

Inspections Report

Midtowne Meadows Health and Rehab

Nursing Facility Abuse, Neglect,
Exploitation, and Misappropriation



**Inspector
General**

Texas Health
and Human Services

October 28, 2024
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Midtowne Meadows Health and Rehab

Nursing Facility Abuse, Neglect, Exploitation, and Misappropriation

Results in Brief

Why OIG Conducted This Inspection

In 2020 and 2021, the U.S. Department of Health and Human Services Office of Inspector General conducted audits of nursing facilities that reported allegations of potential abuse or neglect of Medicaid beneficiaries. The audits determined California, Florida, and New Jersey did not comply with federal requirements to report potential abuse or neglect of Medicaid beneficiaries. The Texas Health and Human Services (HHS) Office of Inspector General Audit and Inspections Division (OIG Inspections) initiated this inspection to determine whether the issues found in the 2020 and 2021 reports were present in Texas Medicaid nursing facilities.

Summary of Review

The inspection objective was to determine whether Midtowne Meadows Health and Rehab (Midtowne Meadows) has processes and procedures to document and report abuse, neglect, exploitation, and misappropriation incidents as required by state law. The inspection scope covered the period from May 1, 2023, through November 30, 2023.

For more information, contact:
OIGInspectionsReports@hhs.texas.gov

Key Results

Midtowne Meadows has policies and procedures that describe how to identify, report, and document abuse, neglect, exploitation, and misappropriation. Additionally, during on-site interviews with select staff, the administrator and staff demonstrated knowledge and protocols for identifying, reporting, and documenting abuse, neglect, exploitation, and misappropriation. They were also aware of the timeframe to report incidents of abuse, neglect, exploitation, and misappropriation, and could describe how to submit incidents anonymously.

However, Midtowne Meadows did not always:

- Accurately conduct Employee Misconduct Registry, Nurse Aide Registry, and criminal history checks. In eight of 211 (3.8 percent) employee records tested, Midtowne Meadows conducted criminal history, Employee Misconduct Registry, and Nurse Aide Registry checks using misspelled names or an incorrect date of birth.
- Timely conduct Employee Misconduct Registry and Nurse Aid Registry checks. Midtowne Meadows conducted Employee Misconduct Registry and Nurse Aide Registry checks for 18 of 211 (8.5 percent) employees after the employee's date of hire.
- Ensure all personnel received complete or timely orientation instruction on identifying, reporting, and documenting abuse, neglect, exploitation, and misappropriation. Of the employee records tested, 168 had at least one issue with the orientation documentation.

Recommendations

Midtowne Meadows should:

- Improve controls over its processes to ensure accurate and timely employment checks.
- Implement controls to ensure it provides complete and timely orientation for all personnel.

Management Response

Midtowne Meadows agreed with the recommendations and indicated all corrective actions had already been implemented.

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Inspection Overview

Overall Results

The Texas Health and Human Services (HHS) Office of Inspector General Audit and Inspections Division (OIG Inspections) conducted an inspection to determine whether Midtowne Meadows Health and Rehab (Midtowne Meadows) protects residents by screening employees and training them to identify, report, and document abuse, neglect, exploitation, and misappropriation, as required.

Interviewed staff demonstrated understanding of protocols for identifying, reporting, and documenting abuse, neglect, exploitation, and misappropriation and a commitment to resident safety.

However, Midtowne Meadows did not always:

- Accurately conduct Employee Misconduct Registry, Nurse Aide Registry, and criminal history checks.
- Timely conduct Employee Misconduct Registry and Nurse Aid Registry checks.
- Ensure all personnel received complete or timely orientation instruction on identifying, reporting, and documenting abuse, neglect, exploitation, and misappropriation.

OIG Inspections offered recommendations to Midtowne Meadows, which, if implemented, will help Midtowne Meadows consistently conduct accurate and timely employment checks and ensure personnel receive complete and timely orientation. OIG Inspections shared other less significant issues with Midtowne Meadows in a separate communication.

