

OFFICE OF THE LONG-TERM CARE OMBUDSMAN

EST. WITHIN THE PA DEPARTMENT OF AGING

September 5, 2024

First 60-Day Patient Care Ombudsman Report

Re: LaVie Care Centers, LLC
Case No. 24-55507-PMB

As directed by the court, and pursuant to 11 U.S.C. § 333(a)(2), Fed. R. Bankr. P. 2007.2(c), the following is my preliminary 60-day report for the above-captioned case.

General Information

Pennknoll Village

Pennknoll Village offers short-term skilled nursing rehabilitation and long-term care skilled nursing facility services in Everett, Bedford County, Pennsylvania, under a regular license issued by the PA Department of Health. The population they serve is primarily geriatric.

The home has a capacity of 133 beds, of which 88 beds are currently occupied.

The current occupancy rates are significantly lower than facility census reports over the last year under the current administration.

Local ombudsman records indicate that this census, based on the number of available beds, is similar to other skilled nursing facilities in the area.

Sadie Creager, Huntingdon/Bedford/Fulton staff ombudsman, made bankruptcy-related facility visits on 7/15/24, 7/19/24, 7/24/24, 8/9/24, 8/13/24, and 8/20/24. Deborah Meitrott, Huntingdon/Bedford/Fulton volunteer ombudsman, also made a bankruptcy-related visit on 7/25/24.

Environmental Observations

On 8/20/24, ombudsman Creager reported that the “300” hall has been closed so that all residents may be together in the same hallways. The facility is not a secured unit.

An activities calendar is posted, but activities available are not targeted to all residents. The choice of foods is limited and do not correspond with menus. The rooms appear clean and odor-free, and the temperature is comfortable. There is a designated smoking area. There is concern about timely response to call bells; they are not always answered promptly.



Staffing/Operations

The facility reports 2.79 nursing hours per resident per day.

On 8/20/24, ombudsman Creager reported that the “100” hall was unstaffed for over 10 minutes as a result of a caregiver bathroom break.

During that visit, Nursing Home Administrator Jana Swartz related that a Director of Nursing, Human Resources personnel and multiple Certified Nursing Assistants had been hired. Despite that, various staff members report an improvement in staffing.

On 8/14/24, the ombudsman reported a group of staff in the “200” hall talking rather than handing out meal trays.

On 7/21/24, facility staff reported that staffing had been a problem, especially on Mondays.

Resident-Initiated Complaints/Concerns

The ombudsmen visited with an average of five (5) residents and two (2) staff during each facility visits.

Several residents stated that the food is unappealing. Multiple residents report long waits for call bell response.

Regulatory Issues/Department of Health

The PA Department of Health conducted a survey on 7/17/24. It was determined that Pennknoll Village was not in compliance with the following requirements of 42 CFR Part 483, Subpart B, Requirements for Long Term Care Facilities and the 28 PA Code, Commonwealth of Pennsylvania Long Term Care Licensure Regulations.

Reason: The facility failed to ensure the consistent services of a full-time Director of Nursing. This deficiency appears to have been remedied within the last month.

The facility last received a Civil Money Penalty of \$9,500 on 2/7/24.

Locust Grove Retirement Village

General Information

Locust Grove Retirement Village offers short-term skilled nursing rehabilitation and long-term care skilled nursing facility services in Mifflin, Juniata County, Pennsylvania, under a regular license issued by the PA Department of Health. The population they serve is primarily geriatric.

The facility has a capacity of 104 beds, of which 83 beds are currently occupied.

The current occupancy rates are significantly lower than facility census reports over the last year.

Local ombudsman records indicate that this census, based on the number of available beds, is higher than other skilled nursing facilities in the area.

Emilie Clemens, Mifflin/Juniata staff ombudsman, made bankruptcy-related facility visits on 6/13/24, 6/18/24, 6/26/24, 7/5/24, 7/11/24, and 7/18/24.

