

## **Summary of Findings September 10, 2011**

On Friday, September 9, 2011, the Centers for Medicare and Medicaid Services (CMS) notified Parkland Health & Hospital System that it was out of compliance with the CMS Conditions of Participation – the health and safety standards health care organizations must meet in order to participate in the Medicare and Medicaid programs. CMS stated that due to this non-compliance, Parkland's CMS provider agreement would be terminated effective September 30, 2011. However, Parkland committed to The Centers for Medicare and Medicaid Services (CMS) that it will enter into a Systems Improvement Agreement to maintain Parkland's participation in the Medicare and Medicaid programs. A Systems Improvement Agreement is a time-limited agreement between CMS and a hospital. In lieu of termination, the Systems Improvement Agreement requires Parkland to bring in external, third-party and CMS-approved quality improvement consultants to identify corrective actions and report Parkland's progress on abating those deficiencies. This agreement, which will be finalized no later than Sept. 30, provides Parkland the opportunity to continue to fully operate and to address the problems identified in the recent CMS survey.

The Parkland team must ensure that it is providing the quality of care that its patients are entitled to. We appreciate CMS' willingness to work with us to improve our provision of care to Medicare and Medicaid recipients. We remain committed to caring for our patients in a safe and effective manner and we will whole-heartedly cooperate with CMS to address our non-compliance. This is an opportunity to transform our care delivery structure and services in a manner that is befitting the state-of-the-art campus that is being built across the street. To that end, we are continually looking at our processes and procedures to in, effect, build a new Parkland from the inside out.

All of us at Parkland are deeply troubled by the CMS findings. Our goal has always been to provide patients with high quality health care in a safe environment. We understand the responsibility we shoulder. We understand there are problems, take responsibility for them and are deeply committed to making things right. We will work with our external partners and CMS to will address and resolve deficiencies. Improvement is a journey, not a destination. We will continue training, monitoring and evaluating to ensure the corrective plan is, and remains, full effective. We will remain vigilant for the sake of the patients and the community.

Below is a summary of the findings that led CMS to the "Immediate Jeopardy" serious concern and CMS's current assessment of those findings. We also highlight some of the findings that CMS describes as Condition Level deficiencies (significant) and Standard Level (requirement not met) deficiencies.

Because the focus of the August survey was the Immediate Jeopardy items, CMS has not yet had an opportunity to provide its assessment of the comprehensive corrective action plan provided by Parkland on Aug. 19, 2011.

## **Access to Emergency Services**

## **What did CMS find?**

CMS noted that Parkland did not follow our own policies and procedures that ensure patients arriving for acute care services receive an appropriate medical screening examination by qualified personnel, or policies regarding stabilizing treatment for patients. CMS also noted that Parkland staff did not follow our own procedures related to documentation of patients transferred from another facility to Parkland.

Hospital policies did not consistently define the role of registered nurses in the assessment of patients.

CMS also noted that the Parkland policy referred children under the age of 14 seeking emergency care to be adjourning but different acute care facility (Children's Medical Center) to be medically screened and treated.

It was also reported that Parkland failed to post prominent and conspicuous Emergency Medical Treatment and Active Labor Act (EMTALA) in the Emergency department and other public spaces.

## **Why is it important?**

Parkland's policies and procedures must adhere to the EMTALA. This law was instituted to assure that patients with acute conditions are evaluated and stabilized at a health care facility, regardless of their ability to pay for services.

Parkland must assure that any patient presenting for acute care is reliably evaluated, and that patients get to the appropriate location for their definitive care in a safe manner. It is critical that Parkland adhere to this federal regulation and its own policies regarding the triage and medical screening examination of patients.

The communication of information about patients between outside facilities and Parkland, and from one location at Parkland to another, must be accurate, timely and complete. It is a federal regulation that patients are informed of their rights under EMTALA and other protective federal regulations. It is the responsibility of health care organizations to post this information in conspicuous public places and in a manner that facilitates widespread awareness by patients of their rights under these laws.

## **What is Parkland's current status?**

This category of services was deemed to be still at the Immediate Jeopardy level.

However, the following elements were removed from that status, signifying improvement and full compliance with regulations:

- Signage
- On-call physician system
- Appropriate documentation of transfers to another facility

## **Serious downgraded to significant**

### **Infection Prevention**

#### **What did CMS find?**

Surveyors indicated that physicians, nursing staff or other personnel were not adhering to practices that help prevent the spread of infection. In particular CMS stated a) staff wore surgical masks around their necks outside of the treatment areas, b) staff did not wash hands after removing gloves, treating patients or touching equipment and c) closed trash bags were transported uncovered.

