

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

In re:

Case No. 17-60139

Chapter 11 (Main Case)

FOLTS HOME, *et al.*,

Case No. 17-60140

Jointly Administered

Debtors.

SEVENTH REPORT OF THE PATIENT CARE OMBUDSMAN FOR FOLTS HOME

The PCO observed the facility and conducted interviews in Folts Home on the twenty second of January and the twenty second of February of 2018. Various issues were brought to the attention of the PCO on these occasions.

STAFFING: On January 22, the PCO spoke with three staff members and three residents in the facility that voiced various grievances to the PCO regarding staffing shortages. Inadequate staffing continues to be the primary concern communicated from both facility staff and residents. One nursing staff member claimed the facility is running on "skeleton crews" with minimal staff. The staff member stated, "frequent mandates create staff burn out." One staff member claimed there is "only one certified nurse's aide (CNA), one licensed practical nurse (LPN), and one ward clerk scheduled to the 29-resident rehabilitation unit." It was further expressed that these numbers are also subject to change. It was reported, "staff are pulled to other floors for coverage." The staff members felt the staffing shortages worsened over the past few months in the facility. One staff member stated, "the skeleton crew shifts became worse back around November 2017." Another staff member noticed a significant decrease in staffing during the month of December 2017. When asked why the facility was having difficulty with staffing issues one member suggested, "there is no competitive wages or appreciation for staff that stays on and does their job." One staff member claimed, "we no longer have agency LPNS." Members of the staff claimed to bring this grievance topic to their supervisors, or administration. Staff interviewed felt their concerns were disregarded. They are told staffing is adequate with no resolution into the problem. The PCO reminded staff members of their obligation as mandated reporters to report staffing concerns to the NYS Department of Health if they felt it impacts the safety and quality of care to the residents they serve.

Staff retention and turnover was also reported to the PCO. A staff member claimed another social worker and various CNAs exited employment at the facility sometime in January of 2018.

Residents in the facility raised similar staffing concerns to the PCO. On January 22, one resident stated, "I wait between 5mins to 30mins for someone to answer me, but I know they're busy." The resident stated, "I wait even longer during meal times or when they're assisting a resident that requires two nurses." The same resident claimed, "most of the staff is hard working, but there's just not enough of them." The resident claimed to bring up staffing issues to administration and was told "there is ample staffing in the facility".

On February 22, various residents shared their staffing grievances. One resident stated, "it took over an hour to respond to my call bell to toilet me." Many residents claimed to bring these concerns to the attention of the facility individually or through resident council meetings, but their grievances remain "unfixed." When asked why residents felt their grievances were disregarded one resident claimed, "they don't have the time to respond to us." Residents were informed of their rights to bring formal grievances forward to the facility grievance officer. The residents claimed they were never notified of a grievance officer or aware of the facility policy to file a formal grievance on record. Residents were educated on their rights to contact the regulatory agency if the facility failed to follow up with their issues.

Medication, Supplies, Equipment: When staff was asked if the facility had adequate supplies and medications, two staff members felt proper and adequate care supplies were not an issue. They stated they can "run out" of supplies, but they are re-ordered. One nurse claimed

On February 22, various residents claimed to have limited access to "wash cloths and hand towels" when needed. They claimed residents are only allowed one wash cloth a day "if the facility has them." One resident claimed to have to use "rough paper towels to clean up with."

On February 22, one resident claimed the brakes on his wheelchair were not in proper working order. The resident claimed, "the brakes kick out." The resident was told to address this with physical therapy staff and after weeks there was no follow up by the facility.

Dietary: There were various dietary concerns brought to the attention of the PCO. Many residents claimed they were not offered snacks in between meals, however, residents were not denied snacks or beverages if they asked for them. This is a concern for residents that cannot vocalize their dietary wants and needs to staff. One resident also stated, "food portions are smaller, and there's no offer of second helpings." Other residents felt there was "no selection in the menu."

Environmental: In the most recent observations there were no apparent structural renovated updates or changes made to the facility.

On January 22, staff and residents recalled a facility heating issue on or around New Year's Day 2018. A resident claimed, "there was no back up system and it was cold for hours." The same resident claimed to be told the pipes froze inside the building, and heat could not get in. It was reported by staff that the facility had National Grid resolve the issue on the same day.

When asked about facility updates and renovations, one staff member claimed heating and cooling systems were being worked on. Another staff member claimed WIFI accessibility was also being implemented in the facility, but some issues remained. Staff also shared plans to renovate the rehabilitation unit of the facility.

Physician: On January 22, there was an isolated resident complaint regarding the facility physician, Dr. Liu. The resident claimed the doctor disregarded a medical issue the resident experienced. The resident claimed to release himself to the hospital from the facility against medical advice of the facility. The resident was then admitted to the hospital following this incident in November of 2017. The resident was given Department of Health information to report this occurrence and was already aware of the process to do so.

On February 22, various residents reported complaints of the facility doctors not spending adequate time with them to address their needs or follow up on concerns.


Infection Control & Communicable Disease: Staff and residents reported widespread flu and GI Viral Bug activity throughout the facility over the winter months.

Residents' Rights: On January 22, one resident claimed the facility was "forcing residents" to move rooms from the rehabilitation unit to other floors of the facility. The resident stated, "many residents were told they'd have to move or have been moved already against their wishes." The resident was informed of their right to contact the NYS Department of Health.

On February 22, residents were asked if they felt their rights were respected and if they were treated with dignity and respect. Some residents claimed they were not always treated in a dignified matter; one resident stated, "sometimes yes; and sometimes no." Residents were asked if staff respected their rights to have personal choices and autonomy. Residents claimed they followed the schedule and "the rules" set forth by the facility. One resident stated, "you go to bed when they put you to bed; you wake up when they wake you up; and you eat when they feed you." The residents present stated they had little to no input in their daily schedule.

The NYS Department of Health conducted their most recent survey inspection of Folts skilled nursing facility during the month of February 2018. The survey report was made public in March 2018 with various findings from the regulatory agency. Many of these findings significantly impact the quality of life and care for the residents of Folts.

Respectfully submitted this 23 day of March 2018


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