

Health Regulation & Licensing Administration

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  <b>HCA-0022</b>	(X2) MULTIPLE CONSTRUCTION A BUILDING: _____  B WING: _____	(X3) DATE SURVEY COMPLETED  <b>10/02/2020</b>
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NAME OF PROVIDER OR SUPPLIER  <b>BERHAN HOME HEALTH CARE AGENCY</b>	STREET ADDRESS, CITY, STATE, ZIP CODE <b>7826 EASTERN AVENUE, NW, SUITE L1-16 WASHINGTON, DC 20012</b>
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H 000 INITIAL COMMENTS

H 000

An annual survey was conducted from 09/30/2020, 10/01/2020, and 10/02/2020 to determine compliance with Title 22B DCMR, Chapter 39 (Home Care Agency Regulations). The Home Care Agency provided home care services to 245 patients and employed 507 staff. The findings of the survey were based on the review of administrative records, 17 active patient records, three discharged patient records, 25 personnel records, 16 incidents and five complaints. The survey findings were also based on the completion of ten patient telephone interviews.

Listed below are abbreviations used throughout the body of this report.

- CHF - Congestive Heart Failure
- DON - Director of Nursing
- HHA - Home Health Aide
- HCA - Home Care Agency
- mg/dl - milligrams per deciliter
- OT - Occupational Therapist
- PCA - Personal Care Aide
- POC - Plan of Care
- PT - Physical Therapist
- SN - Skilled Nurse

**H430 3916.1 Skilled Services Generally**

**Affected Patient(s):**  
#1, #2, #3, #4, #5, #6, #7, #8, #9, #10, #11, #12, #14

11/1/2020

**Corrective Action:**  
Berhan Home Health Care Agency (BHHCA) acknowledges the identified deficient practices on failure to keep records of proof of receipt for the skilled evaluation summary report sent to the physician.

Moving forward, BHHCA will ensure that the summary reports of the evaluation of skilled services provided to each patient is sent to the client's physician. Also, the agency will ensure that a proof of physician's receipt will be kept on file for verification purposes.

H 430 3916.1 SKILLED SERVICES GENERALLY

H 430

Each home care agency shall review and evaluate the skilled services provided to each patient at least every sixty-two (62) calendar days. A summary report of the evaluation shall be sent to the patient's physician.

This Statute is not met as evidenced by:  
Based on record review and interview, the HCA

Health Regulation & Licensing Administration  
LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE

*Fessha*

TITLE

*CEO*

(X8) DATE

*11/3/20*

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H 430

failed to send patients' physicians a summary of the review and evaluation of the skilled services provided for 13 of the 17 active patients in the sample receiving SN services (Patients #1,2,3,4,5,6,7,8,9,10,11,12, & 14).

Findings included:

1. Review of Patient #1's current clinical record on 09/30/2020 at 9:30 AM contained a physician's order that required the nurse to visit the patient one to two times every 12 months. The POC required the SN to provide health assessment, patient education on disease management, and monthly PCA supervision. Continued review of Patient #1's record for the period of 12/01/2019 thru 08/11/2020 lacked evidence that the home care agency reviewed and evaluated skilled nursing services every 62 days; nor was there evidence that the physician was informed regarding the status of skilled services
2. Review of Patient #2's current clinical record on 9/30/2020 at 11:00 AM contained a physician's order that required the nurse to visit the patient one to two times every 12 months. The POC required the SN to provide health assessment, patient education on disease management, and monthly PCA supervision. Continued review of Patient #2's record for the period of 10/25/2019 through 08/24/2020 lacked evidence that the home care agency reviewed and evaluated skilled nursing services every 62 days; nor was there evidence that the physician was informed regarding the status of skilled services
3. Review of Patient #3's current clinical record on 09/30/2020 at 1:00 PM contained a physician's order that required the nurse to visit the patient one to two times every 12 months. The POC

**Systemic Change:**  
On a biweekly basis, the ADON will print out and review all summary reports completed by the skilled employees for all active patients. The clerical employee will be delegated the responsibility of sending the reviewed summary reports via fax to the patient's physician. The clerical staff will also be required to scan a copy of the fax confirmation into each patient's chart.  
**Quality Assurance Measure:**  
The DON will review twenty-five percent (25%) of the clinical records monthly to ensure that the summary reports of the evaluation of skilled services provided to each patient is completed at least every sixty-two (62) calendar days. The clinical records will also be reviewed by the DON to ensure that the summary report of the evaluation has been sent to the patient's physicians as evidenced by fax confirmation on file.