Environmental Observations

The local ombudsman reported an activities calendar is posted; they were unsure about whether appropriate activities were available. Residents have water/beverages and snacks available, and a choice of foods at meal times. The rooms appear clean and odor-free, with a comfortable temperature. There is no designated smoking area. The facility is not considered a secure unit.

Staffing/Operations

The facility reports 2.43 nursing hours per resident per day.

On the facility visit of 7/5/24, it was reported that the front desk did not have anyone present for the first few minutes of the ombudsman's arrival.

On 6/13/24, the ombudsman spoke to the social worker, ombudsman confirmed we are there for any bankruptcy concerns that may occur.

Resident-Initiated Complaints/Concerns

The local ombudsman visited with an average of three (3) residents per visit. There were no significant concerns reported.

In their visit of 6/18/24, the ombudsman reported a group of professionals conducting interviews with residents and staff. Visit related to complaint about dental care. The staffer went on to say they always provide dental care, but sometimes it takes a while to get them on a schedule.

Regulatory Issues/Department of Health

The PA Department of Health findings of a survey on 7/5/24 indicated that the facility corrected all federal deficiencies cited during a survey of 6/18/24.

The facility has not received a Civil Money Penalty since 5/4/16.

The Manor at St. Luke Village

General Information

The Manor at St. Luke Village offers short-term skilled nursing rehabilitation and long-term care skilled nursing facility services in Hazleton, Luzerne County, Pennsylvania, under a regular license issued by the PA Department of Health. The population they serve is primarily geriatric.

The facility has a capacity of 104 beds, of which 98 beds are currently occupied.

The current occupancy rates are consistent with facility census reports over the last year.

Local ombudsman records indicate that this census, based on the number of available beds, is average for skilled nursing facilities in the area.

Marcia Gabrielle, Luzerne/Wyoming staff ombudsman, made bankruptcy-related facility visits on 7/7/24, 7/17/24, 7/19/24, 7/23/24, 7/30/24, 8/2/24, 8/6/24, 8/9/24, 8/14/24, 8/22/24, and 8/27/24.

Environmental Observations

The local ombudsman reported an activities calendar is sometimes, but not always posted, as required by regulation; there are appropriate activities available, but no outside or community activities were noted. Water and beverages are available to residents three times a day; there is a general snack routine. The rooms are in general clean and odor-free, with a comfortable temperature. Staff were observed speaking loudly in common areas. Residents are allowed to smoke in a designated area at five defined times during the day. The facility is not considered a secure unit.

Staffing/Operations

The facility reports 2.62 nursing hours per resident per day.

On 8/14/24, Nursing Home Administrator Michael Palkovic said that the Department of Health had visited the facility, and they continue to receive a violation tag for lack of staffing. The owners agreed to use agency staff, but as of 8/22/24, staffing does not seem to have improved.

Palkovic supplied a supplemental report, in which he said the facilities now have \$20 million in DIP financing, and he does not expect any problems going forward.

Resident-Initiated Complaints/Concerns

The local ombudsman visited with an average of 10 residents and two staff per visit. No significant concerns were raised in an 8/6/24 resident council meeting.

Regulatory Issues/Department of Health

Based on a Medicare/Medicaid Recertification, State Licensure, Civil Rights Compliance and Abbreviated Complaint Survey completed on 5/31/24, it was determined that The Manor at St Luke Village was not in compliance with the following requirements of 42 CFR Part 483 Subpart B

Requirements for Long Term Care Facilities and the 28 PA Code Commonwealth of Pennsylvania Long Term Care Licensure Regulations.

The survey found:

- The facility failed to provide sufficient nursing staff to provide timely and quality of care to residents, and in accordance with each resident's plan of care, to meet individualized needs and promote the resident's health and well-being.
- The facility failed to provide care in a manner and environment that promotes each resident's quality of life by failing to respond timely to residents' requests for assistance.
- The facility failed to ensure consistent communication between the facility and dialysis center were completed, including weights and vital signs, and failed to monitor fluid intake for residents prescribed on fluid restrictions.
- The facility failed to develop and/or implement an individualized person-centered plan to address a resident's dementia-related behavioral symptoms.
- The facility failed to ensure that residents receive care consistent with professional standards of practice to prevent pressure sore development.
- The facility failed to provide written notices of facility-initiated transfers to the resident and the resident's representative as soon as practicable.
- The facility failed to provide a minimum of one licensed practical nurse (LPN) per 25 residents during the day shift and failed to provide a minimum of 1 LPN per 30 residents during the evening shift and failed to provide a minimum of one LPN per 40 residents during the night shift on 12 out of 63 shifts reviewed.

