

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

In re:

FOLTS HOME, *et al.*,

Debtors.

Case No. 17-60139

Chapter 11 (Main Case)

Case No. 17-60140

Jointly Administered

FINAL REPORT OF THE PATIENT CARE OMBUDSMAN
FOR FOLTS HOME AND FOLTS ADULT HOME

On Thursday, May 18, 2017 the patient care ombudsman observed Folts and spoke with administration, staff members, residents, and visitors in the facility.

Administration and staff have shown no changes in the facility since the last patient care ombudsman report. It appears administration and staff continue to function in their roles and responsibilities to keep the facility running smoothly. Staff shared openly with the patient care ombudsman about the tours from various corporations viewing the property. As stated in previous reports, staff and administration are eager to get out of receivership status and anticipate the transition to ownership. Their hopes are for an owner that maintains quality of care for the residents they serve.

The patient care ombudsman also spoke with a nurse that was sent in from an agency to fill in for nursing staff shortages at Folts. The agency nurse was not a regular staff member of Folts. The nurse was working the rehabilitation unit on the evening shift and was distributing medications to various residents on the unit. She was not very familiar with the residents. The nurse was unable to give the current location of a resident the patient care ombudsman was asking to see. The nurse apologized to the patient care ombudsman and explained she was agency staff filling in, and not very familiar with the residents. The patient care ombudsman took a resident complaint in the same hour regarding the use of agency nurses. The complaint brought forth by two residents on the same floor stated the agency nurses are unfamiliar with the routines and care plans of the residents. Adequate nursing staff is a reoccurring issue in the facility.

Residents on the rehabilitation unit claimed there were only two nurses' aides to meet the needs of over twenty-seven residents that evening. A resident claimed when nurses took breaks, only one nurse was available to address their needs. This was also an ongoing staffing concern brought forth by the residents.

The patient care ombudsman spoke with a family visitor in the long-term care skilled nursing unit. The visitor was happy with the care her father received in the facility. She also shared her

staffing concerns with the patient care ombudsman. She claimed to visit the facility daily and felt staff shortages continue to be an ongoing issue. The facility visitor stated staff works hard and does "the best they can" due to their circumstance of being chronically under staffed. The patient care ombudsman asked if there was any specific time staffing was an issue. Another visitor responded that staffing seemed to be sparser on evenings and weekends.

A resident expressed an environmental concern with the patient care ombudsman regarding the facility temperature. The resident claimed as the outside air temperature grew warmed, the air temperatures varied throughout the facility during the daytime hours. The resident stated each floor and areas had a different temperature and in some places, it was unbearably warm throughout the facility, especially for someone with oxygen issues. She also said it was very cold in the facility on the second floor around the chapel. The resident was informed that any extreme facility temperature is reportable to the NYS Department of Health for further investigation if the issue persists.

A staff member at Folts claimed the temperatures vary throughout the facility. She stated during the day it tends to get very warm on the upper floors of the facility. She stated staff chronically complains about the temperature in the facility and she felt residents pick up on the staff complaints. She explained the challenges of finding a comfortable temperature to please staff and residents. The patient care ombudsman could not verify the temperature of the facility during the day. In the evening during the visit the thermostat read seventy-one degrees.

On Wednesday, May 24 The patient care ombudsman observed the facility and spoke with staff, residents, and visitors. Majority of the residents had no facility related concerns to address with the patient care ombudsman.

On this visit, the patient care ombudsman observed a lack of NYS Department of Health posters in the skilled nursing section on the upper floors. The patient care ombudsman educated residents living in the skilled nursing section of their right to contact the NYS Department of Health with any facility grievances. One resident stated the information to contact the state was not posted in a location where she has easy access. She also claimed to have no access to a telephone for personal use to call the state regulatory agency. This resident stated she was new to the facility, but was unaware of her rights and lacked information to contact anyone. The patient care ombudsman educated the resident of her rights to do so.

The patient care ombudsman questioned staff on the fifth floor regarding easy access to state postings. The patient care Ombudsman explained the residents should have easy access to this information so residents can freely contact the state oversight agencies at their convenience. Staff was not aware of where the posters were for the NYS Department of Health. One staff member checked the elevator, but it was taken down. There was one NYS Department of Health poster located in an adjacent elevator that many residents don't freely access. The patient care ombudsman shared the posters should be in a more convenient place where residents could easily view them.

