STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:	(X2) MULTIPLE CONSTRUCTION	(X3) DATE SURVEY COMPLETED
	0008721	A. BUILDING: _____ B. WING _____	C 08/27/2024

NAME OF PROVIDER OR SUPPLIER	STREET ADDRESS, CITY, STATE, ZIP CODE
LUTHER MANOR	831 PINE BEACH RD MARINETTE, WI 54143

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N 000	Initial Comments On 08/19/2024 and 08/20/2024 Surveyor conducted a standard survey and 1 complaint investigation at Luther Manor. Additional information was gathered through 08/27/2024. The complaint was substantiated and 3 deficient practices were identified. Census: 26	N 000		
N 362	83.33(1)(d) Grievance procedure: written summary The CBRF shall provide a written summary of the grievance, the findings and the conclusions and any action taken to the resident or the resident ' s legal representative and the resident ' s case manager. The CBRF shall maintain a copy of the investigation. This Rule is not met as evidenced by: Based on record review and interview, the provider did not ensure Resident 1 or Resident 1's Power Of Attorney (POA) E received a written summary of their grievances, the findings, conclusions, and any actions taken. Findings include: On 05/28/2024, the Department received a complaint alleging the provider was notified of grievances and did not provide any follow-through or resolution. On 08/20/2024 at approximately 11:30 AM, Surveyor interviewed Director B regarding a grievance that was brought to the providers attention by Resident 1. Director B stated on	N 362		

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE | TITLE | (X6) DATE

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N 362	Continued From page 1	N 362		

Monday 05/20/2024, upon entering his/her locked office, s/he found a note that had been slid under the door dated 05/17/2024 from Resident 1. Surveyor reviewed the note where Resident 1 indicated his/her grievance regarding Caregiver C:

" ... I am very concerned over a remark made to me by a staff- [sic] [Caregiver C.] [S/he] brought my morning meds an hour late saying [s/he] was very stressed. [S/he] handed me my meds and said, 'I wish I could have your hydro.' The Norco. [S/he] scared me so much because this tells me it's on [his/her] mind and my meds were in pudding. Was the hydro there? My main concern is that [s/he's] thinking this way and frankly I'm having 2 [medical procedures] now and really can't have my mind taken up with staff possible indiscretions. The comment itself is an indiscretion ..."

Director B stated the concerns were immediately brought to Administrator A's attention 05/20/2024 and steps were taken to investigate the allegations including taking staff statements and immediately drug testing Caregiver C. Director B stated to his/her knowledge no summary of the grievance, steps taken to investigate, or conclusion had been provided to Resident 1 or his/her POA E.

Surveyor reviewed records and noted the provider's admission agreement notes as part of their written grievance procedure after an investigation has taken place:

"4. The resident and/ or family member shall be notified of the findings of the investigation within 4 working days of the filing of the grievance/ complaint."

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N 362	Continued From page 2 On 08/20/2024 at approximately 1:00 PM Surveyor interviewed Administrator A with Director B present. Administrator A confirmed no written summary of the grievance, steps taken to investigate, or conclusion had been provided to Resident 1 or his/her POA E.	N 362		
N 526	83.47(2)(e) Other evacuation drills. Other evacuation drills. Tornado, flooding, or other emergency or disaster evacuation drills shall be conducted at least semi-annually. This Rule is not met as evidenced by: Based on record review and interview, the facility did not conduct other evacuation drills semi-annually as required. The facility is licensed to serve up to 55 residents who may be terminally ill, of advanced age, and/or have irreversible dementia/Alzheimer's disease. Findings Include: On 08/19/2024, Surveyor requested other evacuation drill records for 2023. No documentation of any other evacuation drills was provided. On 08/20/2024 at approximately 1:00 PM, Surveyor interviewed Administrator A and Director B. During the interview, Administrator A and Director B acknowledged the requirement for other evacuation drills semi-annually and confirmed that no drills were completed.	N 526		

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Z 012	Continued From page 3	Z 012		
Z 012	50.065(2)(bm) OUT OF STATE BACKGROUND CHECKS If the person who is the subject of the search under par. (am) or (b) is not a resident of this state or if at any time within the 3 years preceding the date of the search that person has not been a resident of this state, or if the department or entity determines that the person's employment, licensing, or state court records provide a reasonable basis for further investigation, the department or the entity shall make a good faith effort to obtain from any state or other United States jurisdiction in which the person is a resident or was a resident within the 3 years preceding the date of the search information that is equivalent to the information specified in par. (am) 1. or (b) 1. The department or entity may require the person to be fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's fingerprints. The department of justice may provide for the submission of the fingerprint cards to the federal bureau of investigation for the purposes of verifying the identity of the person fingerprinted and obtaining the records of his or her criminal arrests and convictions. This Rule is not met as evidenced by: Based on record review and interview, the provider did not ensure 1 of 2 caregivers reviewed (Caregiver C) had a complete out of state background check following the procedures in s. 50.065, Stats., and ch. DHS 12. Caregiver C's out of state background report contained a charge for felony assault and requested warrant	Z 012		

