

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 425289	(X2) MULTIPLE CONSTRUCTION A. Building B. Wing	(X3) DATE SURVEY COMPLETED 04/13/2023
NAME OF PROVIDER OR SUPPLIER The Reserve Healthcare and Rehabilitation		STREET ADDRESS, CITY, STATE, ZIP CODE 1800 Eagle Landing Blvd Charleston, SC 29410	
For information on the nursing home's plan to correct this deficiency, please contact the nursing home or the state survey agency.			
(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (Each deficiency must be preceded by full regulatory or LSC identifying information)		
<p>F 0550</p> <p>Level of Harm - Minimal harm or potential for actual harm</p> <p>Residents Affected - Few</p>	<p>Honor the resident's right to a dignified existence, self-determination, communication, and to exercise his or her rights.</p> <p>**NOTE- TERMS IN BRACKETS HAVE BEEN EDITED TO PROTECT CONFIDENTIALITY** 25335</p> <p>Based on random observations and interviews, the facility failed to assure that Resident (R)3 was not improperly exposed during investigation occurring with 1 of 4 complaint investigations involving R2. Cross refer F 921.</p> <p>Findings include:</p> <p>R3 was admitted to the facility on [DATE] with diagnoses including, but not limited to; retention of urine, benign prostatic hypertrophy and cerebral infarct. R 2 has a BIMS (Brief Interview for Mental Status) score of 15 with 13-15 meaning intact cognitive response.</p> <p>Observation from the hallway on 4/13/23 at approximately 10:46 AM, showed the door to R2's room open with R3 lying in the bed next to the door, partially uncovered with an incontinent undergarment and pubic hair exposed and three urinals containing a yellow substance hanging from a trash can, which was facing the open doorway. In addition, R3's bed was angled away from the wall, with his wheelchair at the base of bed and the bedside table beside the bed were partially blocking access and egress to R2, near the window.</p> <p>During an interview on 04/13/23 at approximately 10:51 AM, R3 who has a BIMS of 14 stated that he prefers to leave his wheelchair at the foot of his bed along with his night stand and a trash can from which he hangs his urinals.</p> <p>During an interview on 04/13/23 at approximately 11:00 AM, Certified Nursing Assistant (CNA)2 stated that the three urinals hanging from R3's trash can contained a yellow substance and were visible through the open door to the hallway. She confirmed that R3 was lying in bed, uncovered with exposed incontinent brief and pubic hair and that the room was congested with R 3 's wheelchair and belongings blocking R 2 from moving his high-rise electric wheelchair from area near his bed to the door. C.N.A. 2 further stated that she frequently has to move R 3's wheelchair and belongings in order to maneuver a Hoyer lift (mechanical lift) to R 2's bed so that he can be lifted into his wheelchair and that R 3 has been repeatedly asked not to block the way with his wheelchair and to not placed urinals so they can be seen from the hallway.</p>		

Any deficiency statement ending with an asterisk (*) denotes a deficiency which the institution may be excused from correcting providing it is determined that other safeguards provide sufficient protection to the patients. (See instructions.) Except for nursing homes, the findings stated above are disclosable 90 days following the date of survey whether or not a plan of correction is provided. For nursing homes, the above findings and plans of correction are disclosable 14 days following the date these documents are made available to the facility. If deficiencies are cited, an approved plan of correction is requisite to continued program participation.

