

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
FACILITY LICENSING AND INVESTIGATIONS SECTION**

In Re: Manchester CT SNF, LLC
 d/b/a Crestfield Rehabilitation Center & Fenwood Manor
 565 Vernon Street
 Manchester, CT 06042

CONSENT ORDER

WHEREAS, the Manchester CT SNF, LLC, d/b/a Crestfield Rehabilitation Center & Fenwood Manor (“Crestfield”) has been issued License number 2344 to operate a health care institution at 565 Vernon St, Manchester, Connecticut under Connecticut General Statutes (“Statutes”) § 19a-490 by the Connecticut Department of Public Health (“Department”); and,

WHEREAS, the United States Centers for Disease Control and Prevention (“CDC”) and the State of Connecticut are responding to an outbreak of respiratory disease caused by a novel (new) coronavirus that was first detected in China in 2019 and which has now been detected in many locations internationally, including in the United States. The disease has been named “coronavirus disease 2019” (“COVID-19”); and,

WHEREAS, the State of Connecticut (“Connecticut”) is experiencing community transmission of COVID-19; and,

WHEREAS, Connecticut Governor Ned Lamont declared civil preparedness and public health emergencies on March 10, 2020; and,

WHEREAS, there exists a critical need to cohort and care for patients of long-term care facilities who have been diagnosed with COVID-19 while reducing the risk of infection to patients who have not been exposed to or diagnosed with COVID-19; and,

WHEREAS, the Department is implementing a medical surge plan ("Plan") to expand capacity and slow the spread of COVID-19 in Connecticut long-term care facilities; and,

WHEREAS, in order to expand capacity and make more facilities available for such Plan, it is necessary to use nursing homes which will be dedicated to the care of patients diagnosed with COVID-19 ("COVID Recovery Facilities"). COVID Recovery Facilities can be previously unoccupied buildings, dedicated to the care of patients who have been diagnosed with COVID-19 ("Alternate COVID Recovery Facilities") or existing facilities which can dedicate specific units/areas within the nursing home that are separate from the rest of the facility, dedicated to the care of patients who have been diagnosed with COVID-19 ("Existing Facilities"); and

WHEREAS, to achieve the goal of the Plan, Crestfield is seeking to temporarily certify sixty (60) beds for Medicaid on the Fenwood unit of Crestfield. The intent of seeking Medicaid certification is to accept 60 patient transfers from Northbridge Health Care Center ("Northbridge"), located at 2875 Main Street in Bridgeport, Connecticut; which is being established as a COVID Recovery Facility; and

WHEREAS, upon the execution of this Consent Order ("Order") and after meeting all statutory and regulatory requirements, Crestfield shall be permitted to add a maximum of 60 Medicaid certified beds to the agreement between Crestfield and the Department of Social Services as the State Medicaid Agency and such certified beds shall be located on the Fenwood Manor unit of Crestfield; and,

NOW THEREFORE, the Department acting herein and through Renée D. Coleman-Mitchell, Commissioner of the Department, and Crestfield acting herein and through Lawrence Santilli, as President represents that he is authorized to sign this Consent Order on behalf of Crestfield and hereby stipulates and agrees as follows for the certified beds located on the Fenwood Manor unit of Crestfield:

1. This Order shall remain in effect for the duration of the aforementioned public health and civil preparedness emergency as determined by the Governor of

Connecticut and until such time each patient is safely discharged to an appropriate destination.