The facility last received a Civil Money Penalty on 12/7/22.

The Pavilion at St. Luke Village

General Information

The Pavilion at St. Luke Village offers short-term skilled nursing rehabilitation and long-term care skilled nursing facility services in Hazleton, Luzerne County, Pennsylvania, under a Provisional II license issued by the PA Department of Health. The population they serve is primarily geriatric.

The facility has a capacity of 120 beds, of which 104 beds are currently occupied.

The current occupancy rates are higher than facility census reports over the last year.

Local ombudsman records indicate that this census, based on the number of available beds, is higher than other skilled nursing facilities in the area.

Jennifer Kurtz, Luzerne/Wyoming staff ombudsman, made bankruptcy-related facility visits on 7/22/24, 7/25/24, 8/2/24, 8/7/24, and 8/16/24.

Environmental Observations

The local ombudsman reported an activities calendar is posted with appropriate activities. The rooms are mostly clean and odor-free, although some periodic waste odors were coming from rooms cared for by

aides. The temperature was comfortable, and beverages and snacks are available. A designated smoking area was closed on 5/11/24, but a reopening was planned late in August. The facility is not considered a secure unit.

Staffing/Operations

The facility reports 3.16 nursing hours per resident per day.

The local ombudsman did not notice any changes in facility operations, and saw the same staff still working there.

Nursing Home Administrator Maggie Corcoran reported that the facility is working on a plan of correction for deficiencies found in a Department of Health survey.

As of 8/7/24, a per diem Director of Nursing was on staff; they were previously the active DON.

Resident-Initiated Complaints/Concerns

The local ombudsman visited with an average of 10 residents and three (3) staff per visit.

Call bells seem to be a problem, with reports of long waits. The local ombudsman noted hallways blocked by carts, especially on the second shift.

Regulatory Issues/Department of Health

Based on a Medicare and Medicaid Recertification, State Licensure, Civil Rights Compliance, and Abbreviated Complaint Survey completed on July 19, 2024, it was determined that The Pavilion at St Luke Village was not in compliance with requirements of 42 CFR Part 483 Subpart B Requirements for Long Term Care and the 28 PA Code Commonwealth of Pennsylvania Long Term Care Licensure Regulations.

Among the deficiencies:

- The facility failed to provide necessary care to promote healing, and prevent worsening of a pressure sore.
- The facility failed to provide nursing services consistent with professional standards of quality to ensure that licensed nurses accurately and fully evaluated and documented the results of those evaluations and assessments to demonstrate that the resident received timely and necessary care to promote the health of one resident.
- The facility failed to maintain and implement a comprehensive program to monitor and prevent infections in the facility.
- The facility failed to provide sufficient nursing staff to provide timely and quality care to each resident.
- The facility failed to afford residents the right to make choices about aspects of their life in the facility that are significant to them for two out of 24 sampled residents.

- The facility failed to timely notify the resident representative of an allegation of physical abuse of one resident out of 24 sampled.
- The facility failed to investigate an injury of unknown source to rule out abuse, neglect, or mistreatment for one resident and failed to thoroughly investigate an allegation of physical abuse of one resident out of 24 residents sampled.
- The facility failed to maintain accurate and complete clinical records.
- The facility failed to consistently provide the minimum nurse aide staff to resident ratio on each shift for 13 shifts out of 33 shifts reviewed.

The facility last received a Civil Money Penalty of \$6,750 on 2/7/24.

Luther Ridge at Seiders Hill

General Information

Luther Ridge at Seiders Hill offers assisted-living services in Pottsville, Schuylkill County, Pennsylvania, under a Provisional II license issued by the PA Department of Human Services. The population they serve is primarily geriatric.

