

Inspections Report

Nursing Facility Emergency Preparedness

Oak Park Nursing & Rehabilitation Center



**Inspector
General**

Texas Health
and Human Services

September 28, 2022
OIG Report No. INS-23-001



Texas Health and Human Services Office of Inspector General Audit and Inspections Division

NURSING FACILITY EMERGENCY PREPAREDNESS

Oak Park Nursing & Rehabilitation Center

September 28, 2022

Dear Jonathan Moore:

The Texas Health and Human Services (HHS) Office of Inspector General (OIG) Audit and Inspections Division (OIG Inspections) conducted an inspection to determine whether Oak Park Nursing & Rehabilitation Center (Oak Park) followed select state and federal requirements for emergency preparedness.

OIG Inspections conducted a site visit to Oak Park's facility and reviewed Oak Park's emergency preparedness plans and processes for compliance with 23 state and federal emergency preparedness requirements for nursing facilities. Based on the results of our testing, OIG Inspections determined that Oak Park's emergency preparedness plans and processes complied with the state and federal emergency preparedness requirements for nursing facilities reviewed as part of this inspection. As a result, no issues or opportunities for improvement were identified for this inspection.

Background

Oak Park, owned by Booker County Hospital District and managed by Oak Park Operations, Inc., is a skilled nursing facility located in San Antonio, Texas.

The attachment to this letter contains additional details on this inspection.

Sincerely,

A handwritten signature in blue ink that reads "Audrey O'Neill".

Audrey O'Neill, CIA, CFE, CGAP
Principal Deputy Inspector General, Chief of Audit and Inspections

Attachment

cc: Cecile Erwin Young, HHS Executive Commissioner
Sylvia Hernandez Kauffman, HHS Inspector General

Attachment

Section 1: Summary of Inspection Results

OIG Inspections conducted a site visit to Oak Park's facility on May 19, 2022, and reviewed Oak Park's emergency preparedness plans and processes for compliance with 23 state and federal emergency preparedness requirements for nursing facilities related to:

- Emergency preparedness plans
- Emergency supplies and power
- Emergency communication plans
- Emergency preparedness plan training and testing

Oak Park had an updated emergency preparedness (a) plan, (b) communication plan, and (c) training and testing program. Oak Park also had updated procedures related to alternative power sources, subsistence needs for residents and staff, and documentation for past trainings and tests.

Additionally, during OIG Inspection's on-site visit to Oak Park's facility, inspectors saw multiple emergency preparedness elements, including a generator used as an alternate energy source and supplies for resident and staff subsistence. Oak Park's emergency preparedness plans and processes complied with the state and federal emergency preparedness requirements for nursing facilities reviewed as part of this inspection. OIG Inspections did not identify any issues or opportunities for improvement.

OIG Inspections thanks the management and staff at Oak Park for their cooperation and assistance during this inspection.

Emergency Preparedness Requirements

Nursing facilities are required to establish and maintain an emergency preparedness program,^{1,2} which includes, but is not limited to, the following emergency preparedness elements:

- Emergency preparedness plan

¹ 42 C.F.R. § 483.73 (Nov. 29, 2019).

² 26 Tex. Admin. Code § 554.1914 (Jan. 15, 2021).

- Policies and procedures
- Communication plan
- Training and testing program
- Emergency and standby power systems

Each nursing facility's emergency preparedness plan must address emergency events identified by the facility's risk assessment, such as heating or cooling system failures, fires, power outages, extreme winter conditions, hurricanes, and tornadoes.

HHS Long Term Care Regulation (LTCR) is responsible for ensuring nursing facilities comply with state and federal laws and regulations. LTCR provides training and guidance, conducts annual emergency preparedness surveys, and performs a follow-up review of deficiencies identified to ensure compliance.

Section 2: Objective, Scope, Methodology, Standards, and Criteria

Objective and Scope

The inspection objective was to determine whether Oak Park followed select state and federal requirements for emergency preparedness.

The inspection scope included Oak Park's (a) documentation of calendar year 2021 emergency preparedness training and testing and (b) emergency preparedness program in place as of May 2022.

Methodology

To achieve its inspection objective, OIG Inspections collected information through (a) discussions and interviews with LTCR staff and Oak Park staff, (b) a site visit to Oak Park's facility in San Antonio, Texas, on May 19, 2022, and (c) a review of:

- Regulations, policies, and procedures that address the objective.
- Oak Park's emergency preparedness plan, emergency supplies and power, communication plan, and training and testing records.

OIG Inspections selected the emergency preparedness requirements to test as part of this inspection after (a) discussions with LTCR and (b) review of prior deficiencies identified in both LTCR reviews and the U.S. Department of Health and Human Services Office of Inspector General's review of selected nursing facilities in Texas to evaluate compliance with life safety and emergency preparedness requirements.³

In March 2022, there were 1,154 nursing facilities participating in Texas Medicaid. To choose the nursing facility to inspect, OIG Inspections considered the following criteria:

- Location of the nursing facility.
- Date LTCR last inspected the nursing facility.
- Nursing facility incidents reported to HHS.

³ U.S. Department of Health and Human Services Office of Inspector General, *Life Safety and Emergency Preparedness Deficiencies Found at 18 of 20 Texas Nursing Homes*, A-06-19-08001 (Feb. 6, 2020).

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:

- 42 C.F.R. § 483.73 (2019)
- 26 Tex. Admin. Code § 554.1914 (2021)

Section 3: Related Reports

- Nursing Facility Emergency Preparedness: Mystic Park Nursing and Rehabilitation Center, [INS-22-010](#), August 25, 2022

Section 4: Report Team and Distribution

Report Team

OIG staff members who contributed to this inspection report include:

- Kacy J. VerColen, CPA, Deputy Inspector General of Audit and Inspections
- Bruce Andrews, CPA, CISA, Director of Inspections
- James Aldridge, Manager of Inspections
- Marco Diaz, Lead Inspector
- Gabriella Berger, Inspector
- Ashley Rains, CFE, Senior Audit Operations Analyst

Report Distribution

Health and Human Services

- Cecile Erwin Young, Executive Commissioner
- Kate Hendrix, Chief of Staff
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- Jordan Dixon, Chief Policy and Regulatory Officer
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- Michelle Alletto, Chief Program and Services 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

Oak Park Nursing & Rehabilitation Center

- Jonathan Moore, Administrator
- Josiah Angelo, Director of Maintenance

Section 5: **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:

- Sylvia Hernandez Kauffman, Inspector General
- Audrey O'Neill, Principal Deputy Inspector General, Chief of Audit and Inspections
- Susan Biles, Chief of Staff, Chief of Policy and Performance
- Erik Cary, Chief Counsel
- Christine Maldonado, Chief of Operations and Workforce Leadership
- Steve Johnson, Chief of Investigations and Reviews

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- Email: OIGCommunications@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