2. The Department of Social Services shall decertify the 60 beds certified for Medicaid as a result of the Plan following the Governor's declaration of the end of the public health emergency and the end of the phase down and closure of the temporary facility.
3. Crestfield shall ban visitation in accordance with the Commissioner Order executed March 13, 2020, <https://portal.ct.gov/-/media/Office-of-the-Governor/News/20200313-DPH-nursing-home-order.pdf?la=en>. The Facility shall comply with all statutes and regulations applicable to its license and shall comply with all Orders issued by the Governor or the Commissioner. Failure to comply with any statutes or regulations applicable to its license or any Orders issued by the Governor or the Commissioner shall subject the Facility and Crestfield to disciplinary action and any remedies provided by law.
4. Crestfield shall maximize the use of Medicare coverage for any eligible patient and in accordance, with the Centers for Medicare and Medicaid (“CMS”) authority under Section 1812(f) of the Social Security Act, in which CMS has waived the 3-day prior hospitalization for coverage of a skilled nursing staff and shall include, but not be limited to: Individuals who are discharged from hospitals the Facility, or any other Alternate COVID Recovery Facility. Effective immediately, the Facility shall employ a Minimum Data Set (“MDS”) Coordinator who shall ensure completion of the MDS assessment in accordance with the relief that CMS has provided with regards to the time requirements.
5. Crestfield shall ensure that an adequate supply of Personal Protective Equipment (“PPE”) is available to meet the needs of patients, staff and healthcare workers.
6. During the term of this Order, Crestfield shall not implement any new patient care services including, but not limited to: short term subacute care; or units specializing in the care of diagnostics groupings or an age specific population without prior notification and written approval from the Department.

7. Crestfield shall ensure that all communication from the Long Term Care Ombudsman Program is disseminated immediately to all patients and families when applicable.
8. Crestfield shall facilitate return of any patient who previously resided in a Chronic and Convalescent Nursing Home ("CCNH"), prior to their hospitalization and was transferred to the Facility or was admitted to Crestfield as part of the Plan to expand capacity and make more facilities available for such Plan and in accordance with the patient's desire to return to their CCNH of origin. The Facility shall be required to notify the CCNH of origin and coordinate the return of such patient, when a bed is available, after it has been determined by two separate laboratory tests at least 24 hours or more apart, that such patient has tested negative for COVID-19.
9. The Administrator, the Director of Nursing Services, Medical Director, or designee of the Governing Authority at Crestfield shall telephone conference with the Department at a minimum of once a week for the duration of this Consent Order. The teleconference shall include, but not be limited to, discussions related to the care and services provided by the Facility, staffing patterns and adequacy of PPE.
10. Any records maintained by Crestfield in accordance with any state or federal law or regulation or as required by this Order shall be made available to the Department, upon request. Any rights Crestfield may have to claim and exert privilege to quality assurance or peer review documents under state and/or federal law are preserved and not limited or waived by this Order.
11. Effective upon the execution of this Consent Order, Crestfield shall designate a registered nurse as the infection control nurse to be responsible for the day to-day operation of an infection control and surveillance program for a minimum of forty (40) hours per week under the direction of an infection control committee.
12. The Infection Control Nurse shall implement an infection prevention, surveillance and control program which shall have as its purpose the protection of patients and personnel. The registered nurse hired for this position must hold a current and unrestricted license in Connecticut and have expertise and experience specific to

infection control. The Infection Control Nurse may also be responsible for staff education in the area of infection control. The Infection Control Nurse, in conjunction with the Director of Nurses, Medical Director and Administrator shall implement a mechanism to ensure that each patient with an infection is properly identified and receives the appropriate care and services pertinent to the identified infection. The Infection Control Nurse shall ensure the following:

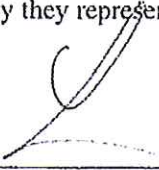
- a. Maintaining an effective infection control program;
 - b. Reviewing the Facility's policies/procedures pursuant to infection control prevention with the Director of Nurses, Medical Director and Administrator and revise such policies/procedures as necessary;
 - c. All staff, including, but not limited to, nursing, recreation, social service, housekeeping, maintenance, and dietary have been trained and demonstrate competency in infection control practices, with a special focus on when and what PPE is required, donning/doffing PPE, PPE conservation strategies, and hand hygiene. Housekeeping and maintenance staff shall be provided training regarding cleaning and disinfection.
 - d. In-servicing all staff regarding infection control principles and practices;
 - e. Evaluating patients on admission to determine the existence of an infection;
 - f. Developing of policies and procedures relative to assessing for appropriate room, roommate and isolation protocols;
 - g. Accurate line listings of patient infections to include date of onset of infection, room location and any culture/lab results; and,
 - h. Evaluation of staff on a routine basis, on all three shifts, regarding the implementation of infection control techniques.
13. The Facility shall ensure the training in paragraph twelve (12) is provided to all employees directly employed by the Facility and including contracted employees. All such training shall be documented and maintained by the Facility. Such records shall be made available to the Department upon request and shall be retained for a five (5) year period.

