

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
CENTERS FOR MEDICARE & MEDICAID SERVICES

PRINTED: 11/08/2023  
FORM APPROVED  
OMB NO. 0938-0391

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  <b>490118</b>	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____  B. WING _____		(X3) DATE SURVEY COMPLETED  <b>C</b> <b>04/03/2023</b>
NAME OF PROVIDER OR SUPPLIER  <b>HENRICO DOCTORS' HOSPITAL</b>			STREET ADDRESS, CITY, STATE, ZIP CODE <b>1602 SKIPWITH ROAD</b> <b>RICHMOND, VA 23229</b>		
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A 000	INITIAL COMMENTS  An unannounced Emergency Medical Treatment and Labor Act (EMTALA) complaint survey (VA00058344) was conducted on 04/03/2023 by two (2) Medical Facilities Inspectors (MFIs) from the Office of Licensure and Certification (OLC), Virginia Department of Health (VDH).  Following observation, interviews, and document review, the facility was found not in compliance with Appendix V-Interpretive Guidelines-Responsibilities of Medicare Participating Hospitals in Emergency Cases (Rev. 191, 07-19-19).	A 000			
A2400	COMPLIANCE WITH 489.24 CFR(s): 489.20(l)  [The provider agrees,] in the case of a hospital as defined in §489.24(b), to comply with §489.24.  This STANDARD is not met as evidenced by: Based on clinical record review, staff interview and facility document review, it was determined that the facility failed to comply with §489.24 by not providing necessary stabilizing treatment for a patient presenting to the emergency department with an emergency medical condition (A-2407).  The findings include:  See Tag A-2407 Based on clinical record review, staff interview and facility document review, it was determined the facility staff failed to provide stabilizing treatment for one (1) of twenty-five (25) patients (Patient #1) after the patient presented to the	A2400			

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE

TITLE

(X6) DATE

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.

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A2400	Continued From page 1	A2400			
A2407	Emergency Department with an EMC. STABILIZING TREATMENT CFR(s): 489.24(d)(1-3)  (1) General. Subject to the provisions of paragraph (d)(2) of this section, if any individual (whether or not eligible for Medicare benefits) comes to a hospital and the hospital determines that the individual has an emergency medical condition, the hospital must provide either- (i) within the capabilities of the staff and facilities available at the hospital, for further medical examination and treatment as required to stabilize the medical condition. (ii) For for transfer of the individual to another medical facility in accordance with paragraph (e) of this section.  (2) Exception: Application to inpatients. (i) If a hospital has screened an individual under paragraph (a) of this section and found the individual to have an emergency medical condition, and admits that individual as an inpatient in good faith in order to stabilize the emergency medical condition, the hospital has satisfied its special responsibilities under this section with respect to that individual (ii) This section is not applicable to an inpatient who was admitted for elective (nonemergency) diagnosis or treatment. (iii) A hospital is required by the conditions of participation for hospitals under Part 482 of this chapter to provide care to its inpatients in accordance with those conditions of participation.  (3) Refusal to consent to treatment. A hospital meets the requirements of paragraph (d)(1)(i) of this section with respect to an	A2407			

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A2407	<p>Continued From page 2</p> <p>individual if the hospital offers the individual the further medical examination and treatment described in that paragraph and informs the individual (or a person acting on the individual's behalf) of the risks and benefits to the individual of the examination and treatment, but the individual (or a person acting on the individual's behalf) does not consent to the examination or treatment. The medical record must contain a description of the examination, treatment, or both if applicable, that was refused by or on behalf of the individual. The hospital must take all reasonable steps to secure the individual's written informed refusal (or that of the person acting on his or her behalf). The written document should indicate that the person has been informed of the risks and benefits of the examination or treatment, or both.</p> <p>This STANDARD is not met as evidenced by: Based on clinical record review, staff interview and facility document review, it was determined the facility staff failed to provide stabilizing treatment for one (1) of twenty-five (25) patients (Patient #1) after the patient presented to the emergency department with an emergency medical condition.</p> <p>The findings included:</p> <p>The facility's policy and procedure titled "EMTALA - Definitions and General Requirements" (effective date 09/01/2019) states in part: "The hospital with an emergency department must provide to any individual ...an appropriate Medical Screening examination (MSE) within the capability of the hospital's emergency department ...If an EMC is determined to exist, the hospital must provide either: (i) further medical</p>	A2407			

