

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER / SUPPLIER / CLIA IDENTIFICATION NUMBER 445111	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____ B. WING _____	(X3) DATE SURVEY COMPLETED 07/22/2020
NAME OF PROVIDER OF SUPPLIER HEALTH CENTER AT STANDIFER PLACE, THE		STREET ADDRESS, CITY, STATE, ZIP 2626 WALKER RD CHATTANOOGA, TN 37421	
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 0567 Level of harm - Minimal harm or potential for actual harm Residents Affected - Few	<p>Honor the resident's right to manage his or her financial affairs. **NOTE- TERMS IN BRACKETS HAVE BEEN EDITED TO PROTECT CONFIDENTIALITY** Based on review of facility policies, review of Social Security Administration (SSA) guidance for CARES (Coronavirus Aid Relief and Economic Security) Economic Impact Payments, review of the Centers for Medicare and Medicaid Services (CMS) press release and guidance related to the disposition of Economic Stimulus Payments, an Internal Revenue Service (IRS) press release, review of a Trust Fund Permission form, medical record review, and interviews, the facility failed to ensure economic impact payments (stimulus funds) were readily available when requested by 2 residents (Residents #4 and #3) of 35 residents reviewed with resident funds accounts. The findings included: Review of the facility policy titled Bookkeeping Manual, Patient Trust, revised 12/2009 showed .this account will protect funds such as Social Security Checks, Pension Checks, and/or gifts of cash .upon written request of the patient, the center must hold, safeguard, manage and account for the patient's personal funds through the Patient Trust Fund .subject to any and all regulation and audit procedures required by Federal and State Agencies . Review of the facility policy titled Resident Rights, undated, showed .the patient (resident) has a right to manage his or her financial affairs .this includes the right to know, in advance, what charges a facility may impose against a patient's personal funds . Review of the Social Security Administration (SSA) guidance dated 5/1/2020 showed .Economic Impact Payments (EIP) .The EIP belongs to the .beneficiary .A representative payee should discuss the EIP with the beneficiary .if the beneficiary wants to use the EIP independently, the representative payee should provide the EIP to the beneficiary . Review of a CMS press release dated 6/11/2020 showed .CMS is aware of allegations that some nursing homes are seizing residents economic impact payments (or 'stimulus checks') .This practice is prohibited .Further, nursing homes requiring residents to deposit their stimulus check with the nursing home may be in violation of CFR (Code of Federal Regulations) 483.10 which gives residents the right to manage his or her financial affairs . Review of an IRS press release dated 6/16/2020 showed .IRS alert: Economic Impact Payments belong to recipient, not nursing homes or care facilities .the Economic Impact Payments do not count as resources that have to be turned over by benefit recipients of nursing homes whose care is provided by Medicaid . Review of a Patient (resident) Trust Fund Permission Form, undated, showed the form was used for those residents who wished to establish a resident funds account. The form stated .my patient trust fund belong to me and are managed by the Center as part of its services to me .this account is subject to any and all regulation .required by federal and state agencies . Further review revealed the form was to be signed by the resident or the resident's representative and was to be dated and witnessed. Medical record review showed Resident #4 was admitted to the facility on [DATE] with [DIAGNOSES REDACTED]. Review of the annual Minimum Data Set (MDS) dated [DATE] showed Resident #4 scored a 15 (cognitively intact) on the Brief Interview for Mental Status (BIMS). Review of Resident #4's billing statement from the facility showed the resident received a stimulus check in the amount of \$1200.00 on 5/28/2020. Further review showed on 5/29/2020 the facility applied the entire amount of the stimulus check to bad debt recovery. During an interview on 7/20/2020 at 4:05 PM, Resident #4 stated he had spoken with Administration at the facility in late May or early June 2020 regarding the facility using his economic stimulus payment to pay debts owed to the facility without his authorization. Resident #4 stated the Administrator informed him because he had signed a Resident Trust Fund Agreement, the facility was entitled to apply the \$1200.00 stimulus payment to bad debt owed to the facility and no refund of his stimulus payment was possible. Resident #4 stated he took issue with that and he investigated the matter online. Upon reading public postings by multiple