

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
CENTERS FOR MEDICARE & MEDICAID SERVICES

PRINTED: 12/10/2024  
FORM APPROVED  
OMB NO. 0938-0391

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  <b>430015</b>	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____  B. WING _____		(X3) DATE SURVEY COMPLETED  <b>C</b> <b>11/06/2024</b>
NAME OF PROVIDER OR SUPPLIER  <b>AVERA ST MARY'S HOSPITAL</b>			STREET ADDRESS, CITY, STATE, ZIP CODE <b>801 E SIOUX PIERRE, SD 57501</b>		
(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY MUST BE PRECEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION)	ID PREFIX TAG	PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY)	(X5) COMPLETION DATE	
A 000	INITIAL COMMENTS	A 000	The facility does ensure patient rights and privacy are protected. The facility failed to ensure patient privacy and consent were completed. The facility has amended our current hospital consent to include more inclusive language on the use of virtual care by adding the verbiage: "Notice of Virtual Care: This facility may utilize certain electronic technologies, including cameras, speakers, and microphones in the patient room to ensure the safe care and monitoring of patient activities. Video and audio used by virtual care staff are not recorded and is not stored or saved."	12.21.24	
A 115	PATIENT RIGHTS CFR(s): 482.13  A hospital must protect and promote each patient's rights.  This CONDITION is not met as evidenced by: Based on observation, interview, record review, and policy review, the provider failed to ensure patient privacy and consent for the use of a camera monitoring system that was located in nineteen patient rooms had occurred for four of six sampled patients (1, 3, 4, and 9). Findings include:  1. Through observations, interviews, and medical record review, throughout the survey process it was identified: *Patients' privacy was not provided regarding the use of a camera monitoring system in nineteen patient rooms. *There was no documentation to support that patient consent and education had been provided for the use of the camera monitoring system. *The camera monitoring system located at the nurses' station had not provided patient privacy from visitors, unauthorized staff, and other patients. *Through interviews with the staff, it was confirmed that the cameras were left on at all	A 115	The hospital consent is to be completed on all patients admitted to the nineteen patient rooms by patient access staff. Patient access supervisor will audit 5 accounts per week for 4 weeks, then 5 accounts per Month for 2 months to ensure consents are being completed. Results of the audits will be reported to the Director of Quality and discussed at the quarterly quality and patient safety meeting for further review and recommendations and/or continuation/discontinuation of audits.  The facility does ensure patient privacy regarding the use of a camera monitoring system in nineteen patient rooms. Patients and family members will be educated on the use of cameras, speakers, and microphones in the nineteen patient rooms on admission,		

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE TITLE (X6) DATE  
 CEO, Shantel Krebs 12/18/2024

Any deficiency statement ending with an asterisk (\*) denotes a deficiency which the institution may be excused from correcting providing it is determined that other safeguards provide sufficient protection to the patients. (See instructions.) Except for nursing homes, the findings stated above are disclosable 90 days following the date of survey whether or not a plan of correction is provided. For nursing homes, the above findings and plans of correction are disclosable 14 days following the date these documents are made available to the facility. If deficiencies are cited, an approved plan of correction is requisite to continued program participation.

