

Inspections Report

Nursing Facility Emergency Preparedness

Focused Care at Westwood



**Inspector
General**

Texas Health
and Human Services

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OIG Report No. INS-23-003



Nursing Facility Emergency Preparedness

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Results in Brief

Why OIG Conducted This Inspection

The Texas Health and Human Services (HHS) Office of Inspector General Audit and Inspections Division (OIG Inspections) conducted an inspection of Focused Care at Westwood (Focused Care), a skilled nursing facility.

In 2020, the U.S. Department of Health and Human Services Office of Inspector General conducted a review of selected nursing facilities in Texas to evaluate compliance with life safety and emergency preparedness requirements. The report identified noncompliance with emergency preparedness requirements related to emergency preparedness plans, emergency supplies, emergency power, communication plans, and emergency preparedness plan training.

OIG Inspections initiated this inspection because of potential health and safety concerns caused by inadequate emergency preparedness programs at nursing facilities.

Summary of Review

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

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

Key Results

Focused Care at Westwood's (Focused Care) emergency preparedness plans and processes complied with 22 of 23 (95.7 percent) state and federal emergency preparedness requirements for nursing facilities reviewed as part of this inspection. Focused Care had an updated emergency preparedness (a) plan and (b) training and testing program. Focused Care also had updated procedures related to alternative power sources and subsistence needs for residents and staff. During a site visit to Focused Care's facility, inspectors saw multiple emergency preparedness elements, including a generator used as an alternate energy source and supplies for resident and staff subsistence.

However, Focused Care did not consistently comply with one emergency preparedness requirement. Specifically, Focused Care did not document required contact information in its communication plan for (a) the state licensing and certification agency, Texas Health and Human Services (HHS), and (b) the Texas HHS Office of the Long-Term Care Ombudsman.

Recommendation

Focused Care should ensure its communication plan includes the required contact information for the Texas HHS Office of the Long-Term Care Ombudsman and the state licensing and certification agency.

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

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Inspection Overview

Overall Results

Focused Care at Westwood's (Focused Care) emergency preparedness plans and processes complied with 22 of 23 (95.7 percent) state and federal emergency preparedness requirements for nursing facilities reviewed as part of this inspection. Focused Care had an updated emergency preparedness (a) plan and (b) training and testing program. Focused Care also had updated procedures related to alternative power sources and subsistence needs for residents and staff. During a site visit to Focused Care's facility, inspectors saw multiple emergency preparedness elements, including a generator used as an alternate energy source and supplies for resident and staff subsistence.

However, Focused Care did not consistently comply with one emergency preparedness requirement. Specifically, Focused Care did not document required contact information in its communication plan for (a) the state licensing and certification agency, Texas Health and Human Services (HHS), and (b) the Texas HHS Office of the Long-Term Care Ombudsman.

The HHS Office of Inspector General (OIG) Audit and Inspections Division (OIG Inspections) offered a recommendation to Focused Care, which, if implemented, will help ensure that Focused Care follows selected state and federal requirements for emergency preparedness. Inspection findings identified in this report (a) may be referred to HHSC for potential pursuit of enforcement remedies or (b) may be subject to OIG administrative enforcement measures,¹ including administrative penalties.²

OIG Inspections presented preliminary inspection results, issues, and recommendations to Focused Care in a draft report dated September 21, 2022. Focused Care agreed with the inspection's recommendation and elected not to provide a management response.

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

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

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

Objective

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

Scope

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

Background

Focused Care, owned and managed by Focused Post Acute Care Partners, LLC, is a skilled nursing facility located in Houston, Texas.

Nursing facilities are required to establish and maintain an emergency preparedness program,^{3,4} which includes, but is not limited to, the following emergency preparedness elements:

- Emergency preparedness plan
- 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.

³ 42 C.F.R. § 483.73 (Nov. 29, 2019).

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

What Prompted This Inspection

In 2020, the U.S. Department of Health and Human Services Office of Inspector General conducted a review of selected nursing facilities in Texas to evaluate compliance with life safety and emergency preparedness requirements.⁵ The report identified noncompliance with emergency preparedness requirements related to emergency preparedness plans, emergency supplies, emergency power, communication plans, and emergency preparedness plan training.

