

### *Fear of Reporting*

The nursing home did not ensure that resident 1 was free from staff abuse. Specifically, resident 1 reported that CNA 1 hit him/her with a metal tray on the right side of the face.

Resident 1 was cognitively intact (BIMS score of 15 out of 15) and required extensive assistance with activities of daily living and supervision with eating.

Review of Accident/Incident Report and nursing home investigation included the following: Resident 1’s recollection that someone allegedly caused an injury to the resident’s right side of the face was consistent. The resident stated that the incident took place at dinner time. Resident 1 was presented with pictures of the staff and resident 1 identified CNA 1. CNA 1 stated that resident 1 was upset and threw meal items from the meal tray. The food and utensils ricochet onto resident 1’s bedding and onto resident 1. CNA 1 reported that he/she noticed that resident 1 had redness beneath the right eye immediately following the behavior. CNA 1 called the nurse to evaluate. While resident 1 was consistent and unwavering, CNA 1 adamantly denied the allegation. The size, shape, and characteristics of the injury were consistent with pressing the tray to resident 1’s face. The nursing home’s investigation concluded that abuse did occur.

Social Work’s Note made a day after the incident revealed resident 1 made an accusation that a staff member hit him/her face with a meal tray. The resident admitted to throwing the meal tray at the staff member because he/she was annoyed. The food was all over the bed and on the floor.

During an interview, CNA 1 stated she/he brought dinner to resident 1 who said, “It’s about time.” CNA 1 stated that she/he opened the carton of milk that was on resident 1’s tray and resident 1 stated that the milk was spoiled. CNA 1 stated that the LPN put the medication in the milk and the resident saw the residue and thought that the milk was spoiled. Resident 1 began throwing everything off the tray onto the floor. CNA 1 stated that she/he ran for safety behind the curtains of the bed next to the door. CNA 1 stated that she/he was unable to get close to resident 1 as the resident was throwing the contents of the tray. CNA 1 stated that she/he left the bedroom and immediately reported the incident to LPN 1. CNA 1 stated that she/he also notified LPN 1 that resident 1 had a slight swelling at the corner of the right eye.

The Director of Nursing Services (DNS) stated that resident 1 was consistent and was unwavering of how CNA 1 hit his/her right eye with the tray that CNA 1 picked up from the floor. Resident 1 stated that CNA 1 stood on resident 1’s left side, reached across to and pressed the tray against the side of resident 1’s face. The DNS stated that the bruise mark on resident 1’s face was consistent with the tray. The DNS stated that resident 1 said that he/she did not say anything when the incident happened because he/she feared retaliation from CNA 1 who was still on duty.

Name of Nursing Home	Triboro Center for Rehabilitation and Nursing / Provider ID: 335445
Address	1160 Teller Ave. Bronx, New York
Date investigation completed	January 12, 2022
Type of deficiency issued	F600 – Freedom from Abuse, Neglect, and Exploitation
Severity level	Minimal Harm or Potential for Actual Harm
Overall Quality Star Rating: 4; Staffing Rating: 2	

Investigation report: <https://www.medicare.gov/care-compare/inspections/pdf/nursing-home/335445/health/complaint?date=2022-01-12>