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE	TITLE	(X6) DATE
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<p>F 0835</p> <p>Level of Harm - Immediate jeopardy to resident health or safety</p> <p>Residents Affected - Many</p>	<p>Administer the facility in a manner that enables it to use its resources effectively and efficiently.</p> <p>**NOTE- TERMS IN BRACKETS HAVE BEEN EDITED TO PROTECT CONFIDENTIALITY** 37781</p> <p>Based on review of facility policy, record review, and interviews, the facility failed to be administered in a manner that enabled it to use its financial resources effectively and efficiently. Specifically, the facility failed to have a system in place to ensure all financial obligations are met to guarantee care and services are provided to the residents. This failure has the potential to affect all 86 residents residing in the facility.</p> <p>On 04/13/23 at 1:31 PM the Administrator was notified that the failure to keep up to date with payment to vendors, utility services, and critical services provided to the residents of the facility constituted Immediate Jeopardy (IJ) at F835.</p> <p>The facility was unable to present an acceptable plan of removal of the immediate jeopardy. Therefore, the survey team was not able to validate that the IJ was removed. The facility remained out of compliance at F835 at a scope and severity of L (widespread immediate jeopardy to residents' health and safety). The survey team exited the facility on 04/13/23 with an ongoing IJ.</p> <p>On 04/13/23 at 1:31 PM, the survey team provided the Administrator with a copy of the CMS Immediate Jeopardy (IJ) Template and informed the facility IJ existed as of 04/05/23. The IJ was related to 42 CFR 483.70 - Administration.</p> <p>On 04/13/23 the survey team exited the facility with an ongoing IJ. The facility was not able to provide an acceptable IJ Removal Plan.</p> <p>Findings Include:</p> <p>Review of a facility policy titled, Administrative Management (Governing Board) with a revision date of October 2017 revealed, The governing board shall be responsible for the management and operation of the facility. 2. The Administrator is appointed by and accountable to the governing board. 3. The governing board is responsible for, but not limited to: a. Oversight of facility care and services in accordance with professional standards of practice and principles; g. Provision of a safe physical environment equipped and staffed to maintain the facility and services;</p> <p>Review of a facility policy titled, Vendor Selection with a revision date of November 2009 revealed, All vendors have an equal opportunity to bid or quote on supplies and equipment used by the facility. 1. The selection of vendors is the responsibility of the Purchasing Agent in cooperation with department supervisors. 4. All vendors must be referred to the Purchasing Agent.</p> <p>Review of a spreadsheet printed through Stampli (software that keeps track of vendor invoices), provided by the Administrator on 04/12/23 at approximately 11:00 AM revealed the following outstanding balances due to vendors:</p> <p>Agilit-\$39,395.93</p> <p>Allstate Medical- \$3,685.15</p> <p>(continued on next page)</p>		

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<p>F 0835</p> <p>Level of Harm - Immediate jeopardy to resident health or safety</p> <p>Residents Affected - Many</p>	<p>Review of an Order Appointing Receiver with an electronic filing date of 04/14/23 revealed, [NAME] Sc Property Holdings, LLC, And [NAME] Sc Property Holdings, LLC, Plaintiffs, Vs. [NAME] Op LLC, [NAME] Op LLC, [NAME] Capital Management LLC, Sc Two Op Holdings LLC, And [Owner], Defendants. Based on the record in this case, the Court finds and concludes: 2. Under South Carolina's Receivership Act, the Court has the statutory power to order the appointment of a receiver to protect a party's business and property interests in commercial real property and personal property related to or used to operate the business. 4. Plaintiffs have met their burden to appoint a receiver for the Lessees, the Facilities, and the Personal Property, which includes the assets and Operations described in the Motion. 6. Good cause exists for issuing this Order, appointing a receiver over the Lessees, the Facilities, and the Personal Property and Operations. Defendants have failed to meet their obligations under the Lease, and Plaintiffs are entitled to enforce their rights and remedies, including, without limitation, the right to have a receiver appointed. A receiver is necessary to protect both the residents of the Facilities and the rights of Plaintiffs because the Facilities and the Personal Property are being subjected to or are in danger of impairment, waste, loss, substantial diminution in value, misappropriation, and dissipation, and a further delay would cause an injustice to the Plaintiffs and the residents. Moreover, the Lessees appear to be insolvent or in imminent danger of insolvency. Based upon the foregoing, it is hereby, ORDERED AND ADJUDGED: 1. The Motion is GRANTED. 2. Appointment. [Receiver] is qualified to act as Receiver in this action and is appointed Receiver over the Lessees, the Facilities and the Personal Property and Operations. The appointment of the Receiver is effective as of April 17, 2023 and continues until further order of this Court. As previously ordered by the Court on April 6, and pending the April 17, 2023 Effective Date for the appointment of the Receiver, the parties shall not dispose of any property or do anything adverse with any property, real, financial, or otherwise, except such actions as would occur during the normal course and scope of business. The Receiver shall schedule weekly meetings with Plaintiffs to provide information on the status of the receivership. 3. [NAME] of Receiver. As of the Effective Date, and ending upon termination of such appointment by further Order of the Court, Receiver is authorized to take possession, custody and control of the Facilities and Lessees' business operations, assets, and property, of whatever nature, including, without limitation, the Personal Property (collectively, the Personal Property and Operations), and is authorized, but not required, to perform all services and take all actions necessary or advisable to oversee, carry on, manage, care for, maintain, repair, insure, protect, and preserve the Personal Property and Operations, without further order of the Court, including, but not limited to, the following: a. To take immediate possession of, custody of, and control over the Facilities and all of the Personal Property and Operations and all other property and assets of Lessees. For the avoidance of doubt, the Personal Property and Operations shall include all business operations and all personal property of any kind owned by the Lessees used in connection with the Facilities, including all intellectual property, fixtures, equipment, inventory, books and records, bank accounts, keys, combinations for locks, passwords or other access to information, and intangibles. d. To direct Defendants and their officers, agents, employees or other representatives immediately to turn over and deliver or cause to be delivered to the Receiver or his designee all personalty which is owned by the Defendants and relates in any manner to the Facilities or the Personal Property and Operations including, without limitation, all keys, combinations for locks, passwords or other access codes, books, records, accounts, operating statements, reserve accounts and the like pertaining to the Personal Property and Operations. e. To negotiate all bills, drafts, loan documents (with Plaintiff or others), notes or other instruments in the name of the Lessees. g. To retain and pay professionals to advise and assist Receiver with the Facilities and the management and administration of the Personal Property and Operations. h. To collect and receive all earnings, rents, issues, income, profits, and other revenues of the Facilities and Lessees' Personal Property and Operations now due and unpaid or that may be earned after entry of this Order. i. To (a) continue to maintain and utilize Lessees' deposit accounts, which shall be used exclusively for deposits and disbursements of the Revenues and (b) direct payors to deposit funds due and owing to Defendants in the bank accounts related to the Facilities. Receiver shall be expressly authorized to operate the Facilities as a single business enterprise, including commingling the revenues generated from both Facilities and to use such revenues to pay the liabilities incurred by both Facilities during the course of the Receivership. m. To maintain existing or open new accounts with or negotiate compromise or otherwise</p>		