OIG Inspections initiated this inspection because of potential health and safety concerns caused by inadequate emergency preparedness programs at nursing facilities.

⁵ 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).

Detailed Results

OIG Inspections conducted a site visit to Focused Care's facility on May 25, 2022, and reviewed Focused Care'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

Focused Care was compliant with requirements including:

- Processes for ensuring emergency power systems (a) were maintained, inspected, and tested and (b) address the power needs for key systems during an emergency.
- Timely reviewing and updating the (a) emergency preparedness plan and (b) training and testing program.
- Policies and procedures that addressed the subsistence needs for residents and staff.
- Processes for ensuring employees complete initial and annual emergency preparedness plan training as applicable for assigned job duties.
- Conducting and maintaining documentation of exercises to test the emergency preparedness plan.

The following section of this report provides additional detail about the finding of noncompliance observed by OIG Inspections.

Observation 1: Focused Care's Communication Plan Did Not Include Some Required Contact Information

Focused Care's communication plan contained most of the required contact information; however, Focused Care's communication plan did not contain the required contact information for the Texas HHS Office of the Long-Term Care

Ombudsman and the state licensing and certification agency. Nursing facilities must have a communication plan that contains contact information for:

- Federal, state, regional, or local emergency preparedness staff
- The state licensing and certification agency
- The Texas HHS Office of the Long-Term Care Ombudsman
- Other sources of assistance⁶

A communication plan containing contact information for all required sources ensures the information is available to staff in an emergency.

Recommendation 1

Focused Care should ensure its communication plan includes the required contact information for the Texas HHS Office of the Long-Term Care Ombudsman and the state licensing and certification agency.

⁶ 42 C.F.R. § 483.73(c)(2) (Nov. 29, 2019).

Appendix A: Methodology, Standards, and Criteria

Detailed Methodology

To achieve the inspection objective, OIG Inspections collected information through (a) discussions and interviews with LTCR staff and Focused Care staff, (b) a site visit to Focused Care's facility in Houston, Texas, on May 25, 2022, and (c) a review of:

- Regulations, policies, and procedures that address the objective.
- Focused Care'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.

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.

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)

Appendix B: Related Reports

- Nursing Facility Emergency Preparedness: Villa Toscana at Cypress Woods, [INS-23-002](#), September 28, 2022
- Nursing Facility Emergency Preparedness: Oak Park Nursing & Rehabilitation Center, [INS-23-001](#), September 28, 2022
- Nursing Facility Emergency Preparedness: Mystic Park Nursing and Rehabilitation Center, [INS-22-010](#), August 25, 2022

Appendix C: Resources for Additional Information

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

To view the U.S. Department of Health and Human Services Office of Inspector General Report A-06-19-08001, Life Safety and Emergency Preparedness Deficiencies Found at 18 of 20 Texas Nursing Homes:

“Life Safety and Emergency Preparedness Deficiencies Found at 18 of 20 Texas Nursing Homes,” U.S. Department of Health and Human Services Office of Inspector General,
<https://oig.hhs.gov/oas/reports/region6/61908001.asp>
(accessed August 24, 2022)

For more information on HHS emergency preparedness:

“Emergency Preparedness,” HHS,
<https://hhsconnection.hhs.texas.gov/building-services/safety-security/emergency-preparedness> (accessed August 24, 2022)

For more information on Focused Care at Westwood:

Homepage, Focused Care at Westwood, <http://fpacp.com/focused-care-at-westwood/> (accessed August 24, 2022)

Appendix D: Report Team and Distribution

Report Team

OIG staff members who contributed to this inspection report include:

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- James Aldridge, Manager of Inspections
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Focused Care at Westwood

- Kayla Graham, Administrator
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Appendix E: 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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- Online: <https://oig.hhs.texas.gov/report-fraud-waste-or-abuse>
- Phone: 1-800-436-6184

To Contact OIG

- Email: OIGCommunications@hhs.texas.gov
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