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required the SN to provide health assessment, patient education on disease management, and monthly PCA supervision. Continued review of Patient #3's record for the period of 12/01/2019 through 08/30/2020 lacked evidence that the home care agency reviewed and evaluated skilled nursing services every 62 days; nor was there evidence that the physician was informed regarding the status of skilled services

Implementation Date:  
11/1/2020

4. Review of Patient #4's current clinical record on 09/30/2020 at 2:30 PM contained a physician's order that required the nurse to visit the patient one to two times every 12 months. The POC required the SN to provide health assessment, patient education on disease management, and monthly PCA supervision. Continued review of Patient #4's record for the period of 10/01/2019 through 02/25/2020 lacked evidence that the home care agency reviewed and evaluated skilled nursing services every 62 days; nor was there evidence that the physician was informed regarding the status of skilled services

5. Review of Patient #5's current clinical record on 09/30/2020 at 3:30 PM contained a physician's order that required the nurse to visit the patient one to two times every 12 months. The POC required the SN to provide health assessment, patient education on disease management, and monthly PCA supervision. Continued review of Patient #5's record for the period of 10/01/2019 through 06/30/2020 lacked evidence that the home care agency reviewed and evaluated skilled nursing services every 62 days; nor was there evidence that the physician was informed regarding the status of skilled services.

6. Review of Patient #6's clinical record on 10/01/2020 at 9:00 AM contained a physician's

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order that required the nurse to visit the patient one to two times every 12 months. The POC required the SN to provide health assessment, patient education on disease management, and monthly PCA supervision. Continued review of Patient #6's record for the period of 10/17/2019 through 08/14/2020 lacked evidence that the home care agency reviewed and evaluated skilled nursing services every 62 days; nor was there evidence that the physician was informed regarding the status of skilled services

7. Review of Patient #7's clinical record on 10/01/2020 at 10:30 PM contained a physician's order that required the nurse to visit the patient one to two times every 12 months. The POC required the SN to provide health assessment, patient education on disease management, and monthly PCA supervision. Continued review of Patient #7's record for the period of 08/01/2019 through 08/30/2020 lacked evidence that the home care agency reviewed and evaluated skilled nursing services every 62 days; nor was there evidence that the physician was informed regarding the status of skilled services

8. Review of Patient #8's clinical record on 10/01/2020 at 11:30 PM contained a physician's order that required the nurse to visit the patient one to two times every 12 months. The POC required the SN to provide health assessment, patient education on disease management, and monthly PCA supervision. Continued review of Patient #8's record for the period of 10/03/2019 through 08/30/2020 lacked evidence that the home care agency reviewed and evaluated skilled nursing services every 62 days; nor was there evidence that the physician was informed regarding the status of skilled services

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9. Review of Patient #9's current clinical record on 10/01/2020 at 12:50 PM contained a physician's order that required the nurse to visit the patient one to two times every 12 months. The POC required the SN to provide health assessment, patient education on disease management, and monthly PCA supervision. Continued review of Patient #9's record for the period of 10/01/2019 through 08/30/2020 lacked evidence that the home care agency reviewed and evaluated skilled nursing services every 62 days; nor was there evidence that the physician was informed regarding the status of skilled services

10. Review of Patient #10's current clinical record on 10/01/2020 at 2:00 PM contained a physician's order that required the nurse to visit the patient one to two times every 12 months. The POC required the SN to provide health assessment, patient education on disease management, and monthly PCA supervision. Continued review of Patient #10's record for the period of 10/01/2019 through 08/27/2020 lacked evidence that the home care agency reviewed and evaluated skilled nursing services every 62 days; nor was there evidence that the physician was informed regarding the status of skilled services

11. Review of Patient #11's current clinical record on 07/08/2019 at 3:00 PM contained a physician's order that required the nurse to visit the patient one to two times every 12 months. The POC required the SN to provide health assessment, patient education on disease management, and monthly PCA supervision. Continued review of Patient #11's record for the period of 10/01/2019 through 08/30/2020 lacked evidence that the home care agency reviewed and evaluated skilled nursing services every 62 days; nor was there

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evidence that the physician was informed regarding the status of skilled services

