the Department's imposition of the monetary penalty.

Previous Sanctions: None

L & B Care Home, 924 Barr Woods Road, Saluda, South Carolina 29138

§191. By Consent Order executed on April 11, 2014, the Department imposed a monetary penalty in the amount of \$7,000. A term of this Consent Order requires L & B Care Home to make payment of \$1,200 of the assessed monetary penalty to the Department in six (6) monthly installments of \$200. The remainder of the assessed penalty (\$5,800) is held in abeyance pending L & B Care Home remaining in substantial compliance with Regulation 61-84 and the Consent Order for twelve (12) months following execution of the Order. In addition, L & B Care Home was required to correct the violations that led to the Department's imposition of the monetary penalty.

Previous Sanctions: None

Emeritus at Lexington Gardens, 190 McSwain Drive, West Columbia, SC

29169-4825. By Consent Order executed on April 30, 2014, the Department imposed an \$8,500 monetary penalty. A term of this Consent Order requires Emeritus at Lexington Gardens ("Emeritus") to make payment of \$5,000 of the assessed monetary penalty to the Department within thirty (30) days of execution of the Consent Order. The remainder of the assessed penalty (\$3,500) is held in abeyance pending Emeritus remaining in substantial compliance with Regulation 61-84 and the Consent Order for twelve (12) months following execution of the Order. In addition, Emeritus was required to correct the violations that led to the Department's imposition of the monetary penalty.

Previous Sanctions: None

Geo-Systems Design & Testing, Inc, 1836 Augusta Highway, West

Columbia, SC 29169. By Consent Order, executed on April 25, 2014, the Department imposed a monetary penalty in the amount of \$10,000. A term of this Consent Order requires Geo-Systems Design & Testing, Inc. to make payment of \$6,000 of the assessed monetary penalty to the Department within thirty (30) days of receipt of the fully executed order. The remainder of the assessed penalty (\$4,000) was stayed upon a five year period of substantial compliance with Department Regulation 61-63. If substantial compliance is not maintained during the five year period, all or any part of the \$4,000 may be collected by the Department.

Previous Sanctions:

- \$6,000 civil penalty in June 2006 for failure to secure licensed

material from unauthorized removal, failure to provide immediate notification of lost or stolen licensed material, failure to describe measures to recover the licensed material, and failure to describe measures to prevent recurrence of loss or theft of license material.

- \$500 civil penalty in November 2005 for failure to perform leak tests at intervals not to exceed six months.
- \$2,000 civil penalty in May 1999 for allowing an unauthorized individual to use radioactive material and failure to provide a personnel monitoring device to an individual utilizing radioactive material.

Approved By:



Jamie Shuster
Director of Public Health

HEALTH REGULATION

Bureau of Health Facilities Licensing

Sanctions Imposed for the Period from April 1, 2014 – April 30, 2014

- Facility:** **Reid's Residential Care Facility**
- Street address: 726 Old Spartanburg Hwy., Wellford, S.C. 29385-9668
- Mail address: 726 Old Spartanburg Hwy., Wellford, S.C. 29385-9668
- Type:** Community Residential Care Facility
- Sanction Imposed:** By Consent Order, executed on April 3, 2014, the Department imposed a monetary penalty in the amount of \$31,500. A term of this Consent Order requires Reid's to make payment of \$4,800 of the assessed monetary penalty to the Department in twelve (12) monthly installments of \$400. The remainder of the assessed penalty (\$26,700) was held in abeyance pending Reid's remaining in substantial compliance with Regulation 61-84 and the Consent Order for twelve (12) months following execution of the Consent Order. In addition, Reid's was required to initiate action to correct the violations that led to the Department's imposition of the monetary penalty and schedule and attend a compliance assistance meeting with representatives of the Department's Bureau of Health Facilities Licensing within forty-five (45) days of execution of the Consent Order (by May 18, 2014).
- Reason for Sanction:** The sanction was imposed against Reid's Residential Care Facility due to violations and repeat violations of 7 S.C. Code Ann. Regulation 61-84, *Standards for Licensing Community Residential Care Facilities*. Representatives of the Department visited Reid's Residential Care Facility to conduct a general inspection on January 29, 2013, resident care focused inspections on February 22, 2012, May 25, 2012, September 11, 2012 and July 3, 2013; complaint investigations on February 22, 2012, May 25, 2012, September 11, 2012, January 29, 2013 and July 3, 2013; and food and sanitation inspections on February 22, 2012, March 21, 2012, January 29, 2013 and July 3, 2013. Violations consisted of: failure to ensure that criminal background checks were conducted on hired staff prior to resident contact (repeat violation); failure to have documentation of physician orders available for review for medications listed on resident's MARs (Medication Administration Records) (repeat