The facility has a capacity of 135 beds, of which 69 beds are currently occupied.

The current occupancy rates are slightly lower than facility census reports over the last year.

Local ombudsman records indicate that this census, based on the number of available beds, is higher than other assisted-living facilities in the area.

Eileen Barlow, Schuylkill County staff ombudsman, made routine facility visits on 7/1/24, and non-routine facility visits on 7/3/24 and 8/14/24.

Environmental Observations

In the facility visit of 7/1/24, the local ombudsman reported an activities calendar is posted, with appropriate activities available. There is an odor on the third floor of the facility. The provisional license was not posted in its normal spot, and was located in an office space just inside the lobby area. Lighting was good, and the hallways were free of clutter. The facility is not considered a secure unit.

Staffing/Operations

The facility reported 99 total daily staff and 74 waking staff in its latest inspection.

Resident-Initiated Complaints/Concerns

The local ombudsman visited with four (4) resident and seven (7) staff during their routine visit. There were no significant concerns reported.

Regulatory Issues/Department of Human Services

The PA Department of Human Services made its latest licensing inspection on 2/22/24, at which time the Provisional II license was issued. Among the deficiencies:

- Failure to post the current Licensing Inspection Summary.
- No policy developed outlining the use of voice-controlled devices by facility and residents.
- Failure to complete a resident's medical evaluation within the 15-day grace period after admission.
- Quality Management plans do not include the required elements of complaint procedure, staff person training, licensing violations, or resident or family councils.
- Three (3) staff persons did not have a Criminal History Check in their employee records.
- Overflowing trash in a residence dumpster.
- Numerous, various medical deficiencies.

The Manor at Penn Village

General Information

The Manor at Penn Village offers short-term skilled nursing rehabilitation and long-term care skilled nursing facility services in Selinsgrove, Snyder County, Pennsylvania, under a regular license issued by the PA Department of Health. The population they serve is primarily geriatric.

The facility has a capacity of 159 beds, of which 118 beds are currently occupied.

The current occupancy rates are consistent with facility census reports over the last year.

Local ombudsman records indicate that this census, based on the number of available beds, is higher than other skilled nursing facilities in the area.

Corrin Zechman, Union/Snyder staff ombudsman, conducted bankruptcy-related facility visits on 6/7/24, 6/14/24, 6/18/24, 6/25/24, 7/1/24, 7/11/24, 7/19/24, 8/1/24, 8/8/24, 8/14/24, 8/23/24, 8/28/24, and 9/4/24. Amy Foster, Union/Snyder staff ombudsman, also conducted a visit on 7/25/24.

Environmental Observations

The local ombudsman reported an activities calendar is posted, with appropriate activities available. Water, beverages, and snacks are available to residents. The rooms appear clean and odor-free. Call bells are answered promptly. There is a designated smoking area. The facility is not considered a secure unit.

Staffing/Operations

The facility reports 3.07 nursing hours per resident per day.

On the facility visit of 9/4/24, the facility's social worker and activity director both reported things are going well, with no concerns at this time. The ombudsman observed adequate staff on each visit, but did not observe Nursing Home Administrator Christopher Bowes.

Resident-Initiated Complaints/Concerns

The local ombudsman visited with an average of five (5) residents and two (2) staff per visit. There were no significant concerns reported.

Regulatory Issues/Department of Health

The PA Department of Health findings of a survey on 7/19/24 indicated that the facility corrected all federal deficiencies cited during surveys of 5/30/24 and 6/13/24.

The facility has not received a Civil Money Penalty in the past decade.

We trust that the information included in this report is satisfactory to the Court. We will continue to have the local ombudsman conduct weekly site visits and meet with residents to ensure their quality of care and life continue to be positive.

For additional information or should you have any questions, please do not hesitate to contact the PA Office of the Long-Term Care Ombudsman at (717) 783-7096.

Sincerely,



Margaret Barajas
State Long-Term Care Ombudsman