The patient care ombudsman observed a resident who was having issues in her new room. The resident appeared to be very uncomfortable. She claimed to have recently moved rooms, because

the facility was unable to offer her a television in her previous room. The patient care ombudsman explained to the resident her rights to stay in the room she was familiar with. The resident was not aware of her rights to do so. The resident felt she had no choice and had to move to get her television. The resident did not want to voice a formal grievance to the facility or the NYS Department of Health. She asked for further information about her rights as resident in the nursing home. The patient care ombudsman consulted her on her rights and gave further information to contact the state regulatory agency with any future grievances.

The patient care ombudsman further addressed the facility temperature complaints with another staff member. The staff member verified that the facility has inconsistent temperatures throughout the building. The staff member felt it was due to the old infrastructure of the facility that needed updating and ventilation. The staff member was most concerned about the upper levels of the skilled nursing facility. The patient care ombudsman noted no temperature issues on this visit, however, it remains an ongoing concern of staff and residents.

On Monday, May 29, 2017, the patient care ombudsman observed the facility on the Memorial Day holiday. There was a noticeable reduction of nursing staff during this observation. On Claxton Manor side of the facility a CNA stated there was a nurse assigned to each floor. Throughout the observation, the patient care ombudsman observed only one staff member on the first floor and one staff member on the second floor. There was no nurse present on the third floor at the time of observation. Many residents were present in their rooms on the third floor, but no staff member could be found at the time of the observation.

The patient care ombudsman observed a resident on the second floor of Claxton Manor requesting her medication from the nurse. The nurse asked the resident if the medication was previously ordered. The resident was unsure if nursing staff had previously ordered her medication. Prompt access to needed medications for the residents of Claxton Manor has been an ongoing issue observed and addressed by the patient care ombudsman throughout this time. Residents were previously informed of their right to contact the NYS Department of Health if they continued to have medication issues.

Majority of the Claxton residents had no grievances to share with the patient care ombudsman. One resident praised the staff for being helpful and attentive. Other residents waited for lunch. The residents were disappointed their Memorial Day activities were cancelled due to the weather. There was no alternative activity for residents to participate in.

On the first floor of Folts skilled nursing, the patient care ombudsman observed one staff member on duty trying to meet the needs of multiple residents. A resident had an issue with the low number of staff present during the holiday weekend. The resident claimed there was only one nurse for their entire floor. The resident stated that during the overnight shift, one nurse would cover two floors. Most residents had respect for the staff that worked over the holiday weekend and claimed the nurses deserved more incentives for their hard work and dedication.

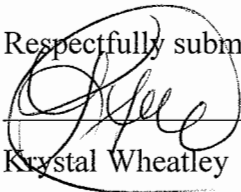
The resident council president of Folts skilled nursing was happy to share the facility would pay for her new wheel chair battery. She also explained the facility will soon be receiving new furniture due to a grant. The resident council president claimed to have continued concerns with

the oxygen tank that were never resolved to her satisfaction. She anticipates an answer on this and has been educated on her rights to contact state regulatory and oversight agencies. The patient care ombudsman previously reported the council president grievances with the oxygen tank to administration.

The resident council president of Folts skilled nursing asked the patient care ombudsman for final dates of the auction. This information was provided to the resident council president. The resident council president asked if the patient care ombudsman will continue to observe the facility during the potential transition to new ownership. The patient care ombudsman informed the resident council president that the role ended when the facility was auctioned. The patient care ombudsman provided the council president with further information to contact the NYS Department of Health, Attorney General Office, and NYS Ombudsman Program, if she, or other residents, felt the need to do so while the facility undergoes any transitions.

The facility continues to function normally through the proceedings. Staff, residents, and community visitors hope the continuity of care and quality of life for residents continues to progress through any future transitions in ownership. The residents believe it's important to the facility to build staff morale and offer staff incentives for their continued work and dedication to Folts. It has been stated to the patient care ombudsman throughout the observation that staff members and residents feel the facility is like a family to them. Staff and residents are eager to be informed of any future changes that may impact them.

Respectfully submitted this 31 day of May, 2017



Krystal Wheatley

9 Bonnie Brae

Utica, NY 13501

(315)939-0296

Krystalanne1317@gmail.com