This report is considered written education in accordance with Texas Administrative Code.¹ Inspection findings identified in this report (a) may be referred to the Texas Health and Human Services Commission (HHSC) for potential pursuit of enforcement remedies or (b) may be subject to OIG administrative enforcement

¹ 1 Tex. Admin. Code § 371.1701 (May 1, 2016).

measures,² including administrative penalties.³ This report does not address compliance beyond the scope and objective of this inspection.

OIG Inspections presented preliminary inspection results, observations, and recommendations to Midtowne Meadows in a draft report dated October 9, 2024. Midtowne Meadows agreed with the recommendations and indicated all corrective actions had already been implemented. Midtown Meadows' management responses are included in the report following each recommendation.

OIG Inspections thanks the management and staff at Midtowne Meadows for their cooperation and assistance during this inspection. Unless otherwise described, any year referenced is the state fiscal year, which covers the period from September 1 through August 31.

Approach to Inspection Testing

Midtowne Meadows was one of 17 nursing facilities that did not report abuse, neglect, exploitation, or misappropriation incidents in 2023. OIG Inspections selected Midtowne Meadows from that set to determine if it had policies and procedures for reporting abuse, neglect, exploitation, and misappropriation; had hiring practices that complied with requirements; and conducted orientation training related to the identification and reporting of abuse, neglect, exploitation, and misappropriation.

Objective

The inspection objective was to determine whether Midtowne Meadows has processes and procedures to document and report abuse, neglect, exploitation, and misappropriation incidents as required by state law.

Scope

The inspection scope covered the period from May 1, 2023, through November 30, 2023.

² 1 Tex. Admin. Code § 371.1603 (May 20, 2020).

³ Tex. Hum. Res. Code § 32.039 (Apr. 2, 2015).

Background

Midtowne Meadows opened on May 22, 2023. Owned and managed by HACO Midtowne, LLC, it is a skilled nursing facility licensed for 120 beds in the Dallas-Fort Worth metroplex city of Midlothian, Texas, in Ellis County, as shown in Figure 1. The facility provides comprehensive rehabilitation services for short-term patients and long-term residents.

Figure 1: Midtowne Meadows Location



Source: Google Maps

What Prompted This Inspection

In 2020 and 2021, the U.S. Department of Health and Human Services Office of Inspector General conducted audits of nursing facilities that reported allegations of potential abuse or neglect of Medicaid beneficiaries. The audits determined California, Florida, and New Jersey did not comply with federal requirements to report potential abuse or neglect of Medicaid beneficiaries.^{4,5,6}

OIG Inspections initiated this inspection to determine whether the issues found in the 2020 and 2021 reports were present in Texas Medicaid nursing facilities.

⁴ U.S. Department of Health and Human Services Office of Inspector General, "California Did Not Ensure That Nursing Facilities Always Reported Incidents of Potential Abuse or Neglect of Medicaid Beneficiaries and Did Not Always Prioritize Allegations Properly," A-09-19-02005 (June 9, 2021).

⁵ U.S. Department of Health and Human Services Office of Inspector General, "Florida Did Not Ensure That Nursing Facilities Always Reported Allegations of Potential Abuse or Neglect of Medicaid Beneficiaries and Did Not Always Assess, Prioritize, or Investigate Reported Incidents," A-04-17-08058 (Mar. 4, 2021).

⁶ U.S. Department of Health and Human Services Office of Inspector General, "New Jersey Did Not Ensure That Incidents of Potential Abuse or Neglect of Medicaid Beneficiaries Residing in Nursing Facilities Were Always Properly Investigated and Reported," A-02-18-01006 (Aug. 19, 2020).

Detailed Results

Nursing facilities must develop and implement written policies and procedures that prohibit and prevent the mistreatment, abuse, neglect, exploitation of a resident, and misappropriation of a resident's property.⁷ OIG Inspections tested records of employment checks and orientation training to determine whether Midtowne Meadows follows its policies and complies with state requirements.

