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| <b>Statement of Deficiencies</b>   | <b>(X1) Provider/Supplier/CLIA Identification Number</b><br><br>012500             | <b>(X3) Date Survey Completed</b><br><br>09/16/2021 |
| <b>Name of Provider or Supplier</b><br><br>Fmc Capitol City  | <b>Street Address, City, State</b><br><br>255 South Jackson Street, Montgomery, AL |   |
| For information on the provider's plan to correct this deficiency, please contact the provider or the state survey agency. |  |   |

| <b>(X4) ID Prefix Tag</b> | <b>Summary Statement of Deficiencies</b><br><br>(Each deficiency should be preceded by full regulatory or LSC identifying information)   |
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| <b>V0456</b>              | <p>PR-PARTICIPATE IN CARE;DISC/REFUSE TX<br/>CFR(s): 494.70(a)(5)</p> <p>The patient has the right to- (5) Be informed about and participate, if desired, in all aspects of his or her care, and be informed of the right to refuse treatment, to discontinue treatment, and to refuse to participate in experimental research;</p> <p>This STANDARD is not met as evidenced by:<br/>Based on review of medical records (MR), facility policy, and interviews with the staff it was determined the facility failed to ensure the patient had the right to refuse treatment and the staff complied with this right. This affected 1 of 3 MR reviewed and did affect Patient Identifier (PI) # 1 and had the potential to negatively affect all patients served by the facility. Findings include: Facility Policy: Patient Rights and Responsibilities No Policy Number Published: 4/4/12 Version: 2 Purpose: To comply with Federal Regulations that require dialysis facilities to: Educate staff regarding the rights of dialysis patients. Inform and educate all dialysis patients about their rights and responsibilities as a patient at the dialysis facility. Ensure patient's rights are respected and protected by the facility. Conditions for Coverage: Patients' Rights: ... Patients' Rights require dialysis facilities to inform patients or their representatives of their rights (including their privacy rights) and responsibilities when they begin their treatment and must protect and provide for the exercise of those rights. The patient has the right to: 5. Be informed about and participate if desired, in all aspects of his or her care, and be informed of the right to refuse treatment and to discontinue treatment... Policy: All patients and/or their representatives will be informed of their rights (including privacy rights) and responsibilities. Patient rights and the ability to exercise these rights must be protected by the facility. FMCNA (Fresenius Medical Care North America) Patient Rights You Have The Right To: Help Make Decisions About Your Care: Accept, refuse or stop any treatment that is prescribed for you. PI # 1 was admitted to the facility on 5/12/18 with an admitting diagnosis of End Stage</p> |

