

## Psych Patients Not Supervised: Penalty Upheld.

The US Court of Appeals for the Fifth Circuit upheld a large civil monetary penalty imposed on a long-term care facility for violations of Medicare regulations.

A resident diagnosed with depression and paranoid schizophrenia who was having active hallucinations was allowed to sign out by herself to smoke on a fishing pier across the street that extended 1700 feet out over open water.

Another resident who was allowed to check himself out returned to the facility drunk and then was allowed to check himself out again right away.

A third resident, known for hoarding, was found to have three pills of an unspecified prescription medication in her room and was also caught alone in the medication room.

These three incidents, in the court's judgment, were enough evidence that a state of immediate jeopardy existed threatening the health and safety of the facility's residents to justify Federal survey inspectors imposing a substantial civil monetary penalty.

Medicare regulations 42 CFR § 483.25 (h)(2) require nursing facilities to provide adequate supervision of residents to prevent accidents. If you are reading our Online Edition, click anywhere in this article to be connected to the CMS regulations for quality of care in nursing facilities. **[Hotel Reed Nursing Center v. US Dept. of Health and Human Services, 2009 WL 1657034 \(5th Cir., June 15, 2009\).](#)**