Midtowne Meadows has policies and procedures that describe how to identify and report abuse, neglect, exploitation, and misappropriation. Additionally, during on-site interviews with select staff, the administrator and staff demonstrated knowledge and protocols for identifying, reporting, and documenting abuse, neglect, exploitation, and misappropriation. They were also aware of the timeframe to report incidents of abuse, neglect, exploitation, and misappropriation, and could describe how to submit incidents anonymously.

However, Midtowne Meadows did not always comply with state requirements regarding employment checks and orientation related to abuse, neglect, exploitation, and misappropriation. Of the 211 employee records tested, only 36 had correct, complete, and timely records for employment checks and orientation. Of the 175 (83 percent) records with errors:⁸

- 26 had employment checks that were performed late, had inaccuracies, or both.
- 168 had at least one issue with the orientation documentation.

The following sections of this report provide additional detail about the findings of noncompliance observed by OIG Inspections.

⁷ 26 Tex. Admin. Code § 554.601(c) (Jan. 15, 2021).

⁸ An employee record may contain one or more issues with employment checks and orientation.

Chapter 1: Midtowne Meadows Did Not Always Conduct Accurate or Timely Employment Checks

Nursing facilities must search the Employee Misconduct Registry and Nurse Aide Registry through the Employability Status Check Search website,⁹ provided by HHSC, before an employee is hired to determine if the person applying for employment is listed as unemployable on either registry.¹⁰ In addition, nursing facilities must perform criminal history checks to determine if an individual has a conviction that bars them from employment before the individual has direct contact with a resident.¹¹

Accuracy

In eight of 211 (3.8 percent) employee records tested, Midtowne Meadows conducted criminal history, Employee Misconduct Registry, and Nurse Aide Registry checks using misspelled names or an incorrect date of birth.

Timeliness

Midtowne Meadows conducted Employee Misconduct Registry and Nurse Aide Registry checks for 18 of 211 (8.5 percent) employees after the employee's date of hire. The Employee Misconduct Registry and Nurse Aide Registry checks were conducted on average 90 days after the date of hire for the 18 employees.

On March 27, 2024, OIG Inspections conducted the Employment Misconduct Registry and Nurse Aide Registry checks using the correctly spelled name or correct date of birth and determined that the eight employees were not listed as unemployable on either registry.

Midtowne Meadows has processes for conducting employment checks but lacked oversight to ensure accurate and timely checks. By performing employment checks with inaccurate information or after the date of hire, Midtowne Meadows put residents' health and safety at risk.

Recommendation 1

Midtowne Meadows should improve controls over its processes to ensure accurate and timely employment checks.

⁹ HHSC requires nursing facilities and agencies to conduct Employee Misconduct Registry and Nurse Aide Registry checks through the Employability Status Check website.

¹⁰ 26 Tex. Admin. Code § 561.3(a) (Apr. 21, 2022).

¹¹ Tex. Health & Safety Code § 250.003 (Jan. 1, 2014).

Management Response

Action Plan

Midtowne Meadows immediately corrected the onboarding process and differentiated the "hire date" from the actual "start date" (interactions with residents) in our human resource system to ensure that all registries are completed in an accurate and timely manner in order to protect the safety of the residents. Additionally, employees are unable to proceed with their actual start date (interactions with residents) until all items on the onboarding process are completed accurately. Finally, the Administrator is completing audits on a monthly basis to ensure all new hires are processed accurately and timely.