Renal Disease. Review of the Treatment Sheet dated 5/13/21 revealed documentation by the RN (Registered Nurse), "Pt (patient) very belligerent during Dr. (doctor) visit. Patient demanded the (he/she) didn't see physician. Pt had covers over head entire TX (treatment)". Review of the physician rounding note dated 5/13/21 revealed Employee Identifier (EI) # 6 documented, 'Pt belligerent and agitated, refused exam, yelling and cursing with the team present. Explained that I am a provider with the practice and assuming care with the practice". Review of the Provider Rounding Note dated 5/18 /21 revealed EI # 7 Nurse Practitioner (NP) documented PI # 1 more reasonable demeanor today than last week. Patient continues to express that he/she does not want to be seen by EI # 6, Medical Doctor (MD) and did not want EI # 6 touching him. Review of the Treatment Flow Sheets dated 6/8/21 to 7/6/21 revealed no documentation by the staff concerning of any incident which occurred on the treatment floor with the physician and the patient. An interview was conducted on 9/14 /21 at 3:30 PM with PI # 1, who stated. "I cover my face with the blanket all the time and all the time the staff tells me to uncover it. One day (PI # 1 was asked the date but was not sure), EI # 6 came up and ripped the covers off of me and I had a cap on my head which fell to the floor. I said something to (him/her) and (he/she) introduced (his /herself) and I asked if (he/she) was going to say (he/she) was sorry or pick up my hat. I started yelling Help Help because (he/she) would not leave when I asked (him/her) too. I signed off early three times after that because (he/she) is overbearing and rude". The patient went on to state that again this year EI # 6 made rounds and he/she was asleep with the covers over his/her head. The patient stated he/she felt someone between his/her chair and the dialysis machine and thought it was a technician (tech). PI # 1 stated then he/she heard someone barking at him/her about the covers and then felt someone bump his/her arm. PI # 1 stated he/she pulled the covers down and EI # 6 was yelling at him/her about the covers, PI # 1 stated the Social Worker, the Dietitian and the Nurse Practitioner (NP) were also there but a ways away from the chair. PI# 1 stated he/she said hi to the NP and the NP replied "Oh don't get me involved." Patient then stated he/she asked the physician to leave and he/she stated he /she cussed at the physician and asked the physician again to leave and the physician stated "that's all I needed". He/she would always disrespect me and I don't know why. PI # 1 stated I would always sign off early so I did not have to deal with that physician but this time I was asleep so I did not see him/her coming. An interview was conducted on 9/15/21 at 8:50 AM with EI # 2, Clinical Manager. When asked what caused the conflict between the patient and the physician, EI # 2 stated it started a few months ago when the patient would have the covers over his/her head the physician would come and pull the covers off and the patient would be startled. EI # 2 stated the last occurrence was around June 17th when the physician pulled the covers off the patients head on this day and told the patient they were going to discuss his/her lab work and do his/her assessment. The patient then stated "No I do not want you anywhere near me". EI # 2 stated the physician remained at chairside and reviewed the labs with the patient while the whole time the patient was telling the physician he /she did not want him/her to touch the patient and to leave. An interview was conducted on 9/15/21 at 9:00 AM with EI # 3, Registered Dietitian. EI # 3 was asked to explain the incident between the patient and the physician. EI # 3 stated patient had the covers over his/her head and was asleep. EI # 3 stated the physician approached the patient's chair and he/she always wakes the patient up. EI # 3 was unsure how the physician woke the patient up this time. Once the patient pulled the covers down and saw it was the physician the patient said over and over "I do not want to talk to you." The physician told the patient they needed to review his/her labs and started reading the lab results to the patient. EI # 3 then stated the patient said "I keep telling you I don't want to talk to you but you won't leave. I'm saying no". An interview was conducted on 9/15/21 at 9:50 AM with EI # 4, Social Worker. EI # 4 stated they were

making round with the physician and the patient had the covers over his/her head and did not know they were on the dialysis floor. EI # 4 stated physician removed the covers from patient's head and patient became irate. The patient immediately said "Oh man I told you to leave me alone" He/she continued by stating he/she told the physician he/she did not want to talk to him/her at all and he/she was fine till he/she showed up. The physician stayed there and finished rounds with the patient even though the patient kept on and on telling the physician to leave. The physician finally walked away and physician said the patient was being immature. An interview was conducted on 9/15/21 at 10:42 AM with EI # 1, Director of Operations. EI # 1 reported an incident occurred sometime in June with the patient and the physician. EI # 1 stated he/she,"was in the clinic that day and the patient told me that he/she informed the staff if the physician arrived at the clinic the staff was to tell him/her so he/she could leave the clinic. I went over to his/her chair and was going to wake the patient up because the physician arrived at the clinic. I was told by the staff if you wake the patient up he/she will leave early. I decided not to wake the patient up". EI # 1 stated when he/she went out the the floor the whole team was surrounding the patient at chairside. The patient was saying I told you not to touch me and I don't want you to talk to me and then he/she started yelling and screaming and calling her/him a rapist. An interview was conducted on 9/15/21 at 12:10 PM with EI # 5, Medical Director, by phone and was asked if EI # 5 recalled an incident which occurred on the dialysis floor with PI # 1. EI # 5 stated he/she recalled being told about the incident but was not present. After this incident with the patient the physician (EI # 6) came to the group and demanded PI # 1 be discharged. At that time this physician did not see the patient anymore. At his/her request and, she/he was very forceful, we were forced by him/her and it was decided it was best for the patient to go to another group or clinic. An interview was conducted on 9/15/21 at 2:25 PM with EI # 6, Medical Doctor. EI # 6 was asked if he/she recalled PI # 1 and stated the physician had only met the patient 2-3 times so probably could not describe the patient very well. EI # 6 stated,"(he/she) had awoken the patient and the patient became instantly angry. (He /she) spoke some obscenities and told me to keep moving". EI # 6 stated," I told the patient we were going to go over some lab work" and the patient stated the physician will not be his/her physician. The physician told the patient they were a team of 6 and were to provide him/her with care and he/she will be seen by any one of the 6 providers. EI # 6 then told the patient he/she was reviewing the labs and the patient became louder and started calling the physician a rapist. EI # 6 stated they as a team did review his/her labs and once complete he/she left the chairside.