



Sent via email to: [REDACTED]
MAILING DATE: November 15, 2012

Ms. Jean Brady, President
Evergreen Elder Care, Inc.
The Villa St. Elizabeth
1201 Museum Road
Reading, Pennsylvania 19611

Dear Ms. Brady:

As a result of the Department of Public Welfare's (Department) licensing inspection on August 29, 2012 of the above personal care home, the violations with 55 Pa.Code Ch. 2600 (relating to Personal Care Homes) specified on the enclosed Violation Report were found.

All violations specified on the enclosed Violation Report must be corrected by the dates specified on the Violation Report and continued compliance with 55 Pa.Code Ch. 2600 must be maintained. As soon as each violation is corrected, notify the Department's Regional Office of Human Services Licensing so that compliance can be verified.

Sincerely,

A handwritten signature in black ink that reads "Michele Moskalczyk".

Michele Moskalczyk
Regional Licensing Administrator

Enclosure
Violation Report

Violation Report: 20576 - 08/29/2012 - Hummel, Jesse
 PCH Name: THE VILLA ST ELIZABETH

1. REGULATION 55 Pa.Code §2600
 2600.20(b)(4) - Resident funds and property shall only be used for the resident's benefit.

2a. DESCRIPTION OF VIOLATION

Department Representatives determined that staff person A is residing within resident #1's home.

3. PLAN OF CORRECTION (POC) (Attach pages as necessary. Remember that you must sign and date any attached pages.)
 Include steps to correct the violation described above and steps to prevent a similar violation from occurring again. If steps cannot be completed immediately, include dates by which the steps will be completed.

**After a thorough investigation, NO VIOLATION has been discovered of the cited Regulation 55 Pa.Code }
 2600.20(b)(4) – "Resident funds and property shall only be used for the resident's benefit."**

On July 29, 2011, resident #1 executed a Durable General Power of Attorney, which appointed [redacted] son as [redacted] Attorney-in-Fact. (see ATTACHMENT A)

The resident's Power of Attorney (POA) sometime later publicly advertised the resident's single home FOR RENT, to generate additional income for the benefit of his [redacted] resident #1.

On February 28, 2012, a legally-binding Residential Lease (see ATTACHMENT B) was initiated and executed by the documented Power of Attorney (son of resident #1) for the benefit of Resident #1. The tenant executed the Residential Lease solely as an individual person. The tenant is a Senior Med-Tech (staff person A), employed at the Villa since March 2010.

As can be easily discerned, this Residential Lease is exclusively contracted between the POA on behalf of his [redacted] resident #1 and the tenant, an individual person (staff person A). The Villa had no part in this legal transaction, and per legal counsel, the Villa had no jurisdiction.

The Villa St. Elizabeth management team and ownership are committed to safeguard the health and welfare of its residents. Just as the Villa must adhere to the strict compliance regulations of the Pennsylvania Department of Welfare; so must the son of resident #1 as [redacted] POA comply with the legally-binding Durable Power of Attorney document that requires him to always exercise his powers for the benefit of the principal [redacted]

In summary, as mandated by law, the POA of resident #1 and staff person A performed all the necessary steps in the best interest of resident #1.

Repeat Violation: No	Date(s) of Previous Violation(s):		
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Signature of Legal Entity Representative
 (Required on EVERY Page) *Jean Bready*

Printed Name and Title of Legal Entity Representative
 (Required on EVERY Page) *JEAN Bready - Administrator* Date *9/21/12*

DEPARTMENT USE ONLY - HOMES MAY NOT WRITE BELOW THIS LINE!

The above plan of correction is approved as of 11/9/12
 (Date)

The above plan of correction was approved by *[Signature]*
 (Initials)

- Plan of correction implementation status as of 11/9/12
 (Date)
- Fully Implemented
 - Partially Implemented - Adequate Progress
 - Partially Implemented - Inadequate Progress
 - Not Implemented

Violation Report: 20576 - 08/29/2012 - Hummel, Jesse
PCH Name: THE VILLA ST ELIZABETH

1. REGULATION 55 Pa.Code §2600

2600.42(s) - A resident has the right to privacy of self and possessions. Privacy shall be provided to the resident during bathing, dressing, changing and medical procedures.

2a. DESCRIPTION OF VIOLATION

The home has cameras in place to monitor and record all entrances and exits of the facility as well as the interior corridors that lead to the entrances and exits of the facility. The home does not have signs posted where the cameras are located indicating that images are being recorded in the specific areas.

3. PLAN OF CORRECTION (POC) (Attach pages as necessary. Remember that you must sign and date any attached pages.)

Include steps to correct the violation described above and steps to prevent a similar violation from occurring again. If steps cannot be completed immediately, include dates by which the steps will be completed.

In conjunction with Regulation 55 Pa.Code §2600.42(s) insuring the resident has the right to privacy of self and possessions, signs have been posted where the Villa's security cameras are located indicating that images are being recorded in those specific areas.

From the time that the security cameras were first installed at the Villa for the safety of the residents and staff, all residents have been informed at admission that the exits and entrances and hallways leading to those locations were subject to video recording (see Attachment C). However, the Villa management was not aware of the requirement to post signs.

As a result, the Administrator and the Maintenance Manager quickly completed the posting of signs on September 4, 2012 at all locations where the security cameras are monitoring the entrances and exits of the Villa as well as the interior corridors that lead to the entrances and exits of the facility. A copy of the posted signs may be viewed in ATTACHMENT D.

In order to insure continued adherence to this regulation in the future, the Administrator has included the monthly inspection of these signs in to the existing weekly safety compliance inspections conducted by the Maintenance Manager and the room and common area inspections of the Resident Care Coordinator.

The Administrator will closely monitor these compliance reviews as well as include the checking on the signs during her property inspections.

Repeat Violation: No	Date(s) of Previous Violation(s):		
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Signature of Legal Entity Representative
 (Required on EVERY Page) *Jean Bready*

Printed Name and Title of Legal Entity Representative
 (Required on EVERY Page) *JEAN Bready - Administrator* Date *9/21/12*

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 (Date)

The above plan of correction was approved by *AM*
 (Initials)

Plan of correction implementation status as of 11/9/12
 (Date)

- Fully Implemented
- Partially Implemented - Adequate Progress
- Partially Implemented - Inadequate Progress
- Not Implemented