federal agencies, including the Internal Revenue Service and CMS, he filed a formal complaint with the State Ombudsman office sometime around 7/11/2020. Resident #4 reported after the Ombudsman investigated the matter, sometime between 7/12/2020 to 7/14/2020, the facility issued him a refund of his economic stimulus payment on 7/14/2020. Resident #4 stated .If I wouldn't have called the state they would have kept my money. But because I did, they gave it back . During an interview on 7/21/2020 at 5:05 PM, the Administrator confirmed he was aware on 6/11/2020 that CMS had issued public guidance stating stimulus payments were not considered income or assets under current SSA and IRS guidelines. The Administrator confirmed the facility did not issue a refund of the economic stimulus payment to Resident #4 until after the State Ombudsman investigated complaints related to the matter on 7/14/2020. Medical record review revealed Resident #3 was admitted to the facility on [DATE] with [DIAGNOSES REDACTED]. Review of the quarterly MDS dated [DATE] showed Resident #3 scored a 15 on the BIMS. Review of Resident #3's billing statement from the facility showed the resident received a stimulus check in the amount of \$1200.00 on 4/29/2020. Further review showed on 5/26/2020 the facility applied the entire amount of the stimulus check to bad debt recovery. During review of Resident #3's trust fund permission form and interview on 7/20/2020 at 4:22 PM, Resident #3 stated he was compelled by the Administrator to surrender his stimulus check to pay debts owed to the facility. He stated his stimulus payment was applied to debts without his consent sometime in May 2020. Resident #3 stated he informed the Social Services Director (SSD) of the issue. The SSD investigated the matter and informed the resident the monies had been applied to debts owed to the facility by the billing office. Resident #3 stated he spoke with the Administrator and informed him he did not wish to apply the stimulus check to debts owed to the facility and he asked for a refund, which was denied. Resident #3 reported the Administrator informed him his signature on the Patient Trust Fund Permission Form legally entitled the facility to seize the funds for debt repayment. Resident #3 reported the Administrator presented him with a copy of the document which was undated, unwitnessed, and had an illegible signature on it. The resident denied the signature was his. Resident #3 stated he attempted to negotiate with the Administrator and asked for half the funds to be returned to him and half be applied to debt, which the Administrator declined again, referring to the Trust Fund Permission Form before ending the conversation. Resident #3 then provided the surveyor a copy of his Trust Fund Permission form given to him by the Administrator. Review of the form showed the signature was illegible, the witness signature line was blank, and the document was undated. Resident #3 stated sometime around 6/24/2020 he informed both the SSD and the Administrator he did not consent to application of the stimulus funds to bad debt and he had not signed the Resident Trust form as the facility alleged. Resident #3 stated as of 7/20/2020 his stimulus payment had not been refunded to him. During an interview on 7/21/2020 at 5:05 PM, the Administrator confirmed the facility applied Resident #3's stimulus check to his outstanding debt without Resident #3's prior authorization to do so. The Administrator confirmed he was aware on 6/11/2020 that CMS had issued public guidance stating stimulus payments were not considered income or assets under current SSA and IRS guidelines. The Administrator confirmed Resident #3 had requested a refund of his stimulus funds and the facility had denied the request as of 7/21/2020.</p>		
F 0602 Level of harm - Minimal harm or potential for actual harm Residents Affected - Some	<p>Protect each resident from the wrongful use of the resident's belongings or money. **NOTE- TERMS IN BRACKETS HAVE BEEN EDITED TO PROTECT CONFIDENTIALITY** Based on review of facility policy, review of the Centers for Medicare and Medicaid Services (CMS) press release, review of an Internal Revenue Service (IRS) press release, medical record review, review of resident billing statements, and interview, the facility misappropriated money distributed under the CARES (Coronavirus Aid Relief and Economic Security) Act from resident funds accounts to outstanding account balances without the resident's consent for 7 of 35 residents (Residents #3, #4, #28, #29, #30, #31, and #32) reviewed with resident funds accounts. The findings included: Review of the</p>		
LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE		TITLE	(X6) DATE

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.