12. Review of Patient #12's current clinical record on 10/02/2020 at 9:00 AM contained a physician's order that required the nurse to visit the patient one to two times every 12 months. The POC required the SN to provide health assessment, patient education on disease management, and monthly PCA supervision. Continued review of Patient #12's record for the period of 10/01/2019 through 08/30/2020 lacked evidence that the home care agency reviewed and evaluated skilled nursing services every 62 days; nor was there evidence that the physician was informed regarding the status of skilled services

13. Review of Patient #14's current clinical record on 10/02/2020 at 11:30 AM contained a physician's order that required the nurse to visit the patient one to two times every 12 months. The POC required the SN to provide health assessment, patient education on disease management, and monthly PCA supervision. Continued review of Patient #14's record for the period of 10/25/2019 through 08/01/2020 lacked evidence that the home care agency reviewed and evaluated skilled nursing services every 62 days; nor was there evidence that the physician was informed regarding the status of skilled services

During interview with the Clinical Manager on 10/02/2020 at 3:30 PM, she said the HCA usually sends the 62 day summaries to the physicians via regular mail and do not keep any receipts. The HCA was unable to prove that the physician received the mailed copies.

At the time of the survey, the HCA nursing staff

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failed to send to the patients' physicians a summary of the review and evaluation of the skilled services provided for 13 of the 17 active patients in the sample receiving SN services (Patients #1,2,3,4,5,6,7,8,9,10,11,12, & 14).

H 456. 3917.2(f) SKILLED NURSING SERVICES

H 456

**H456 3917.2(f) Skilled Nursing Services**

11/1/2020

Duties of the nurse shall include, at a minimum, the following:

(f) Supervision of services delivered by home health and personal care aides and household support staff, as appropriate;

This Statute is not met as evidenced by:  
Based on record review and interview, the SN failed to document the supervision of services being delivered by each patients' HHA for one of the 17 active patient's in the sample receiving HHA services (Patient # 1).

Findings included:

1. On 09/30/2020 at 9:30 AM, review of Patient #1's clinical record showed a POC with a duration period of 07/01/2020 through 06/30/2021. The POC contained a physician's order for monthly SN visits for HHA supervision.

Further review of Patient #1's clinical record showed that the SN visited the patient on 02/27/2020 with no HHA present. There was no documentation of supervision of care provided by the HHA during that month

On 10/02/2020 at 3:30 PM, the DON stated during interview that an in-service will be

**Affected Patient(s):**  
#1

**Corrective Action:**  
Berhan Home Health Care Agency (BHHCA) acknowledges the identified deficient practices on the failure of the SN to complete and document the supervision of services of care provided by the HHA in the month of February 2020.

**Systemic Change:**  
The DON provided an in-service training to all skilled nurses at BHHCA on 10/28/2020 stressing the importance of monthly supervision of the HHAs assigned to their respective patients.

All SNs are required to comply with the regulations by ensuring that they complete supervision of services delivered by HHAs assigned to their patients in order to maintain their employment with the agency.

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conducted with the skilled nurses to inform them of the importance of supervision of the HHA's.  
  
At the time of the survey, the HCA nursing staff failed to conduct HHA supervision and evaluations of services provided for Patients #1.

H 456

**Quality Assurance Measure:**  
The DON will review twenty-five percent (25%) of the clinical records monthly to ensure that the skilled nurses are compliant with completing and documenting monthly supervision of the HHAs assigned to their respective patients.

H 457 3917.2(g) SKILLED NURSING SERVICES

H 457

**H457 3917.2(g) Skilled Nursing Services**

12/1/2020

Duties of the nurse shall include, at a minimum, the following:  
  
(g) Recording progress notes at least once every thirty (30) calendar days and summary notes at least once every sixty-two (62) calendar days;

**Affected Patient(s):**  
#10

This Statute is not met as evidenced by:  
Based on record review and interview, it was determined that the HCA failed to ensure that the skilled nurse documented a progress note at least once every 30 calendar days and a summary note at least every 62 calendar days for one of the 17 active patients in the sample receiving HHA services (Patient #10).

**Corrective Action:**  
Berhan Home Health Care Agency (BHHCA) acknowledges the identified deficient practices on the failure of the SN to complete summary notes at least every sixty-two (62) calendar days for one of the 17 active patients in the survey sample.