14. The Infection Control Nurse at the Facility shall provide weekly to the Department a line listing of all patients as noted in paragraph 12g and any patient deaths.
15. The Facility shall maintain a minimum nurse aide staffing ratios for COVID-19 positive units as follows: (A unit is COVID-19 positive if one resident on the unit is COVID-19 positive).
 - a. 1st shift – ten (10) patients to one (1) nurse aide.
 - b. 2nd shift – ten (10) patients to one (1) nurse aide.
 - c. 3rd shift – fifteen (15) patients to one (1) nurse aide.
16. The Facility shall maintain minimum licensed nursing staffing ratios for COVID-19 positive unites as follows: (A unit is COVID-19 positive if one resident on the unit is COVID-19 positive).
 - a. 1st shift – fifteen (15) patients to one (1) licensed nurse.
 - b. 2nd shift – fifteen (15) patients to one (1) licensed nurse.
 - c. 3rd shift – thirty (30) patients to one (1) licensed nurse.
17. Effective immediately upon execution of this Order, the Administrator and Director of Nurses at the Facility shall meet at a minimum of one time a week to discuss staffing in correlation to patient acuity and staffing shall be adjusted if necessary to meet the needs of the patients.
18. Effectively immediately and upon execution of this Consent Order, the Facility shall notify the Department immediately, if any of the following positions become vacant:
 - a. Administrator;
 - b. DNS;
 - c. ADNS (if applicable);
 - d. Medical Director;
 - e. Infection Control Nurse; and
 - f. Free Floating Supervisor.
19. Within seven (7) days of the execution of this Consent Order, Crestfield shall provide the names and resumes of the Administrator, DNS, and ADNS (as applicable) for Department review.

20. Within seven (7) days of the execution of this Consent Order, Crestfield shall designate an individual to monitor the requirements of this Order. The name of the designated individual shall be provided to the Department within said timeframe.
21. Any documentation required by this document shall be directed to:
Department of Public Health
Facility Licensing and Investigations Section
410 Capitol Avenue, P.O. Box 340308, MS #12 HSR
Hartford, CT 06134-0308
22. All parties agree that this Order is an Order of the Department with all of the rights and obligations pertaining thereto and attendant thereon. Crestfield agrees that compliance with all of the terms and conditions of this Order is part of the responsibility of the governing authority as set forth in Public Health Code Section 19-13-D8(e). Crestfield further agrees that failure to comply with any of the terms and conditions of this Order shall constitute grounds for disciplinary action pursuant to Section 19a-494 of the Connecticut General Statutes. Nothing herein shall be construed as limiting the Department's other available legal remedies against Crestfield for violations of the Order or of any other statutory or regulatory requirements, which may be sought in lieu of or in addition to the methods of relief listed above, or any other administrative and judicial relief provided by law.
23. The execution of this Order has no bearing on any criminal liability without the written consent of the Director of the MFCU or the Bureau Chief of the Department of Criminal Justice's Statewide Prosecution Bureau.
24. Crestfield agrees that this Order and the terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum including any right to review under the Uniform Administrative Procedure Act, Chapter 368a of the Statutes, Regulations that exists at the time the order is executed or may become available in the future, provided that this stipulation shall not deprive Crestfield of any other rights that it may have under the laws of the State of Connecticut or of the United States.
25. Crestfield has consulted with their attorney prior to the execution of this Order.

WITNESS WHEREOF, the parties hereto have caused this Order to be executed by their respective officers and officials, which Order is to be effective as of the later of the two dates noted below. The undersigned signatories represent and warrant that they are authorized to execute this Order on behalf of the party they represent.

By:


Lawrence Santilli, as Manager
Crestfield Rehabilitation Center & Fenwood Manor

April 4/15, 2020

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH

By:


Renée D. Coleman-Mitchell, MPH
Commissioner, Department of Public Health

April 16, 2020