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F 0602 Level of harm - Minimal harm or potential for actual harm Residents Affected - Some	<p>(continued... from page 1) facility policy titled Bookkeeping Manual, Patient Trust, revised 12/2009 showed .this account will protect funds such as Social Security Checks, Pension Checks, and/or gifts of cash .upon written request of the patient, the center must hold, safeguard, manage and account for the patient's personal funds through the Patient Trust Fund .is subject to any and all regulation and audit procedures required by Federal and State Agencies . Review of the facility policy titled Resident Rights, undated, showed .free from misappropriation of resident property .the patient (resident) has a right to manage his or her financial affairs .this includes the right to know, in advance, what charges a facility may impose against a patient's personal funds . Review of the CMS Press Release dated 6/11/2020 showed .CMS is aware of allegations that some nursing homes are seizing residents economic impact payments (or 'stimulus checks') .This practice is prohibited .Seizing .stimulus checks could be a violation of Federal Regulations .this could be considered misappropriation . Review of an IRS press release dated 6/16/2020 showed .IRS alert: Economic Impact Payments belong to recipient, not nursing homes or care facilities .the Economic Impact Payments do not count as resources that have to be turned over by benefit recipients of nursing homes whose care is provided by Medicaid . Medical record review revealed Resident #3 was admitted to the facility on [DATE] with [DIAGNOSES REDACTED]. Review of the quarterly Minimum Data Set (MDS) dated [DATE] showed Resident #3 scored a 15 (cognitively intact) on the Brief Interview for Mental Status (BIMS). Review of Resident #3's billing statement from the facility showed the resident received a stimulus check in the amount of \$1200.00 on 4/29/2020. Further review showed on 5/26/2020 the facility applied the entire amount of the stimulus check to bad debt recovery. During an interview on 7/20/2020 at 4:22 PM, Resident #3 stated he was compelled by the Administrator to surrender his stimulus check to pay debts owed to the facility and as of 7/20/2020 his money had not been refunded by the facility. Medical record review showed Resident #4 was admitted to the facility on [DATE] with [DIAGNOSES REDACTED]. Review of the quarterly MDS dated [DATE] showed Resident #4 scored a 15 on the BIMS. Review of Resident #4's billing statement from the facility showed the resident received a stimulus check in the amount of \$1200.00 on 5/28/2020. Further review showed on 5/29/2020 the facility applied the entire amount of the stimulus check to bad debt recovery. During an interview on 7/20/2020 at 4:05 PM, Resident #4 stated he had spoken with Administration at the facility in late May or early June 2020 regarding the facility using his economic stimulus payment to pay debts owed to the facility without his authorization. Resident #4 stated the Administrator informed him because he had signed a Resident Trust Fund Agreement, the facility was entitled to apply the \$1200.00 stimulus payment to bad debt owed to the facility and no refund of his stimulus payment was possible. Resident #4 stated he investigated the matter online and upon reading public postings by multiple federal agencies he filed a formal complaint with the State Ombudsman office sometime around 7/11/2020. Resident #4 reported after the Ombudsman investigated the matter the facility issued him a refund of his economic stimulus payment on 7/14/2020 (33 days after the CMS press release). Resident #4 stated .If I wouldn't have called the state they would have kept my money. But because I did they gave it back . Medical record review showed Resident #28 was admitted to the facility on [DATE] with [DIAGNOSES REDACTED]. #28 scored a 15 on the BIMS. Review of Resident #28's billing statement from the facility showed the resident received a stimulus check on 4/29/2020 in the amount of \$1200.00. Further review showed the facility withdrew the entire amount of the stimulus check on 5/8/2020 and applied it toward a Care Cost Payment (monthly bill for services rendered to the resident). There was no evidence in the medical records or billing records the facility had contacted the Power of Attorney (POA) for Resident #28 and gained authorization