

# **Nursing Home Complaint & Deficiencies Report**

(Pursuant to Section 714 (1) (2) of PA 59 of 2013)

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**Prepared by**

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### **Executive Summary:**

Pursuant to Public Act 59 of 2013, this report has been prepared and issued electronically to the House and Senate appropriations subcommittees, House and Senate Fiscal Agencies, and the state budget director to meet the April 1 reporting requirement. In addition, this report may also be found online under the following locations:

- The Bureau of Health Care Services website at: [www.michigan.gov/bhcs](http://www.michigan.gov/bhcs).
- The All About LARA section - Legislative Reports of the Department of Licensing and Regulatory Affairs website at: [www.michigan.gov/lara](http://www.michigan.gov/lara).

The Bureau of Health Care Services (BHCS), where the Long Term Care (LTC) Division is located, is responsible for tracking this data. The mission of BHCS and its LTC Division is to assure that residents residing in Michigan's nursing homes receive the highest quality of care and quality of life in accordance to state and federal laws.

Specifically, the information provided is based on data from October 1, 2012 through September 30, 2013.

## **COMPLAINTS AND DEFICIENCIES**

### **Background:**

Public Act 59 of 2013 requires the following:

**Section 714 (1):** *The department shall report by April 1 to the subcommittees, fiscal agencies, and state budget director on the timeliness of nursing facility complaint investigations and the number of allegations that are substantiated on an annual basis. The report shall consist of the number of allegations filed by consumers and the number of facility reported incidents. The department shall make every effort to contact every complainant and the subject of a complaint during an investigation.*

**Section 714 (2):** *The department shall gather information on its most frequently cited complaint deficiencies for the prior 3 fiscal years and include that information in the report required under subsection (1). The department shall determine whether there is an increase in the number of citations from 1 year to the next and assess the cause of the increase, if any, and whether education and training of nursing facility staff or department staff is needed.*

**FY 2013 Data:**

The following data was generated from the federal Centers for Medicare and Medicaid Services (CMS) ASPEN Complaints and Incidents Tracking System (ACTS):

1.	The number of nursing facility complaint intakes filed:	2,049
	• Number of allegations	7,264
	• Substantiated allegations	1,711
	• Unsubstantiated allegations	5,479
	• Resolved without investigation	41
	• Pending investigation	33
2.	The number of nursing facility reported incidents (FRI) filed:	3,228
	• Number of alleged incidents	3,529
	• Substantiated incidents	1,484
	• Unsubstantiated incidents	1,411
	• Resolved without investigation	430
	• Pending Investigation	204
3.	The average length of time (includes weekend and holidays) for the department to enter a facility in response to a complaint filed against a nursing home:	
	a. Acknowledgment of receipt of complaint	1 day
	b. Complaint investigation (only) conducted (average time by priority):	
	• Immediate Jeopardy (IJ)*	2.04
	• Non-IJ High**	31.92
	• Non-IJ Medium*** and Non-IJ Low****	57.47
	• All Non-IJ Complaints	83.63
	c. Facility Reported Incidents (FRI) investigations conducted (average time by priority):	
	• Immediate Jeopardy (IJ)*	1.96
	• Non-IJ High**	32.02
	• Non-IJ Medium*** and Non-IJ Low****	34.31
	• All Non-IJ FRIs	74.50

\*IJ (within 2 working days): Serious injury, impairment, or death.

\*\*Non-IJ High (within 10 working days): Harm other than serious injury or death.

\*\*\*Non-IJ Medium (within 15 working days): Potential for harm.

\*\*\*\*Non-IJ Low (within 30 calendar days): Minimal harm.

## **Top 10 Most Frequently Cited Complaint Deficiencies – Michigan FY 2013:**

<b>TAG</b>	<b>CATEGORY</b>	<b>NUMBER OF CITATIONS</b>
F323	FREE OF ACCIDENT HAZARDS, SUPERVISION, DEVICES	201
F309	PROVIDE CARE/SERVICES FOR HIGHEST WELL BEING	82
F241	DIGNITY AND RESPECT OF INDIVIDUAL	56
F223	FREE FROM ABUSE, INVOLUNTARY SECLUSION	56
F225	INVESTIGATE, REPORT ALLEGATIONS, INDIVIDUALS	51
F281	SERVICES PROVIDED MEET PROFESSIONAL STANDARDS	47
F226	DEVELOP/IMPLEMENT ABUSE, NEGLECT, ETC. POLICIES	46
F157	NOTIFY OF CHANGES (INJURY, DECLINE, ROOM, ETC.)	37
F224	PROHIBIT MISTREATMENT, NEGLECT, MISAPPROPRIATION	34
F279	DEVELOP COMPREHENSIVE CARE PLANS	25

**Top 10 Most Frequently Cited Tags (Deficiencies) – Michigan FY 2013:**

<b>TAG</b>	<b>CATEGORY</b>	<b>NUMBER OF CITATIONS</b>
F441	INFECTION CONTROL, PREVENT SPREAD, LINENS	215
F323	FREE OF ACCIDENT HAZARDS, SUPERVISION, DEVICES	201
F371	FOOD PROCURE, STORE, PREPARE, SERVE (SANITARY)	180
F329	DRUG REGIMEN IS FREE FROM UNNECESSARY DRUGS	163
F465	SAFE, FUNCTIONAL, SANITARY COMFORTABLE ENVIRONMENT	111
F314	TREATMENT, SERVICES TO PREVENT/ HEAL PRESSURE SORES	109
F309	PROVIDE CARE/SERVICES FOR HIGHEST WELL BEING	97
F279	DEVELOP COMPREHENSIVE CARE PLANS	95
F226	DEVELOP/IMPLEMENT ABUSE, NEGLECT, ETC. POLICIES	81
F431	DRUG RECORDS, LABEL/STORE DRUGS AND BIOLOGICALS	77

## SUMMARY

The Bureau of Health Care Services (BHCS) executive and legislative charge is to fulfill health care licensing and regulatory responsibilities to the people of Michigan. BHCS continues to serve all consumers, including individuals, health professionals and providers in the health care industry. Through collaboration and with improved efficiencies to the Bureau, this is an opportunity to look forward as we all strive to achieve the highest level of customer service throughout the state of Michigan.