



Brattleboro Retreat

Memorandum

To: Paul Dupre, Commissioner of the VT Dept. of Mental Health
Frank Reed, Deputy Commissioner of the VT Dept. of Mental Health

CC: Sen. Claire Ayer
Rep. Ann Pugh

From: Peter Albert, LICSW
Sr. VP of Government Affairs

Subject: Update on Brattleboro Retreat and Current CMS process

Date: October 16, 2014

Below is an informational update and timeline related to the Brattleboro Retreat's current process with CMS. Since the recent CMS survey, the Retreat has been focused on the next steps related to the survey findings and the forthcoming Systems Improvement Agreement (SIA). Senior management and the Board of Trustees of the Retreat see these developments as a positive, collaborative step forward toward meeting the common goals of quality care and accountability.

- A Vermont Division of Licensing & Protection survey team representing CMS conducted a survey at the Retreat on Sept. 29 through Oct. 1, which was a follow-up to prior surveys.
- The CMS report of survey was issued on Oct. 8. The report extends the hospital's provider agreement with CMS until Nov. 5 to allow time to work out the details of an SIA. Without the extension, the Retreat's provider agreement would have expired on Oct. 6.
- As a result of the survey, the Retreat remains out of compliance with three conditions of participation under the CMS provider agreement: Governing Body, Patient Rights, and Quality Assurance/Performance Improvement Program.
- Two of the conditions cited derived from specific patient incidents (described below) and the third was related to the governing body of the Retreat failing to assure that actions to correct previously identified safety and quality issues had been instituted system-wide and sustained. The Retreat has begun corrective actions related to all of the citations.
- A Plan of Correction addressing the latest findings will be submitted to CMS on Oct. 16. The PoC must be accepted by CMS before November 1, and will be incorporated into the SIA. Once that has been finalized, the Retreat's CMS contract will be extended again for up to two years.
- In addition to extending the timeline to gain full compliance, the SIA entails contracting with an independent expert consultant to assist the hospital in assessing compliance with all relevant conditions of participation, developing a plan to address required

improvements, providing support for plan implementation, and preparing the Retreat for future surveys.

- During their visit, the surveyors identified deficiencies that posed immediate jeopardy to patient health and safety. The hospital took corrective actions that resulted in the immediate jeopardy designation being removed within several hours on Oct. 1.
 - One patient incident related to the use of spandage, which is an elastic bandage. An incident report reviewed by the surveyors noted that a patient had placed a spandage around his/her neck in front of staff. The spandage was removed with no harm. The surveyors noted that the Retreat had not followed up sufficiently and concluded that the use of spandage presented a danger for all areas of the hospital. Once alerted to this, spandages were immediately removed from use throughout the hospital.
 - A second incident involved a staff member not following through on his/her responsibilities related to 1:1 staffing of a patient and as a result putting a patient at risk. A patient was allowed to bathe with a staff member standing outside the door instead of in the room. The patient attempted self-harm by submerging him/herself under water. Staff intervened and sternal rub was performed and he/she aspirated water. An incident report had been filed in this matter and corrective action taken, however the surveyors concluded that the Retreat had not followed up sufficiently. This resulted in the Retreat reviewing all policies and procedures related to 1:1 staffing and developing an immediate interim plan to address the surveyors concerns. Changes included removing variations and standardizing 1:1 staffing practice.
 - The final incident involved police following the return to the campus by Retreat employees of a patient who had run away from the Retreat. The patient was handcuffed on the campus by the police when he/she tried to elope again. Although the handcuffs were removed when the patient entered the building, CMS cited the Retreat for a patient rights violation for our staff failing to ask the police to remove handcuffs immediately. The Retreat CEO has since contacted Brattleboro Chief of Police to discuss this incident. The report also noted that staff had failed to conduct an assessment to determine appropriateness for supervised off unit activity.

During this process with CMS, the Retreat has been in contact with the Governor's Office, the Agency of Human Services, the Department of Mental Health, and key legislative leaders to keep them apprised of the situation. The Retreat has provided a copy of the CMS report to the Department of Mental Health. We look forward to continuing to work with our partners in the state and federal government to meet our common goal of quality care for individuals with mental illness and addiction.