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A 115	Continued From page 1 times and that the privacy mode was not working. -Their practice had not been to put the cameras in the patients' rooms on privacy mode.	A 115	and documented with "orientation to the patient room." Director of Nursing (DON) has and will continue to educate all nurses to educate patient and/or family members on the use of cameras, speakers, and microphones on admission. The education has been completed on December 12, 2024. DON or designee will complete 10 audits/week for 4 weeks, then 10 audits/month for 2 months to ensure education of room orientation is completed on admission. Results of the audits will be reported by the DON and discussed at the quarterly quality and patient safety committee for further review and recommendations and/or continuation/discontinuation of audits.	12.21.24	
A 143	Refer to A143, findings 1 and 2. <b>PATIENT RIGHTS: PERSONAL PRIVACY</b> CFR(s): 482.13(c)(1)  The patient has the right to personal privacy.  This STANDARD is not met as evidenced by: Based on observation, interview, record review, and policy review, the provider failed to ensure: *The hospital registration consent disclosed camera monitoring for 19 of 19 medical-surgical patient rooms. *Four of six sampled patients (1, 3, 4, and 9) had been educated on camera monitoring in their private patient rooms. *A camera monitor located at the nurse's station for 19 of 19 medical-surgical patient rooms provided patient privacy. Findings include:  1. Observation and interview on 11/5/24 at 1:40 p.m. with director of nursing (DON) C on the medical-surgical unit revealed: *There had been cameras located in each of the 19 medical-surgical patient rooms. *The cameras in each of the patient's room would have been on at all times. *She confirmed video monitoring was live streamed only and not recorded. *Patients signed a consent on admission. *Patient education on virtual patient care was posted in each of the 19 patient rooms. *Education on virtual monitoring had been provided to patients on admission.	A 143	Virtual monitoring policy updated; during procedures or personal cares nurse/PCT discretion of privacy mode should be considered 12.15.24.  The camera monitoring system located at the nurses' stations was removed permanently to ensure patient privacy from visitors and unauthorized staff. Monitoring station was removed and dismantled 11.6.2024.  Process was implemented for refusal of virtual care. Director of Nursing (DON) will educate all nurses on the process of refusal of virtual care. This education will have been completed on December 15, 2024. DON or designee will round with		

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A 143	<p>Continued From page 2</p> <ul style="list-style-type: none"> <li>*Virtual nurses are live streamed on the television.</li> <li>*Virtual nurses are located in Sioux Falls.</li> <li>*Virtual nurses assist with charting, medication double-checks, and the admission process.</li> <li>*She confirmed the criteria for virtual monitoring (video streaming to a centralized hub where a monitoring tech is watching) is based on the patient's cognition, fall risk score, and nurse discretion.</li> <li>*She confirmed if a patient was confused, staff would have put the patient on virtual monitoring. -A consent would have been completed by the power of attorney (POA).</li> <li>*If a patient would have failed virtual monitoring, staff would have done 1:1 (one-to-one) observation.</li> </ul> <p>Interview on 11/5/24 at 2:00 p.m. with director of quality B on the medical-surgical unit revealed:</p> <ul style="list-style-type: none"> <li>*The cameras in the patient rooms did not have the capability to record.</li> <li>*The cameras had always been on.</li> <li>*She stated, "Patients can't refuse, it's our standard of care."</li> <li>*She confirmed the cameras were visible and viewed at the nurse's station.</li> </ul> <p>Interview on 11/5/24 at 2:10 p.m. with virtual registered nurse K in a medical-surgical patient room revealed she:</p> <ul style="list-style-type: none"> <li>*Assists with admissions, postoperative assessments, and education on patient rooms.</li> <li>*Confirmed if patients were a high fall risk, they would have been placed on virtual monitoring with a monitoring tech.</li> <li>*Confirmed there had been no audio, just visual monitoring.</li> <li>*Confirmed patients have the right to refuse.</li> </ul>	A 143	<p>10 patients/week for 4 weeks and 10 patients/month for 2 months. Results of the audits will be reported by the DON and discussed at the quarterly quality and patient safety committee for further review and recommendations and/or continuation/discontinuation of audits.</p>		