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<p>F 0835</p> <p>Level of Harm - Immediate jeopardy to resident health or safety</p> <p>Residents Affected - Many</p>	<p>During an interview with the Ombudsman on 04/12/23 at 10:45 AM revealed, This has been going on since last year. We've been aware and it's been reported. We knew there was a lot of debt, but we didn't know how much it was. The Ombudsman further stated, A lot of the facilities in the [NAME] region are close to capacity.</p> <p>During a virtual meeting with the Viviant Leadership team which included Chief Executive Office (CEO), Nurse Consultant (NC), Administrator of Viviant of [NAME], and the Administrator of Heartland of [NAME], on 04/12/23 at 1:00 PM revealed, It is a Jewish holiday, holy week, and we have no corporate staff or management to provide the information requested. All the previous invoices have been paid except for the transportation company. There were some invoices that needed to be approved and submitted this last Sunday. I sent approval but there is no one that I can call to get this information facilitated. We are current on payroll, there is no invoice for agency staff, we don't use agency staff. There are no services that are currently shut off. Since there are no documents to review, you can see the supplies that we have on hand. A PCC representative is working on facility access to the system (PCC). I received an email stating PCC was down. I will provide the survey team with the contact information for the technician helping us get PCC back up. Not all the invoices have been paid. The electric bill is current. I don't have access to provide the information showing the electricity bills have been paid. I don't have the ability to see anything, invoices. The accounts that I said were paid was only transportation. I didn't find out about the transportation until yesterday. We have payment agreements with other vendors who are pass due, but I don't have documentation to show we have payment plans set up with them. My intention to the past due vendors is to reimburse them, decisions to move on to new vendors is done by our quality team and at the facility level. We never dropped a new vendor because of an outstanding balance. Switching of vendors was before my time. The utility company is not going to provide us with a letter saying the services are not going to be cut off.</p> <p>During an interview with the Administrator on 04/13/23 at 4:30 PM, he stated he was unaware of the full financial status of the facility due to the failure of upper management to provide documentation and full transparency. He stated he did not have access to the billing from Electric Company #1, nor was he aware of the payment status. The Administrator stated since he arrived at the facility, almost a month ago, he had made high efforts to change the culture and outlook of the facility, but he does not have full corporate support when it comes to finances.</p> <p>During a follow-up virtual call with the CEO, Administrators, Company representatives and State Agency Representatives on 04/13/23 at 10:15 AM, the CEO stated if there were a threat to services being disconnected while the quality office was closed, he would pay the bills out of his pocket.</p> <p>During a telephone interview with Sewer Company #1, provider of the facility's sewer services, the representative indicated the facility had a past due balance of \$3,893.74 and a current bill due of \$3,963.83 additional. She indicated that autopay draft services had not been initiated.</p> <p>During a telephone interview with Water Company #1 on 04/13/23 at 2:15 PM, the automated teller line indicated the facility had a past due balance of \$5,711.90 and a payment of \$3,638.60 must be made by 05/02/23 to avoid an interruption in services.</p> <p>(continued on next page)</p>		