violation); failure to document participation of a resident and/or their responsible party in development of the care plan (repeat violation), by failure to ensure that resident's care plans were reviewed/ revised every six months or as necessary (repeat violation), and by failure to have documentation of the resident's care plan available for review; failure to have documentation of a physical examination conducted prior to a resident's admission to the facility and by failure to ensure that resident's physical examinations were signed and/or dated by the physician (repeat violation); failure to have a resident's physician - prescribed medications available for administration and by failure to ensure that medications were administered to residents as prescribed by the physician (repeat violation); failure to properly document the administration of residents' medications on MARs (repeat violation); failure to ensure that records of receipt, administration, and disposition of all controlled substances were maintained in sufficient detail to enable an accurate reconciliation (repeat violation); failure to store food items at a minimum of six inches above the floor on clean surfaces and in such a manner as to protect them from splash and other contamination (repeat violation); failure to properly clean and sanitize utensils and equipment after every use (repeat violation); failure to properly store clean and sanitized utensils and equipment in such a manner to protect them from splash and other contamination (repeat violation); failure to properly store wiping cloths in an approved sanitizer solution of adequate concentration (repeat violation); failure to sanitize utensils and equipment in an approved sanitizer of adequate concentration (repeat violation); failure to maintain the Facility's structure and its component parts/equipment in good working condition (repeat violation); failure to ensure that the Facility's interior, equipment and furnishings were cleaned at such intervals and in such a manner as to keep the facility in a clean and uncluttered condition (repeat violation); failure to ensure residents were provided with comfortable beds (repeat violation); failure to ensure that mattresses on residents' beds were furnished with moisture-proof covers (Regulation 61-84, Section 2702 A-1) (repeat violation); and failure to ensure that pillows on residents' beds were furnished with pillow cases.

Previous Sanctions: No other sanction has been initiated against this facility in the past three years.

Facility: **Eden Terrace of Spartanburg**

Street Address: 2780 East Main Street, Spartanburg, S.C. 29307-1248

Mailing Address: 2780 East Main Street, Spartanburg, S.C. 29307-1248

Type: Community Residential Care Facility

Sanction Imposed: By Consent Order, executed on April 3, 2014, the Department imposed a monetary penalty in the amount of \$4,000. A term of this Consent Order requires Eden Terrace to make payment of \$1,000 of the assessed monetary penalty to the Department within thirty (30) days of execution of the Consent Order. The remainder of the assessed penalty (\$3,000) was held in abeyance pending Eden Terrace remaining in substantial compliance with Regulation 61-84 and the Consent Order for twelve (12) months following execution of the Order. In addition, Eden Terrace was required to correct the violations that led to the Department's imposition of the monetary penalty and schedule and attend a compliance assistance meeting with representatives of the Department's Bureau of Health Facilities Licensing within forty-five (45) days of execution of the Consent Order (by May 18, 2014). The Department will perform a follow up inspection within 45 days to ensure compliance (by July 3, 2014).

Reason for Sanction: The sanction was imposed against Eden Terrace of Spartanburg due to violations and repeat violations of 7 S.C. Code Ann. Regulation 61-84, *Standards for Licensing Community Residential Care Facilities*. Representatives of the Department visited Eden Terrace of Spartanburg to conduct a general inspection on June 21, 2012; a resident care focused inspection on September 12, 2013; and a complaint investigation on September 12, 2013. Violations consisted of: retaining a resident requiring nursing care of a bed sore/lesion in the sacral area of the back (sacral decubitus) in excess of fourteen (14) consecutive days; retaining a resident in excess of fourteen (14) consecutive days who was bedridden and required maximum assistance in dietary/nutrition, toileting, dressing, grooming, and mobility; and failure to have documentation of resident's current annual physical examinations available for review (repeat violation). Note that these violations refer to one individual resident.

Previous Sanctions: No other sanction has been initiated against this facility in the past three years.

Facility: L & B Care Home

Street Address: 924 Barr Woods Road Saluda, South Carolina 29138-8191

Mailing Address: 924 Barr Woods Road Saluda, South Carolina
29138-8191

Type: Community Residential Care Facility

Sanction Imposed: By Consent Order executed on April 11, 2014, the Department imposed a monetary penalty in the amount of \$7,000. A term of this Consent Order requires L & B Care Home to make payment of \$1,200 of the assessed monetary penalty to the Department in six (6) monthly installments of \$200. The remainder of the assessed penalty (\$5,800) was held in abeyance pending L & B Care Home remaining in substantial compliance with Regulation 61-84 and the Consent Order for twelve (12) months following execution of the Order. In addition, L & B Care Home was required to initiate action to correct the violations that led to the Department's imposition of the monetary penalty and schedule and attend a compliance assistance meeting with representatives of the Department's Bureau of Health Facilities Licensing within forty-five (45) days of execution of the Consent Order (by May 26, 2014). The Department will perform a follow up inspection within 45 days to ensure compliance (by July 18, 2014).