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A 143	<p>Continued From page 3</p> <p>*Would have expected staff to ask the patient if they had been "ok" with speaking with the virtual nurse.</p> <p>2. Observation on 11/5/24 at 2:30 p.m. at the nurse's station located on the medical-surgical unit revealed:</p> <p>*A single computer/monitor screen device that was displaying 19 medical-surgical patient rooms.</p> <p>*There had been a protective device placed over the computer screen for privacy.</p> <p>*All 19 patient's rooms had been visible on the computer/monitor screen.</p> <p>*No patient's cameras had been placed on privacy mode (screen would be blurred out or black).</p> <p>*Any staff member at the nurse's station could have viewed the patients' live-streamed rooms computer screen.</p> <p>*Monitors faced the patient rooms on the opposite corridor of patient rooms.</p> <p>Interview on 11/5/24 at 2:55 p.m. with patient 1 and her mother revealed:</p> <p>*She had been admitted on 11/4/24.</p> <p>*The provider had not discussed the camera in the room or the virtual monitoring by the nursing staff with them.</p> <p>*The mother saw the camera in the corner of the room, but thought it was for security.</p> <p>*The virtual nurse scared them when she appeared on the television.</p> <p>*Staff had not mentioned the virtual nurse would ask the admission questions.</p> <p>Interview on 11/5/24 at 3:11 p.m. with patient 4 revealed:</p> <p>*She had been admitted earlier in the morning.</p> <p>*The staff had not mentioned the camera system</p>	A 143		

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A 143	<p>Continued From page 4 to her. *She was not aware there was a camera in the room.</p> <p>Interview on 11/5/24 at 3:12 p.m. with patient 3 confirmed he: *Had been placed on the virtual monitoring program because of his high fall risk. *Had not been aware there was a camera in his room. *Could not recall signing a consent for virtual monitoring. *Had not been aware he was placed on virtual monitoring due to his fall risk. *Had not been educated on his fall risk score. *Had trouble seeing in both eyes and unable to see where the camera in his room had been located. *Stated, "I would say that is an invasion of privacy." *Heard a computer voice over the speaker when he had tried to get up.</p> <p>Interview on 11/5/24 at 3:33 p.m. with registered nurse (RN) G revealed: *Patients must meet the criteria to be on virtual monitoring. -Criteria included dementia or confusion, high fall risk score, multiple lines and drains, or at nurse's discretion. *If the patient had dementia or was confused, staff would have obtained consent from the patient's POA. *All patients can be seen on the screen at the nurse's station. *She educated patients that they were monitored for twenty four hours, seven days a week. *Stated, "The camera makes me uncomfortable." *Staff can request privacy mode which would</p>	A 143			

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A 143	<p>Continued From page 5</p> <p>have turned the screen blurry or be blacked out. *Education was provided to patients there was a camera in the room and staff would watch them.</p> <p>Interview on 11/5/24 at 3:53 p.m. with patient care technician (PCT) H revealed: *Cameras in the 19 medical-surgical patient rooms were always on. *There was a privacy mode, but that had not been turned on. *There was a privacy screen over the monitor. *Stated, "No one pays attention to the monitor, I don't." *If a patient had been on virtual monitoring and the alarms were ringing, she would have looked at the monitor. *Staff can look at the screen to see if physicians are in the patient's rooms. *Stated, "I don't like the virtual monitoring, I wouldn't want it as a patient." *Staff that could have viewed the monitor screen would be nurses, PCT's, and housekeeping. *Housekeeping staff would have been in the nurse's station once a day to clean.</p> <p>Interview on 11/5/24 at 4:12 p.m. with PCT I revealed: *Cameras were monitored at the nurse's station. *All patients had the cameras on and they had not been shut off. *A staff person should have been sitting at the virtual monitor observing the patient at all times. *Stated, "I'm not sure if this gets discussed with the patient, I believe patients are made aware." *Patients on the virtual monitor program are discussed during a "handoff" report. *She did not believe the camera video on the nurse's station monitor would have been turned off during a patient's bath.</p>	A 143			