for the stimulus check to be applied to the resident's monthly bill. Medical record review revealed Resident #29 was re-admitted to the facility on [DATE] with [DIAGNOSES REDACTED]. Review of the admission MDS dated [DATE] revealed Resident #29 scored a 10 on the BIMS (moderate cognitive impairment). Review of Resident #29's billing statement from the facility showed the resident received a stimulus check on 5/28/2020 in the amount of \$1200.00. Continued review showed on 6/1/2020 the facility applied the entire amount of the stimulus check toward the resident's outstanding account balance. There was no evidence in the medical record or billing records that Resident #29 or her responsible party had consented for the stimulus check to be applied to the resident's outstanding account balance. Medical record review showed Resident #30 was admitted to the facility on [DATE] with [DIAGNOSES REDACTED]. Review of the quarterly MDS dated [DATE] showed Resident #30 scored a 1 (severe cognitive impairment) on the BIMS. Review of Resident #30's billing statement from the facility showed the resident received a stimulus check in the amount of \$1200.00 on 4/29/2020. Further review showed the facility applied the entire amount of the stimulus check toward the resident's account balance on 4/30/2020. There was no evidence in the medical record or billing record the resident's responsible party had consented to the stimulus check being applied to the resident's account balance. Medical record review showed Resident #31 was admitted to the facility on [DATE] with [DIAGNOSES REDACTED]. Review of the quarterly MDS dated [DATE] showed Resident #31 scored a 15 on the BIMS. Review of Resident #31's billing statement from the facility showed the resident received a stimulus check in the amount of \$1200.00 on 5/28/2020. Further review showed the facility applied the entire amount of the stimulus check toward the resident's account balance on 6/1/2020. There was no evidence in the medical record or billing record the resident or the resident's responsible party had consented to the stimulus check being applied to the resident's account balance. Medical record review showed Resident #32 was admitted to the facility on [DATE] with [DIAGNOSES REDACTED]. Review of the annual MDS dated [DATE] showed Resident #32 was unable to complete the BIMS due to his persistent vegetative state. Review of Resident #32's billing statement from the facility showed the resident received a stimulus check in the amount of \$1200.00 on 5/28/2020. Further review showed the facility applied \$475.00 of the stimulus check to the resident's outstanding account balance on 6/1/2020. There was no evidence in the medical record or the billing records that Resident #32's POA had consented to \$475.00 of the stimulus check being applied to the resident's outstanding account balance. During an interview on 7/20/2020 at 4:45 PM, the Director of Accounts Receivable (AR) stated between the period of late March 2020 and early April 2020 she and her assistant reviewed all resident accounts for outstanding balances owed to the facility after they became aware the residents would be receiving stimulus checks. The Director of AR stated she formulated a plan to apply the stimulus checks toward outstanding debts owed to the facility by the residents and she discussed the matter with the facility Administrator who directed the billing department to apply the stimulus checks to the resident's outstanding balances. The Director of AR reported at the time, the facility was unaware the stimulus checks were not considered income or assets and not subject to forfeiture. The Director of AR stated the stimulus checks were applied toward the resident's account balances automatically and without the prior written or oral consent of the recipients or their responsible parties. The Director stated some residents had been refunded their money, but the facility had not taken steps to address the situation facility wide until sometime around 6/30/2020 after several residents had complained. During an interview on 7/22/2020 at 11:55 AM, the Administrator and Assistant Administrator stated the facility had applied the residents' stimulus checks to debts owed to the facility without prior authorization from the residents or their responsible parties for Resident #3, Resident #4, Resident #28, Resident #29, Resident #30, Resident #31, and Resident #32.</p>		