Responsible Managers

- Administrator
- Director of Human Resources

Implementation Date

April 30, 2024

Chapter 2: Midtowne Meadows Personnel Did Not Always Receive Complete or Timely Orientation

Nursing facilities must develop, implement, and maintain effective orientation and training programs to develop the skills of their staff. As part of orientation, each employee must receive instruction regarding (a) activities that constitute abuse, neglect, exploitation, or misappropriation of resident property and (b) procedures for reporting incidents of abuse, neglect, exploitation, or misappropriation of resident property.¹²

Midtown Meadows' orientation program policy requires all newly hired personnel, including regular and transferred employees, contractors, and volunteers, to attend the orientation program, which includes instruction on abuse, neglect, exploitation, and misappropriation identification and reporting, within the first 10 days of their start date. Midtowne Meadows' policy also requires orientation records of each participant to be maintained and include the date reviewed, participant's initials, and subject matter.

Completeness

Midtowne Meadows did not consistently provide orientation training related to abuse, neglect, exploitation, and misappropriation for employees and a contractor.¹³ Specifically:

- 30 of 211 (14.2 percent) employee records were missing orientation documents related to abuse, neglect, exploitation, and misappropriation.¹⁴
- Midtowne Meadow's sole contractor during the inspection scope did not attend an orientation program, as required by Midtowne Meadow's orientation program policy.
- 128 of 211 (60.7 percent) employee records had incomplete information, with orientation documents lacking at least one verification element (date reviewed and the participant's initials).

Timeliness

Ten of 211 (4.7 percent) employees did not complete orientation within 10 days of their start date, as required by Midtowne Meadow's orientation program policy.

¹² 26 Tex. Admin. Code § 554.1929 (Jan. 15, 2021).

¹³ Midtowne Meadows asserted it did not have any volunteers during the scope period.

¹⁴ 26 Tex. Admin. Code § 554.1929 (1)(D) (Jan. 15, 2021).

The 10 employees' orientation documents were completed, signed, and dated an average of 73 days after their start dates.

Nursing facility residents are at an increased risk of abuse and neglect if personnel are not properly trained to identify and report incidents of potential abuse, neglect, exploitation, or misappropriation.

Recommendation 2

Midtowne Meadows should implement controls to ensure it provides complete and timely orientation for all personnel.

Management Response

Action Plan

Midtowne Meadows immediately improved the onboarding process to differentiate the hire date from the actual start date. Additionally, the improved onboarding process initiates the comprehensive abuse/neglect training upon hire and prior to the actual start date. Finally, the HR director completes a final check off to ensure all documents are signed and completed with 100% accuracy prior to the start date. The Administrator completes monthly audits to ensure all documents including trainings are completed timely and accurately.

Responsible Manager

- Administrator
- Director of Human Resources

Implementation Date

April 30, 2024

Appendix A: Methodology, Standards, and Criteria

Detailed Methodology

Of the 1,195 nursing facilities in Texas, Midtowne Meadows was one of 17 nursing facilities identified by HHSC Long-term Care Regulation that did not report abuse, neglect, exploitation, or misappropriation in 2023, as it was a newly established nursing facility during the scope period. OIG Inspections selected Midtowne Meadows as part of this series of inspections of nursing facilities.

To achieve its objective, OIG Inspections collected information through (a) interviews with the personnel of Midtowne Meadows and HHSC Long-term Care Regulation and (b) a review of HHSC Long-term Care data of reported incidents and complaints of abuse, neglect, exploitation, and misappropriation for 2023. OIG Inspections also reviewed information provided by Midtowne Meadows including:

- Policies and processes
- Orientation program documents
- Employee records

OIG Inspections reviewed personnel records for 211 Midtowne Meadows employees hired between May 1, 2023, through November 30, 2023. OIG Inspections compared employee personnel records to state requirements to determine whether Midtowne Meadows conducted (a) accurate criminal history, Employment Misconduct Registry, and Nurse Aide Registry checks, (b) Employment Misconduct Registry and Nurse Aide Registry checks prior to the date of hire, and (c) orientation instruction on identifying, reporting, and documenting abuse, neglect, exploitation, and misappropriation.