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A 143	<p>Continued From page 6</p> <p>Observation on 11/6/24 at 8:30 a.m. at the nurse's station located on the medical-surgical unit revealed:</p> <ul style="list-style-type: none"> <li>*The nurse's station had corridors on each side with patient rooms.</li> <li>*The camera monitor screen faced one of the corridors.</li> <li>*A privacy screen protector had been placed over the monitor screen.</li> <li>*All 19 live-streamed cameras in patient's rooms had been visible on the monitor screen.</li> <li>*Cameras were visible from standing directly across from the monitor to the other side of the nurse's station which was approximately 12 to 15 feet in distance.</li> <li>*Surveyor clearly visualized all 19 patient live-streamed videos from the corridor located approximately 12 feet from the monitor for the full length of the nursing station counter.</li> <li>*Multiple staff and visitors located on the medical-surgical unit had been observed walking by and could have seen the monitor screen.</li> </ul> <p>Interview on 11/6/24 at 8:35 a.m. with patient 9 revealed he:</p> <ul style="list-style-type: none"> <li>*Had not been aware there was a camera located in his room.</li> <li>*Had not been informed of the virtual monitoring nurse and said the nurse had just appeared on the TV.</li> <li>*Was not aware of signing a consent that had discussed the use of video monitoring within his room.</li> </ul> <p>Interview on 11/6/24 at 8:58 a.m. with supervisor of patient access J revealed:</p> <ul style="list-style-type: none"> <li>*Patients would have signed an electronic hospital registration consent during their</li> </ul>	A 143			

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A 143	<p>Continued From page 7 admission process.</p> <p>*There had been a laminated copy of the hospital registration consent at each of the registration desks.</p> <p>*Once a patient had signed the consent, it would have been scanned into the medical record. "She stated, "We don't go through each item listed on the consent, if patients would have questions, we would address it then."</p> <p>*Patient rights had been posted on the walls and they would have been given a pamphlet of their rights when admitted.</p> <p>*The cameras mentioned in the hospital registration had been only for the registration and waiting room areas.</p> <p>*She would have considered the patients' rooms to be private areas.</p> <p>Interview on 11/6/24 at 9:12 a.m. with RN E revealed:</p> <p>*Patients would have been placed on virtual monitoring if they meet the criteria: -High fall risk -Dementia -Nurse discretion</p> <p>*Patients were educated about the assistance of the virtual nurse at the time of registration.</p> <p>*Every patient that was admitted to the unit would have had the camera on in their room.</p> <p>*They could text the Sioux Falls virtual nurse to put the camera on private mode.</p> <p>*She agreed if patients had not met the criteria for virtual monitoring, their cameras should have been turned off.</p> <p>*She stated, "I would not want the camera on me, I would feel violated."</p> <p>*She agreed all 19 patients could be seen on the monitor screen at the nurse's station.</p> <p>*Agreed that an inpatient room would not have</p>	A 143			



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A 143	<p>Continued From page 8 been considered a public area for camera monitoring.</p> <p>Interview on 11/6/24 at 9:37 a.m. with laboratory assistant D revealed: *The cameras in the patient's rooms had always been on but had not been recording. *Privacy mode should have been turned on if patients had not required virtual monitoring. *He stated, "I believe you can use voice prompts in the room to activate privacy mode." *The privacy mode had a timer for how long it would be active. *For those patients not on the virtual monitoring program, he would not have viewed the cameras in other patient's rooms.</p> <p>Interview on 11/6/24 at 10:00 a.m. with RN, house supervisor F confirmed that unless the patients had refused them, the cameras in their rooms had been always on.</p> <p>Observation and interview on 11/6/24 at 10:25 a.m. with DON C at the medical-surgical nurse's station revealed: *She had gone into an unoccupied patient room to enable privacy mode using a voice prompt. -While watching the monitor screen, that patient's room had not been put into privacy mode. *She had gone into an occupied patient's room to enable privacy mode using a voice prompt. -While watching the monitor screen, that patient's room had not been put into privacy mode. *She agreed the screens had not been placed into privacy mode and were still visible on the monitor screen. *At 10:31 a.m. she had sent a secured text to the virtual monitoring station to enable privacy mode. *At 10:34 a.m. privacy mode was enabled after</p>	A 143			