Findings included:

Review of Patient #10's current clinical record on 10/01/2020 at 2:00 PM contained a physician's order that required the nurse to visit the patient one to two times every 12 months to conduct assessment and evaluation of all body systems, review medications at each visit and teach disease process. Further review of the clinical record revealed that the SN documented a 62 day summary note on 12/31/2019, and the next one on 02/29/2020 which was 87 days apart. Another 62 days summary note was documented

**Systemic Change:**  
The DON has conducted an in-service training to all skilled nurses at Berhan HHCA on 10/28/2020 emphasizing the need to comply with the regulations by recording the progress notes at least every 30 calendar days and the summary notes at least once every sixty-two (62) calendar days.

The SNs are required by the agency to continue to complete the summary notes for all assigned patients on the even months. Beginning December 2020, SNs will be required to complete

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on 04/01/2020 followed by one on 06/26/2020 which was 83 days apart, instead of 62 days.

During an interview on 10/02/2020 at 3:30 PM, the DON said that the patient's mother decides when the nurse can come to the home.

At the time of survey, the HCA failed to ensure that the skilled nurse documented a progress note at least once every 30 calendar days and a summary note at least every 62 calendar days for one of the 17 active patients in the sample receiving HHA services (Patient #10).

H 457

the summary notes on the 30<sup>th</sup> or 31<sup>st</sup> of the even months. For the summary notes due in the month of February, the SN will be required to complete on the last day of the month. This procedure will help ensure the agency's compliance with completing the summary notes of patients receiving HHA services timely which is at least once every sixty-two (62) calendar days.

H 553 3922.4 OCCUPATIONAL THERAPY SERVICES

The occupational therapist shall conduct an initial evaluation and shall prepare clinical and progress notes.

This Statute is not met as evidenced by:  
Based on record review and interview, the HCA failed to ensure that the Occupational Therapist conducted a timely initial evaluation of the patient as ordered by the physician for one of the 17 active patients in the sample receiving skilled services (Patient # 15).

H 553

The DON will review fifty percent (50%) of the clinical records bimonthly, on the odd months to ensure that the skilled nurses are compliant with recording the progress notes of patient's receiving HHA services at least every 30 calendar days and the summary notes at least once every sixty-two (62) calendar days.

**H553 3922.4 Occupational Therapy Services** 11/1/2020

Affected Patient(s): #15

**Corrective Action:**  
Berhan Home Health Care Agency (BHHCA) acknowledges the identified deficient practices on the failure of the Occupational Therapist to evaluate and treat the patient in a timely manner as ordered by the physician.

The responsible OT has been counseled on the importance of compliance with CMS regulations and BHHCA's Comprehensive Client Assessment Policy. To maintain

Findings included

Review of Patient #15's current clinical record on 10/02/2020 at 3:30 PM showed a POC with a duration period of 08/26/2020 through 10/24/2020. The POC contained a physician's order that was written on 08/25/2020 for the SN, PT, and OT to each evaluate and treat the patient. Further review of the clinical record showed that the SN and PT each saw the patient

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initially on the 8/26/2020 and 09/02/2020 as ordered, but the Occupational Therapist did not evaluate the patient until 09/22/2020, 27 days after the order was written. Review of the HCA "Comprehensive Client Assessment Policy C-150" stated that a thorough, well organized, comprehensive and accurate assessment, consistent with the clients immediate needs will be completed in a timely manner, but no later than five (5) calendar days after the start of care. A documentation by the OT on 09/18/2020 stated that there was no parking adjacent to the building and so he/she was unable to go in and conduct the assessment.

During interview with the Clinical Manager on 10/02/2020, she was unable to explain why it took so long (27 days) for the Occupational Therapist to evaluate and treat the patient as ordered.

At the time of survey the HCA failed to ensure that the Occupational Therapist conducted a timely initial evaluation of the patient as ordered by the physician for one of the 17 active patients in the sample receiving skilled services (Patient # 15).

H 553

continued employment, the responsible OT will ensure a timely completion of a comprehensive and accurate assessment which is consistent with the client's needs no later than five (5) calendar days after the start of care.

**Systemic Change:**

The DON has provided a copy of the "Comprehensive Client Assessment Policy" to all the clinical staff at Berhan Home Health Care Agency. All clinical staff are required to comply with the policy which is line with CMS regulation to maintain continued employment with the agency.

**Quality Assurance Measure:**

The DON will review twenty percent (25%) of the clinical records biweekly. This review will focus on recent admissions to ensure that a thorough, well-organized, comprehensive and accurate assessment, consistent with the client's immediate needs are completed in a timely manner, but no later than five (5) calendar days after the start of care.

**Implementation Date:**

11/1/2020