

*Locked Up*

The nursing home failed to protect resident 1’s rights to be free of involuntary seclusion. Resident 1 was placed on the secure/locked unit without clinical justification. The resident was accused of inappropriately touching resident 2 who slapped resident 1’s face. The nursing home gave resident 1 an ultimatum to either be placed on the secure unit or be discharged. The failure could place residents at risk of retaliation feeling isolated, low self-esteem, and depression.

Resident 1 had moderate cognitive impairment and required supervision with ADLs. The resident rejected care, but he had no physical, verbal or other behaviors directed towards others. Resident 2 had moderate cognitive impairment and required supervision with all ADLs. The resident had repetitive behaviors with male residents in which she led male residents to believe she was interested in them sexually and then when she became upset over anything, she accused them of inappropriate behaviors directed towards her.

A Care Plan indicated the Director of Nursing (DON) informed resident 1 of resident 2’s allegation of him slapping her on her bottom without her consent. The note indicated the resident was given a choice of either move to the secure unit or be discharged to another nursing home. Resident 1 stated, “I didn’t do anything.” RN B stated it would have been impossible for resident 1 to have touched resident 2 at that time because he sat about 8-10 feet away from her. Psychiatric evaluation indicated staff witnessed resident 2 slap resident 1 but did not witness resident 1’s supposed sexually inappropriate behavior that led to the slap.

During an interview with the surveyor, resident 1 said that while he was sitting in his wheelchair, resident 2 walked up and slapped him on the face for no reason. He said he and resident 2 were good friends and had never had any type of sexual relationship. He said he had not touched resident 2. He said the social worker and the DON told him he had to stay on the secure unit, or they would send him to another facility. He said he was locked up for no reason and he was being punished for something he did not do. He said he liked being at the nursing home and did not want to leave. He felt he did not have a choice about being locked in the secured unit if he wanted to stay at the nursing home. He said that since he was moved to the secured unit, he felt down, depressed, and did not want to be on the secured unit because he felt like a prisoner. The resident told the surveyor, “I really hope you can help me. I don’t want to be locked up.”

Two CNAs were not aware of any past behaviors by resident 1. The Social Worker stated resident 1 had not displayed any inappropriate sexual behaviors or other behaviors since she started working in 2017. She added that resident 2 had behaviors of attention seeking and having sex with other male residents.

The Administrator said it was her policy to place a resident on the secure unit to protect another resident if an allegation of sexual aggression was made. She stated that she felt that was the only way to keep resident 1 away from resident 2. She said it did not matter if the allegation could not be proven.

Name of Nursing Home	Overton Healthcare Center / Provider ID: 675408
Address	1110 Hwy 135 S. Overton, Texas
Date investigation completed	August 3, 2020
Type of deficiency issued	F550 – Resident Rights F603 – Free from Involuntary Seclusion
Severity level	Minimal Harm or Potential for Actual Harm
Overall Quality Star Rating: 1; Staffing Rating: 1	

Investigation report: <https://www.medicare.gov/care-compare/inspections/pdf/nursing-home/675408/health/complaint?date=2020-08-03>