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A 143	<p>Continued From page 9</p> <p>the computer screen had been refreshed. *She agreed the technology wasn't working as intended and she would have to check on its function.</p> <p>Interview on 11/6/24 at 10:50 a.m. with chief nursing officer/vice president of patient care A revealed: *She confirmed best practice would have been to have the camera off or in privacy mode if patients had not met the requirement for the virtual monitoring. *She agreed the consents would not have covered the patient rooms for approval.</p> <p>Record review of patient 9's electronic medical record (EMR) revealed: *He had been admitted to the medical/surgical unit from the emergency department on 11/6/24 at 6:50 a.m. *There had been no documented education related to video monitoring. *There had not been an electronic signed copy of the hospital registration consent in the EMR.</p> <p>Review of the provider's 7/21 revised Consent-Hospital Registration revealed: **Notice of eCare: I understand that certain electronic technologies, including audio and visual monitoring may be used to communicate between health care providers and monitor patients receiving care in some monitored beds. *Notice of Camera Monitoring and Recording: This facility may utilize certain electronic technologies including camera monitoring and recording to ensure the safe care and monitoring of patient activities in public areas and seclusion rooms. Recordings are not a part of the medical record. Recordings are not permanently</p>	A 143			

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A 143	Continued From page 10 retained.  Review of the providers 6/15 Patient Rights pamphlet revealed: **Patient Needs: -Confidentiality: All communication and medical records related to your care are kept confidential unless the law permits or requires reporting. -Privacy: All parts of your medical care, examination and treatment will be kept private. -Security: All care and treatment will be provided in a safe and secure area for both you and your property."  Review of the provider's 3/2024 Virtual Monitoring policy revealed: **Virtual monitoring (VM) is a patient safety nursing intervention that involves remote visual monitoring of the patient by a trained virtual monitor. Monitors are a live feed and are non-recordable." *Virtual monitoring may be indicated based on a patient's fall assessment and/or nurses' discretion: -Patient falls, confused or impulsive patients, high fall risk, or patients previously on VM that may need re-initiation of VM. **Nurse educates patients/support person of VM using scripting and provides written materials. *Privacy mode will only be utilized when staff are at bedside and can ensure patient safety. *Communication will take place between direct care provider at bedside and the virtual monitoring tech prior to the use of privacy mode. -Privacy mode will be activated to software default or as specified by bedside staff needs."  Review of the provider's undated Virtual Monitoring/Virtual Nursing education revealed:	A 143			

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
CENTERS FOR MEDICARE & MEDICAID SERVICES

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STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  <b>430015</b>	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____  B. WING _____	(X3) DATE SURVEY COMPLETED  <b>C</b> <b>11/06/2024</b>
NAME OF PROVIDER OR SUPPLIER  <b>AVERA ST MARY'S HOSPITAL</b>			STREET ADDRESS, CITY, STATE, ZIP CODE <b>801 E SIOUX PIERRE, SD 57501</b>	
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A 143	Continued From page 11 **Goals: -To reduce overall falls, reduce injury falls, reduce 1:1 in person sitters, decrease unwitnessed falls, and decrease imagine due to falls. *Installed new cameras, speakers, and new TVs in 19 Med/Surg patient rooms. *What? -Virtual Monitoring Technician (VMT) 24/7. -Able to monitor about 32 patients at a time. *Privacy: -In rooms where patients are being actively monitored, the virtual monitoring technician has access to the live camera feed. -Virtual Nurses will also have access to the live camera feeds and may be monitoring rooms to provide care to the patient and to support the bedside team. *Privacy-Talking Points for Patients: -You may have noticed a camera and speaker in your room. On this floor/unit, we will be using this innovative technology in our patient rooms to monitor patients who are at risk of falls and to enhance patient care and to provide virtual nursing. -This technology will be used by your virtual nurse and virtual monitor, who are members of your care team. The camera system will be on at all times to help keep you safe and well cared for. -There is also a privacy mode that can be turned on by the trained virtual staff should you need it. In this mode, the virtual staff will not be able to see you."	A 143		