

CALIFORNIA HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF PUBLIC HEALTH

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 055916	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____ B. WING _____	(X3) DATE SURVEY COMPLETED 07/20/2009
NAME OF PROVIDER OR SUPPLIER KAWEAH MANOR CONVALESCENT HOSPITAL		STREET ADDRESS, CITY, STATE, ZIP CODE 3710 WEST TULARE AVE, VISALIA, CA 93277 TULARE COUNTY		
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	<p>The following reflects the findings of the Department of Public Health during a complaint/breach event visit:</p> <p>Complaint Intake Number: CA00195220 - Substantiated</p> <p>Representing the Department of Public Health: [REDACTED], HFEN</p> <p>The inspection was limited to the specific facility event investigated and does not represent the findings of a full inspection of the facility.</p> <p>Health and Safety Code Section 1280.15(a) A clinic, health facility, home health agency, or hospice licensed pursuant to Section 1204, 1250, 1725, or 1745 shall prevent unlawful or unauthorized access to, and use or disclosure of, patients' medical information, as defined in subdivision (g) of Section 56.05 of the Civil Code and consistent with Section 130203. The department, after investigation, may assess an administrative penalty for a violation of this section of up to twenty-five thousand dollars (\$25,000) per patient whose medical information was unlawfully or without authorization accessed, used, or disclosed, and up to seventeen thousand five hundred dollars (\$17,500) per subsequent occurrence of unlawful or unauthorized access, use, or disclosure of that patients' medical information.</p> <p>Based on resident, police and providers interviews, and police and administrative document review, the facility failed to ensure the information contained in</p>			

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11/19/2010

11:14:17AM

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	<p>Continued From page 1</p> <p>resident's clinical record was kept confidential when the face sheets for 5 residents were photocopied for the purposes of identity theft. This failure resulted in psychosocial harm to 3 residents (Resident 1,2 and 3) and had the potential for financial harm to Residents 1,2,3,4 and 5.</p> <p>Findings:</p> <p>On 7/16/09, the local Police Department notified the facility regarding the arrest of a Physical Therapy Assistant (PTA). The PTA was an employee of a rehabilitation agency which had a contract with the Long Term Care facility.</p> <p>On 7/21/09 at 8:30 a.m., during an interview, the Administrator stated the PTA had copied face sheets and stolen identities of undetermined amount of residents.</p> <p>On 7/21/09 at 2:00 p.m., during a telephone interview, Chief Operations Officer (COO) stated she was contacted on July 15, 2009 by the Detective assigned to the case about the suspicion of identity theft involving five residents. On 7/16/09 the COO was notified by the local police department who informed her the PTA was arrested due to identity theft involving five residents who resided in the facility.</p> <p>On 7/21/09 at 2:30 p.m., during a telephone interview, the Detective assigned to the case, stated the police became aware of a pattern regarding elder abuse. The Detective, with the assistance of the Post Office, photo copied all mail</p>				

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	<p>Continued From page 2</p> <p>going to one address for 30 days. The Detective acquired a search warrant for the address and discovered copies of face sheets taken from the LTC facility by the PTA.</p> <p>On 9/08/09 the local Police report was reviewed for Resident 1. The police report included evidence of identify theft which was obtained during the search of the PTA's property. Credit Cards were issued under Resident 1's name. There was evidence that \$16,000 for a home remodel application had been completed online. The report indicated while the officer was at the PTA's residence a package arrived addressed to Resident 1. Inside of the package addressed to Resident 1 were two wedding rings. The police report indicated, "There were no particular details noted on the male's band but the female band had a certificate accompanied with it saying that is was an appraisal summary, dated 5/17/07 that it was a round brilliant cut carat weight of 0.78 carats color F, clarity S12, polish good, estimated retail replacement value of \$5,415."</p> <p>On 9/16/09 at 10:35 a.m., during an interview Resident 1 stated, "I got sick to my stomach. I didn't know what to do. It hurts my soul." Resident 1 was tearful and anxious while being interviewed. Resident 1 stated her husband is diabetic and has been a nervous wreck. Resident 1 stated, "I feel like my whole life is going down the drain". Resident was observed to be emotionally upset which was demonstrated by crying.</p> <p>On 9/08/09 the local Police report was reviewed for</p>			

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	<p>Continued From page 3</p> <p>Resident 2. The police report included Resident 2 was a victim of identity theft from Kay and Zales Jewelers and Citibank which were sent to PTA's residence. Credit had been obtained in Resident 2's name as well as high speed Internet for PTA's address.</p> <p>On 9/17/09 at 9:35 a.m., during a telephone interview Resident 2 stated, "I have felt a lot of stress, annoyance and anger about the situation." Resident 2 stated she was only in the nursing facility for a short time to recuperate from back surgery. Resident 2 expressed her concern about being subpoenaed for a hearing on October 2nd. Resident 2 stated, "I'm anxious about having to sit in court, my back pain is better but I still have pain".</p> <p>On 9/08/09 the local Police report was reviewed for Resident 3. The report included Resident 3 was a victim of identity theft. Resident 3 received a GE Money Bank offer located at PTA's address.</p> <p>On 9/17/09 at 10:30 a.m., during a telephone interview, the daughter-in-law of Resident 3 stated that the family tried to filter the information that they gave to Resident 3. The daughter-in-law stated Resident 3 has a heart condition but was still able to reside in independent living in his own little apartment. The daughter-in-law stated when his mail stopped coming the family contacted the fraud department of he United States Postal Service. At that time they learned that a change of address form had been submitted to the Post Office to change Resident 3's mail delivery by the perpetrator</p>				

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	<p>Continued From page 4</p> <p>of the identity theft. The daughter-in-law stated, "When the mail stopped coming it was very upsetting for him (Resident 3). He felt he had been "erased". The daughter-in-law stated that at this time her father-in-law was worried about having to go to court. Resident 3 received a subpoena for an October 2nd court date. Per the daughter-in-law, Resident 3 has trust issues now and is fearful of nursing homes.</p> <p>On 9/08/09 the local police report was reviewed for Resident 4. The report indicated Resident 4 was a victim of identity theft. The police report identified a Kohl's credit card in the name of Resident 4. There were items purchased from Kohl's online on the premises. These items were sent in Resident 4's name to the PTA's address. Resident 4 received a Sear's credit card offer and an offer related to a Target credit card. These items were sent with Resident 4's name addressed to the PTA's residence.</p> <p>On 9/09/09 the local police report was reviewed for Resident 5. The report indicated that Resident 5 was a victim of identity theft. Resident 5's name was on correspondence from Zales Jewelers addressed to the PTA.</p> <p>The facility failed to ensure the information contained in resident's clinical records was kept confidential when the face sheets for five residents were photocopied for the purposes of identity theft. The facility's allowance of this breach of these residents' personal medical and other confidential information is a violation under H & S 1280.15.</p>				

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	<p>Continued From page 5</p> <p>The failure to ensure the information contained in resident's clinical record was kept confidential when the face sheets for 5 residents were photocopied for the purpose of identity theft. This failure resulted in psychosocial harm to 3 residents (Resident 1,2 and 3) and had the potential for financial harm to Residents 1,2,3,4 and 5. The above facility failures may result in an Administrative Penalty.</p>				

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