Standards

OIG Inspections conducts inspections of Texas HHS programs, systems, and functions. Inspections are designed to be expeditious, targeted examinations into specific programmatic areas to identify systemic trends of fraud, waste, or abuse. Inspection reports present factual data accurately, fairly, and objectively, and present findings, conclusions, and recommendations in a persuasive manner to strengthen program effectiveness and efficiency. OIG Inspections conducted the

inspection in accordance with *Quality Standards for Inspection and Evaluation* issued by the Council of the Inspectors General on Integrity and Efficiency.

Criteria

OIG Inspections used the following criteria to evaluate the information provided:

- Tex. Health & Safety Code § 250.003 (2014)
- 26 Tex. Admin. Code §§ 554.601 (2020), 554.1929 (2020), and 561.3 (2022)
- Midtowne Meadows, "Orientation Program for Newly Hired Employees, Transfer, Volunteers" (2023)

Appendix B: Resources for Additional Information

The following resources provide additional information about the topics covered in this report.

For more information on Long-term Care

"Long-term Care Providers," HHSC <https://www.hhs.texas.gov/providers/long-term-care-providers> (accessed March 28, 2024)

"Nursing Facilities (NF)," HHSC <https://www.hhs.texas.gov/providers/long-term-care-providers/nursing-facilities-nf> (accessed March 28, 2024)

For more information on Midtowne Meadows

Midtowne Meadows, <https://midtownemeadowshealth.com/> (accessed February 28, 2024)

Appendix C: Report Team and Distribution

Report Team

OIG staff members who contributed to this inspection report include:

- Anton Dutchover, CPA, Deputy Inspector General of Audit and Inspections
- Bruce Andrews, CPA, CISA, Director of Inspections
- James Aldridge, CFE, Manager of Inspections
- Bridney Jones, Lead Inspector
- Kenin Weeks, Senior Inspector
- Tiana Clayton, Senior Inspector
- Mo Brantley, Senior Audit Operations Analyst

Report Distribution

Texas Health and Human Services Commission

- Cecile Erwin Young, Executive Commissioner
- Kate Hendrix, Chief of Staff
- Maurice McCreary, Jr., Chief Operating Officer
- Jordan Dixon, Chief Policy and Regulatory Officer
- Karen Ray, Chief Counsel
- Michelle Alletto, Chief Program and Services Officer
- Sylvia Hernandez Kauffman, Chief Information Officer
- Nicole Guerrero, Chief Audit Executive
- Jose Garcia, Deputy Director of Compliance Division
- Stephen Pahl, Deputy Executive Commissioner for Regulatory Services
- Michelle Dionne-Vahalik, Associate Commissioner for Long-term Care Regulation

Midtowne Meadows Health and Rehabilitation

- Gracen Hawley, Owner and Administrator, Midtowne Meadows Health and Rehab
- Kristi Ray, Director of Nursing, Midtowne Meadows Health and Rehab

Appendix D: OIG Mission, Leadership, and Contact Information

The mission of OIG is to prevent, detect, and deter fraud, waste, and abuse through the audit, investigation, and inspection of federal and state taxpayer dollars used in the provision and delivery of health and human services in Texas. The senior leadership guiding the fulfillment of OIG's mission and statutory responsibility includes:

- Raymond Charles Winter, Inspector General
- Susan Biles, Principal Deputy Inspector General
- Kacy J. VerColen, Chief of Audit and Inspections
- Eugenia Krieg, Chief of Staff, Chief of Policy and Performance
- Erik Cary, Chief Counsel
- Diane Salisbury, Chief of Data Reviews
- Matt Chaplin, Chief of Operations
- Steve Johnson, Chief of Investigations and Utilization Reviews

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- Phone: 1-800-436-6184

To Contact OIG

- Email: oig.generalinquiries@hhs.texas.gov
- Mail: Texas Health and Human Services
Office of Inspector General
P.O. Box 85200
Austin, Texas 78708-5200
- Phone: 512-491-2000