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<p>F 0835</p> <p>Level of Harm - Immediate jeopardy to resident health or safety</p> <p>Residents Affected - Many</p>	<p>A phone interview with the Medical Director (MD) on 04/13/23 at 2:35 PM revealed, the MD was unaware of the financial status of the facility. The MD stated she felt like her orders were being followed regarding residents being transported for appointments. The MD concluded, I work for SC House Calls which Viviant has contracted with, and SC House Calls pays me.</p> <p>A returned phone call after the exit of the survey on 04/19/23 at 10:04 AM from a representative from Transport Company #1 indicated the facility was past due \$64,618.95.</p>		

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<p>F 0837</p> <p>Level of Harm - Immediate jeopardy to resident health or safety</p> <p>Residents Affected - Many</p>	<p>Establish a governing body that is legally responsible for establishing and implementing policies for managing and operating the facility and appoints a properly licensed administrator responsible for managing the facility.</p> <p>37781</p> <p>Based on review of facility policy, record review, and interviews, the facility failed to have an effective governing body in place to ensure proper management and operation of the facility's financial resources. Specifically, the facility's governing body failed to have a system in place to ensure all financial obligations were met to guarantee care and services are provided to the residents. This failure had the potential to affect all 86 residents residing in the facility.</p> <p>On April 13, 2023, at 1:31 PM, the Administrator was provided with an Immediate Jeopardy (IJ) Template indicating IJ existed at F837 with a scope and severity level of L.</p> <p>The facility was unable to present an acceptable plan of removal of the immediate jeopardy. Therefore, the survey team was not able to validate that the IJ was removed. The facility remained out of compliance at F837 at a scope and severity of L (widespread immediate jeopardy to residents' health and safety). The survey team exited the facility on 04/13/23 with an ongoing IJ.</p> <p>On 04/13/23 the survey team exited the facility with an ongoing IJ. The facility was not able to provide an acceptable IJ Removal Plan.</p> <p>Findings include:</p> <p>Review of a facility policy titled, Administrative Management (Governing Board) with a revision date of October 2017 revealed, The governing board shall be responsible for the management and operation of the facility. 1.The facility's governing board is the supreme authority and has all legal authority and responsibility for the management and operation of our facility. 2. The Administrator is appointed by and accountable to the governing board. 3. The governing board is responsible for, but not limited to: a. Oversight of facility care and services in accordance with professional standards of practice and principles; b. Delineation of the powers and duties of the officers and committees of the governing board; d. Establishment and ongoing review of all administrative programs governing facility management and operations, including: (1) Corporate Compliance Program; (3) Quality Assurance and Performance Improvement program; g. Provision of a safe physical environment equipped and staffed to maintain the facility and services; j. Establishment of a system whereby the Administrator reports to the governing body . 5. The Governing Board, with the assistance of the Administrator and legal/medical consultants, have developed bylaws/medical practices that outline specific responsibilities, privileges and authority assigned to designated individuals. 7. Copies of the Articles of Incorporation, bylaws, agreements and other legal documents pertaining to the ownership and operation of the facility are on file in the administrative office, and a copy of such information has been provided to appropriate federal and state agencies.</p> <p>(continued on next page)</p>		