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A2407	<p>Continued From page 3</p> <p>examination and any necessary stabilizing treatment within the capabilities of the staff and facilities available at the hospital; or (ii) an appropriate transfer to another medical facility ...Emergency Medical Condition (EMC) means: ...3. With respect to an individual with psychiatric symptoms: a. that acute psychiatric or acute substance abuse symptoms are manifested; ...To Stabilize means, with respect to an EMC to either provide such medical treatment of the condition as may be necessary to assure, within reasonable medical probability, that no deterioration of the condition is likely to result from or occur during transfer ..."</p> <p>The surveyor conducted a review of Patient #1's medical record on 04/03/2023. The record revealed that Patient #1 presented to the emergency department on 3/3/23 via ambulance in the custody of local police officers under an emergency custody order due to the patient displaying concerning behavior in the community. The patient remained in the emergency department for approximately six (6) hours prior to being discharged to police officers.</p> <p>The "Emergency Department Provider Report" dated 3/3/23 read in part: "...presents to the emergency room by police due to bizarre, aggressive and disruptive behavior... Patient is extremely angry, agitated and bizarre...Detailed Suicide Risk ... Overall level suicide Risk: High Risk ...Behavior: Aggressive, combative, Uncooperative... Psychiatric: Angry, agitated, bizarre, not answering but when [patient] does is an insult to examiner...Patient got 20mg Geodon [an antipsychotic medication used to treat symptoms of certain types of psychiatric disorders such as schizophrenia or manic bipolar</p>	A2407			

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A2407	<p>Continued From page 4</p> <p>disorder] and 50mg of Benadryl [an antihistamine often given to prevent side effects from certain antipsychotics, but also for its sedating effects]. This helped [patient] for less than an hour. Now [patient] appears agitated again. Will give 25mg IM Thorazine [an antipsychotic] and 2mg IM Ativan [an antianxiety medication] ... I have been informed by the police that patient will be taken to jail due to [patient] violent behavior and assault on a police officer during the administration of medications...Acute Psychosis...Violent behavior...discharged to jail..."</p> <p>The "Emergency Patient Record" read in part: "...3/3/23 1429 Pt in room yelling and screaming...3/3/23 1858 Pt in room yelling and screaming...Pt banging on stretcher EDMD [emergency department medical doctor] advised pt need of medications. HPD at bedside to assist with medication administration. Pt clawing/hitting/scratching/kicking/spitting at HPD. Officer [name] with several lineal scratches to left neck, tragus of left ear and behind left ear with bruising to left side of face when pt punched officer in the face."</p> <p>The surveyor conducted an interview with Staff Member #6 on 4/3/23 at 1:40 p.m. Staff Member #6 is a registered nurse in the emergency department. Staff Member #6 assisted in the care of Patient #1 during their time in the facility. Staff Member #6 advised that the patient came into the facility on an emergency custody order and demonstrated continued agitation and assaulted a police officer while in the emergency department. The patient had their right hand and ankle restrained and was angry and yelling. The patient allowed Staff Member #6 to draw blood and conduct a COVID test. The patient was also</p>	A2407			

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A2407	<p>Continued From page 5</p> <p>cooperative while eating a box lunch. For essentially the remainder of the time, the patient was yelling and screaming. Staff moved the patient to another room because it was a safer area. The patient was yelling and screaming, and an officer made a call on the radio for back-up and staff called for a CODE 3 (mayday). The patient then assaulted a police officer. The staff were afraid the patient was going to get out and hurt another patient or staff or themselves.</p> <p>The surveyor conducted an interview with Staff Member #7 on 04/03/2023 at 2:05 p.m. Staff Member #7 is also a registered nurse in the emergency department. Staff Member #7 assisted in the care for Patient #1 during their time in the facility. Staff Member #7 advised they were able to draw blood and conduct a COVID test and the patient was cooperative when eating a box lunch. Outside of this, the patient was extremely aggressive and violent, yelling and screaming pretty much the whole time. The patient was taken to jail because they were arrested for assaulting a police officer.</p> <p>The surveyor conducted an interview with Staff Member #8 on 04/03/23 at 3:35 p.m. Staff Member #8 is the emergency room physician who conducted the medical screening examination. Staff Member #8 advised the patient came into the facility on an emergency custody order and was very violent and screaming. At first, the patient was aggressive and vulgar, but after speaking with them, the patient allowed Staff Member #8 to conduct a physical exam. The patient was psychotic, and Staff Member #8 gave an order for medications to be given. Staff administered medications, but at some point, the patient was so violent that they assaulted a police</p>	A2407			

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A2407	<p>Continued From page 6</p> <p>officer. The police advised Staff Member #8 that they were going to arrest the patient and take them to jail. Staff Member #8 discussed the concerns regarding the level of violence displayed by Patient #1 and that they attempted to medicate the patient in order to help the patient calm down. Staff Member #8 said the patient had been removed from the emergency department before psychiatry could be consulted. Staff Member #8 stated the patient did not get a consult from the psychiatrist and that the medications administered prior to discharge had not been effective in controlling the patient's behavior. Staff Member #8 advised they felt the facility could not control the patient in the emergency department setting.</p> <p>The medical record review and interviews failed to demonstrate that the facility provided stabilizing treatment for Patient #1's emergency medical condition within the capabilities of the facility.</p>	A2407			