### **Why is it important?**

Infection prevention is important in order to ensure our patients don't acquire additional infections while at Parkland. We must provide a sanitary environment to avoid transmission of infections and communicable diseases.

At Parkland in particular, many of our patients are more susceptible to infection because they are old, present with significant acute illness, or have more medical conditions that may put them at risk of acquiring infections. It's critical all our personnel, whether they work in clinical areas or an office, practice scrupulous hygiene practices.

### **What is Parkland's current status?**

The Immediate Jeopardy assessment of this category of findings was downgraded but it remains at condition level because, in CMS' determination, the hospital had not had enough time to fully implement its plan of correction and evaluate the effectiveness of those actions to ensure continued compliance.

## **Issues not yet resurveyed and reassessed:**

### **SIGNIFICANT**

#### **Nursing**

##### **What did CMS Find?**

Some medical records did not include documentation of a complete assessment and evaluation, plan, interventions, patient response to interventions, reassessment of interventions, ongoing monitoring and/or education.

The survey team also noted certain areas did not demonstrate adequate nurse staffing.

##### **Why is it important?**

Good nursing care is a key to the quality of care we provide patients who seek healing and relief. These health professionals are critical to the ongoing assessment and reassessment of the patient's condition.

Nursing services must be completely documented in the medical record. Continuous documentation of patient status and their response to therapy is required so the treatment team can continue to carry out a patient's plan of care.

The nurse staffing plan must provide for a sufficient number of nurses to care for the respective volume and acuity of patients at a given time so we can ensure Parkland provides necessary and appropriate care to patients.

## **Requirement not met**

### **Medical Record Services**

#### **What did CMS find?**

Surveyors identified patient medical records which did not include all required documentation. In addition, some entries were not signed, dated and time-stamped.

**Why is it important?**

An accurate medical record is needed so the health care team can deliver effective, clinical care. In order for this to happen, all patient medical record entries must be complete, legible, dated, timed and signed in written or electronic form by the clinical provider per hospital policies and procedures.

**Content of Medical Record**

**What did CMS find?**

Surveyors found nursing care documentation and the emergency severity index were not reflected in several of the medical records reviewed.

**Why is this important?**

In order to monitor the patient's condition, all practitioner's orders, nursing notes, reports of treatment, medication records, radiology and laboratory reports, vital signs and other necessary information must be present in the medical record. Records must be complete and all health care personnel must assure their care and/or treatment is documented in a timely and comprehensive manner.

**Secure Storage/ Outdated or Mislabeled Drugs**

**What did CMS find?**

Following resuscitations, drugs were not secured on crash carts. Expired vaccines were found in patient care areas, specifically in Homeless Outreach Medical Services (HOMES) mobile clinics.

**Why is this important?**

All drugs and biologicals must be secure at all times and locked when appropriate. Outdated, mislabeled or otherwise unusable drugs and biologicals must not be available for patient use. Old medications can lose their effectiveness. Safe care requires the use of current medicines and devices to avoid complications.

**Facilities, Supplies, Equipment Maintenance**

**What did CMS find?**

Surveyors found expired supplies available for patient use. In addition, surveyors found equipment which had not been properly maintained.

**Why is this important?**

Facilities, supplies and equipment must be maintained to ensure an acceptable level of safety and quality. Mechanical equipment must be periodically checked to assure it is working in the intended manner.

**Respiratory Care Services**

**What did CMS find?**

CMS indicated respiratory equipment was not stored properly, nor was it labeled with patient identifiers or disposed of properly.

**Why is this important?**

Because respiratory equipment can spread infection, it is important good infection prevention practices are followed. Since respiratory therapy devices are used with patients who almost all have intrinsic lung problems, it is critical to make sure only one patient uses disposable equipment, and that we maintain and clean such equipment.

## **Life Safety Code**

### **What did CMS find?**

Surveyors noted the following noncompliance issues in the physical plant:

- A fire alarm panel power source was not labeled and fire alarm panel, though functional, had a trouble light indication
- Several fire sprinkler heads had spray obstructions do to close proximity of adjacent light fixtures
- Two janitorial closets were not properly ventilated
- Medical gas cylinders were not individually secured in one location
- Heating Ventilation and Air Conditioning filters draft gauges were not installed in an area requiring monitoring
- Number of panel directories were outdated

### **Why is this important?**

It is Parkland's responsibility to abide by laws and regulations to ensure a safe environment and protection of patients, visitors and staff from harm.