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<p>F 0837</p> <p>Level of Harm - Immediate jeopardy to resident health or safety</p> <p>Residents Affected - Many</p>	<p>During a virtual meeting on 04/12/23 at 1:00 PM, the Chief Executive Officer (CEO) stated, this is a Jewish holiday, so we have no staff or management available to provide information requested related to financials. All the previous invoices have been paid except for the transportation company. There were some invoices that needed to be approved and submitted this last Sunday, so I sent them for approval but there is no one that I can call to get this information facilitated. We are current with payroll, there is no invoices for agency staff, we don't use agency staff. There are no services that are currently pending shut off that I am aware of. Since there are no documents to review, you can see the supplies that we have on hand. Not all the invoices have been paid. The electric bill is current; however, I don't have access to provide the information showing the electricity bills have been paid. I don't have the ability to see anything related to invoices. The accounts that I said were paid was only transportation. I didn't find out about the transportation until yesterday. The quality staff was available on Sunday, Monday, and Tuesday of this week. We have payment agreements with other vendors who are past due, but I don't have documentation to show we have payment plans with them. My intention to past due vendors is to reimburse them. Decisions to move on to new vendors is done by our Quality team in the Corporate Office and at the facility level. We never dropped a new vendor because of an outstanding balance. Switching of vendors was before my time. The utility company is not going to provide us with a letter saying the services are not going to be cut off.</p> <p>During a follow up call with the Administrators, CEO, and other corporate officials on 04/13/23 at 9:46 AM, the CEO stated there is no system in place if cash is needed or anyone in charge of operations with the Corporate Office being closed due to observation of holidays. He stated the facility has a debit card and petty cash that can be used but does not have access to large amounts of cash present to settle bills.</p> <p>During an interview with the Administrator on 04/13/23 at 11:15 AM, he stated he did not have access to large amounts of cash, the facility's billing and invoices and that upper management had not educated him on what systems to use, or given him access to systems within the facility to monitor its financial status.</p> <p>A phone interview with the Medical Director (MD) on 04/13/23 at 2:35 PM revealed, the MD was unaware of the financial status of the facility. The MD stated she felt like her orders were being followed regarding residents being transported for appointments. The MD concluded, I work for SC House Calls which Viviant has contracted with, and SC House Calls pays me.</p>		

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 425289	(X2) MULTIPLE CONSTRUCTION A. Building B. Wing	(X3) DATE SURVEY COMPLETED 04/13/2023
NAME OF PROVIDER OR SUPPLIER The Reserve Healthcare and Rehabilitation		STREET ADDRESS, CITY, STATE, ZIP CODE 1800 Eagle Landing Blvd Charleston, SC 29410	
For information on the nursing home's plan to correct this deficiency, please contact the nursing home or the state survey agency.			
(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (Each deficiency must be preceded by full regulatory or LSC identifying information)		
<p>F 0921</p> <p>Level of Harm - Minimal harm or potential for actual harm</p> <p>Residents Affected - Few</p>	<p>Make sure that the nursing home area is safe, easy to use, clean and comfortable for residents, staff and the public.</p> <p>**NOTE- TERMS IN BRACKETS HAVE BEEN EDITED TO PROTECT CONFIDENTIALITY** 25335</p> <p>Based on random observations, record reviews, interviews and policy review, the facility failed to follow their policies and procedures and did not assure that Resident (R)2 could maneuver safely throughout his room for 1 of 4 complaint investigations involving R2. Cross refer F 550.</p> <p>Findings include:</p> <p>Review of the facility's policy revised March 2018 titled, Activities of Daily Living (ADLs), Supporting showed Residents will ((sic) (as written)) provided with care, treatment and services as appropriate to maintain or improve their ability to carry out activities of daily living (ADLs). and Appropriate care and services will be provided for residents who are unable to carry out ADLs independently .including support and assistance with .Mobility (transfer and ambulation)</p> <p>R2 was admitted to the facility on [DATE] with diagnoses including but not limited to cerebral infarct, paraplegia and polyneuropathy. Review of an unspecified Minimum Data Set (MDS) revealed R2 has a BIMS (Brief Interview for Mental Status) score of 15, indicating he is cognitively intact.</p> <p>During an interview on 04/13/23 at approximately 10:46 AM, R2 stated that once lifted from his bed into his high-rise electric wheel chair, that he frequently cannot get from his end of the room to the door, so he can be out and about because his roommate's (R3) wheelchair and other stuff blocks him from getting out of the room, until someone can come and moves things.</p> <p>During an interview on 04/13/23 at approximately 11:00 AM, Certified Nursing Assistant (CNA)2 stated that the room is congested with R3's wheelchair and belongings blocking R2 from moving his high-rise electric wheelchair from the area near his bed to the door. CNA2 further stated she has to move R3's wheelchair and belongings in order to maneuver a Hoyer lift (mechanical lift) to R2's bed so that he can be lifted into his wheelchair and that R3 has been asked repeatedly not to block the way with his wheelchair.</p>		