

## Long-Term Care Survey Alert

### Citation Risk: Learn From the Case of the Missing Fentanyl Patch

**Take preventive measures before the surveyors hand you a citation.**

Proper assessment of residents' pain is only one side of the pain story, of course. Nursing homes must also show surveyors that the treatment of pain in the facility is on track  and that adequate precautions are taken to ensure the proper control and distribution of pain medications.

**Case in point:** A nursing home in New York State was cited under F225 (not employ persons guilty of abuse) after a complaint investigation substantiated a CNA's claim that a licensed practical nurse had diverted and was wearing while on duty a Fentanyl patch that was intended for a resident with chronic pain and degenerative joint disease.

The citation was issued at a severity level of "potential for more than minimal harm," but by taking the initial complaint seriously, and with proper documentation in place regarding staffing and medication controls, the facility administration was able to avoid any more serious sanctions. Within a matter of days, they were able to identify, and fire, the offending LPN  and take corrective action.

Keep in mind that a survey team that suspects that a resident's pain medication has been diverted may also investigate the matter further under the guidelines for F224 (misappropriation of resident's property).

According to guidelines from Leading Age, "if it is determined that medications were diverted for staff use, the State Agency must refer to appropriate agencies, e.g., local law enforcement; Drug Enforcement Administration; state Board of Nursing; State Board of Pharmacy; and possibly the state licensure Board for NH Administrators."

**Lessons to learn:** Careful staffing records can help identify problem employees during survey investigations, limiting your liability. Well-trained certified nursing assistants can be allies in ensuring that residents' pain is properly treated.