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Z 012	Continued From page 4	Z 012		

that was within 5 years of hire. The final disposition of the charges onthe out of state report was unclear. The provider did not make every reasonable effort to contact the Clerk of Courts (or Michigan equivalent) to obtain a copy of the record and final disposition as required.

Finding include:
On 05/28/2024, the Department received a complaint alleging caregiver misconduct.

On 08/19/2024, Surveyor reviewed an investigation conducted by the provider on 05/20/2024 involving Caregiver C. Surveyor reviewed Caregiver C's employment record and noted the provider submitted written warnings on 08/05/2024 and 08/13/2024 related to his/her conduct as a caregiver. The incident on 08/13/20204 noted an aggressive display of behavior in the common space in front of residents.

On 08/19/2024, Surveyor requested to review Caregiver C's background check information.

Chapter 12 APPENDIX A
OFFENSES AFFECTING CAREGIVER ELIGIBILITY

" ... If a person has been convicted of a crime in another state or jurisdiction, the entity ... must locate on the table below the Wisconsin crime that is identical or most similar to the crime for which the person was convicted and apply the consequence identified ...

If a Background Information Disclosure form, a caregiver background check, or any other information shows that a person was convicted of any of the offenses immediately below within 5

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Z 012	Continued From page 5 years before the information was obtained, the department, county department, child welfare agency, school board, or entity, as applicable, shall make every reasonable effort to contact the clerk of courts to obtain a copy of the criminal complaint and judgment of conviction relating to that conviction." On 08/19/2024, Surveyor reviewed Caregiver C's record and noted s/he was hired on 03/19/2024. Surveyor reviewed Caregiver C's Background Information Disclosure (BID) dated 03/19/2024 and his/her answer to question #4 "Has any government or regulatory agency (other than the police) ever found that you abused or neglected any person or client? If Yes [sic], explain, including when and where it happened." Caregiver C's answer check marked "Yes" and had a handwritten note: "Menominee MI 2 years ago. Charged with assault & battery." The note did not indicate the severity of the charge to determine if the charge met the criteria for being allowed to hire with a final disposition obtained from the clerk of courts, or if the charge rose to the level of a barred offense. Surveyor reviewed Caregiver C's the out of state report for Michigan and noted a charge dated 10/29/2022 for 1 count of misdemeanor assault and 1 count of felony assault with the disposition listed as "WARRANT REQUESTED." The specification of the charges (if it was an offense that would cause the caregiver to be barred from hire) was unclear as well as the outcome of the charges including the potential open warrant for arrest. The provider had made an effort to obtain an out of state report, but when the report came back with significant findings, they did not pursue clarification of the disposition prior to making the decision to hire Caregiver C.	Z 012		

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Z 012	Continued From page 6 On 08/19/2024 at approximately 2:00 PM, Surveyor interviewed HR Director D with Director B present. When present with "Chapter 12 APPENDIX A OFFENSES AFFECTING CAREGIVER ELIGIBILITY" HR Director D stated s/he was unfamiliar with the document or subsequent requirements contained within. HR Director D stated s/he was responsible for conducting background checks and hiring employees. HR Director D stated s/he was unaware of the conditions that required the provider to go to the Clerk of Courts to obtain a final disposition prior to hire. HR Director D stated while the provider had sought an out of state background check, s/he had not recognized Caregiver C's attestation of an assault and battery charge and the Michigan state report of felony assault with a warrant request as requiring further investigation prior making the decision to hire Caregiver C. HR Director D did not recognize at the time s/he received the BID and Michigan report that there was a potential the charge could be a barred offense and/ or a warrant for Caregiver C's arrest may have been enacted. On 08/20/2024 at approximately 1:00 PM, Surveyor interviewed Administrator A with Director B present. Administrator A reviewed Caregiver C's BID and out of state report that was obtained prior to Caregiver C's hire. Administrator A acknowledged not being able to discern if the charges were barred offenses or if a warrant for arrest had been enacted. Administrator A stated based on the unclear disposition the provider should have sought clarification prior to hiring Caregiver C to ensure the resident's safety.	Z 012		