

SECTION 1424 NOTICE

CITATION NUMBER: 23-2498-0011220-S

Date: 03/19/2015 Time: 1610

Type of Visit :

Incident/Complaint No.(s) : CA00397188, CA00396903

YOU ARE HEREBY FOUND IN VIOLATION OF APPLICABLE CALIFORNIA STATUTES AND REGULATIONS OR APPLICABLE FEDERAL STATUTES AND REGULATIONS

Licensee Name: Gridley Healthcare & Wellness Centre, LLC
 Address: 246 Spruce Street Gridley, CA 95948
 License Number: 230000047 Type of Ownership: Limited Liability Company

Facility Name: Gridley Healthcare & Wellness Centre, LLC
 Address: 246 Spruce St Gridley, CA 95948
 Telephone: (530) 846-6266
 Facility Type: Skilled Nursing Facility Capacity: 82
 Facility ID: 230000041

SECTIONS VIOLATED	CLASS AND NATURE OF VIOLATIONS	PENALTY ASSESSMENT \$2,000.00	DEADLINE FOR COMPLIANCE 3/31/15 8:00 a.m.
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72325(b)

CLASS B CITATION -- PATIENT RIGHTS

T22 DIV5 CH3 ART3 - 72315(b) Nursing Service - Patient Care

(b) Each patient shall be treated as individual with dignity and respect and shall not be subjected to verbal or physical abuse of any kind.

The facility failed to ensure an environment free from abuse and mistreatment when staff members took and sent undignified and disrespectful photographs and videos of residents. The videos included CNA B twerking (dancing to popular music in a sexually provocative manner involving thrusting hip movements and a low, squatting stance) over a resident's head and CNA A twerking in a resident's room. This resulted in abuse of residents when they were subjected to mistreatment that was undignified and humiliating.

On 5/1/14, the facility's undated policy to address abuse prevention, indicated that the purpose of the policy was to protect residents from abuse, neglect and mistreatment. The policy indicated gestured language that was derogatory or disparaging, was considered abuse, regardless of the resident's age, ability to comprehend, or disability. The policy indicated "mental abuse", included humiliation and harassment of the resident.

Name of Evaluator:
 Nancy Elloway
 HFEN

Without admitting guilt, I hereby acknowledge receipt of this SECTION 1424 NOTICE

Signature : *[Signature]*

Name : LINDA IRVING

Title : Administrator

Evaluator Signature : *Nancy Elloway*

NOTE: IN ACCORDANCE WITH CALIFORNIA HEALTH AND SAFETY CODE, FAILURE TO CORRECT VIOLATIONS IS GROUNDS FOR SUSPENSION OR REVOCATION OF YOUR LICENSE

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SECTIONS VIOLATED	CLASS AND NATURE OF VIOLATIONS
	<p>The facility's employee handbook, dated 4/2013, indicated that the use of personal communication devices, such as cellular (cell) phones, was prohibited during normal work hours and in all work areas.</p> <p>On 5/1/14 at 1:45 pm during a telephone interview, an anonymous complainant explained that videos were sent by cellphone of Certified Nursing Assistant B (CNA B) twerking over a residents head, and a photo was sent of a resident (Resident 1), who was only wearing a brief, being carried by CNA B up over his shoulder. The anonymous complainant stated the photographs and videos were sent by CNA A using the snap-chat application (app) (enables real time photographs and video to be displayed for a few seconds on another person's cellphone, but is not saved on either device).</p> <p>On 5/5/14 at 9:30 am during an interview, CNA G explained that on 4/29/14, during the day shift, she made a report to the Administrator. CNA G reported that CNA A had been snap-chatting photographs of residents that were inappropriately exposed and/or appeared to be deceased. CNA G added that she was absolutely disgusted by the lack of respect this showed for human life and for a person who had passed. CNA G went on to explain that, "our residents are mothers, fathers, sisters, brothers and are all humans that love and have feelings." CNA G stated that it was amazing to her that a person could be so uncaring for a laugh. CNA G stated that she had received abuse training in the facility. CNA G stated that this constituted abuse to residents, which was why she had reported it to the Administrator. CNA G stated that she was surprised to find out that CNA B was still scheduled to work with residents after this had been reported.</p> <p>On 5/14/14 at 1:30 pm during an interview, CNA C, confirmed that while working in the facility she had received video on her cellphone through the snap-chat app of CNA B twerking over the head of a resident and of CNA A twerking over a recliner that was located in a resident room. CNA C stated staff frequently used the snap-chat app to communicate by texting words to others. CNA A explained that a photo of the background was always included with the text since the snap-chat app was designed for sending real time photos and videos. CNA C stated that many times the background in the photos included partial photographs of residents. CNA C stated that photographs were sent, using snap-chat, on many occasions to multiple staff in the facility. CNA C stated that the resident in the video where CNA B was twerking over his head was not identifiable from the photograph and did not appear to be aware of what was happening. The resident appeared to be sleeping or unconscious. However, CNA C</p>

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	<p>explained that after thinking it through, she realized the behavior in itself was undignified and humiliating towards the resident.</p> <p>On 7/14/14 at 4:15 pm during a telephone interview, the facility's New Administrator stated that the Department of Justice (DOJ) investigators had taken staff cell phones to retrieve deleted data, and were able to provide the facility with information that included which residents and CNAs were involved (Residents 1, 2, 3 and 4) in the abuse incidents. Resident 1 was identified as the resident being carried over the shoulder of CNA B. The New Administrator stated the facility had fired five CNAs who had been involved.</p>

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