Reason for Sanction: The sanction was imposed against L & B Care Home due to violations and repeat violations of 7 S.C. Code Ann. Regulation 61-84, *Standards for Licensing Community Residential Care Facilities*. Representatives of the Department visited L & B Care Home to conduct general inspections on March 15, 2012 and August 7, 2013; resident care focused inspections on August 15, 2012, September 11, 2013, and November 15, 2013. In addition, citations were mailed to the facility on May 7, 2012, February 20, 2013, October 7, 2013 and October 29, 2013. The violations were: failure to submit timely complete plans of corrections (POCs) to inspection reports and failure to have resident's medications prescribed by a physician available for administration. Both violations were found uncorrected and repeated in subsequent inspections.

Previous Sanctions: No other sanction has been initiated against this facility in the past three years.

Facility: Emeritus at Lexington Gardens

Street address: 190 McSwain Drive, West Columbia, SC 29169-4825

Mail address: 190 McSwain Drive, West Columbia, SC 29169-

- Type:** Community Residential Care Facility
- Sanction Imposed:** By Consent Order, executed on April 30, 2014, the Department imposed an \$8,500 monetary penalty. A term of this Consent Order requires Emeritus at Lexington Gardens (“Emeritus”) to make payment of \$5,000 of the assessed monetary penalty to the Department within thirty (30) days of execution of the Consent Order. The remainder of the assessed penalty (\$3,500) was held in abeyance pending Emeritus remaining in substantial compliance with Regulation 61-84 and the Consent Order for twelve (12) months following execution of the Order. In addition, Emeritus was required to initiate action to correct the violations that led to the Department’s imposition of the monetary penalty and schedule and attend a compliance assistance meeting with representatives of the Department’s Bureau of Health Facilities Licensing within forty-five (45) days of execution of the Consent Order (by May 14, 2014). The Department will perform a follow up inspection within 45 days to ensure compliance (by July 1, 2014).
- Reason for Sanction:** The sanction was imposed against Emeritus at Lexington Gardens due to violations and repeat violations of 7 S.C. Code Ann. Regulation 61-84, *Standards for Licensing Community Residential Care Facilities*. Representatives of the Department visited Emeritus at Lexington Gardens to conduct general inspections on February 8, 2102 and August 2, 2013; a resident care focused inspection on November 2, 2012; and complaint investigations on June 8, 2012, November 9, 2012, June 20, 2103 and August 2, 2013. Violations consisted of: failure to ensure staff members were provided training in medication management prior to initial resident contact (repeat violation); failure to ensure that staff members received medication management training conducted by a licensed/registered person; failure to ensure staff members received medication management training on an annual basis; retaining two (2) residents whose conditions changed such that the residents became in need of nursing home care; failure to ensure that residents admitted to the facility requiring physical or verbal assistance to exit the facility in an emergency were not located above or below the floor of exit discharge (repeat violation).
- Previous Sanctions:** No other sanction has been initiated against this facility in the past three years.

Facility: **Geo-Systems Design & Testing, Inc.**

Street Address: 1836 Augusta Highway, West Columbia, SC 29169

Mailing Address: 1836 Augusta Highway, West Columbia, SC 29169

Type: Radioactive Material Industrial License: Gauging Device

Sanction Imposed: By Consent Order, executed on April 25, 2014, the Department imposed a monetary penalty in the amount of \$10,000. A term of this Consent Order requires Geo-Systems Design & Testing, Inc. to make payment of \$6000. of the assessed monetary penalty to the Department within thirty (30) days of receipt of the fully executed order. The remainder of the assessed penalty (\$4000) was stayed upon a five year period of substantial compliance with Department Regulation 61-63.

Reason for Sanction: Geo-Systems Design & Testing, Inc. failed to control and maintain constant surveillance of licensed material that is in a controlled or unrestricted area and that is not in storage contrary to RHA 3.20.2, Department Regulation 61-63. Specifically, Geo-Systems Design & Testing, Inc. did not maintain constant surveillance of a gauging device at a worksite. The device was subsequently run over and crushed by a bulldozer, allowing potential release of radioactive material at the site.

Previous Sanctions: There was a \$6,000 civil penalty in June 2006 for failure to secure licensed material from unauthorized removal, failure to provide immediate notification of lost or stolen licensed material, failure to describe measures to recover the licensed material, and failure to describe measures to prevent recurrence of loss or theft of license material.

There was a \$500 civil penalty in November 2005 for failure to perform leak tests at intervals not to exceed six months.

There was a \$2,000 civil penalty in May 1999 for allowing an unauthorized individual to use radioactive material and failure to provide a personnel monitoring device to an individual utilizing radioactive material.