

Texas Department of State Health Services

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 870246	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED 01/14/2016
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NAME OF PROVIDER OR SUPPLIER TEXAS ASC INC	STREET ADDRESS, CITY, STATE, ZIP CODE 2505 N SHEPHERD DR HOUSTON, TX 77008
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(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) COMPLETE DATE
T 000	<p>25 TAC 135 Ambulatory Surgery Centers</p> <p>Note: The State Form is an official, legal document. All information must remain unchanged except for entering the plan of correction, correction dates, and the signature space. Any discrepancy in the original deficiency citation(s) will be referred to the Office of the Texas Attorney General (OAG) for possible fraud. If information is inadvertently changed by the provider/supplier, the State Survey Agency (SA) should be notified immediately.</p> <p>Glossary</p> <p>Epinephrine: also known as adrenalin or adrenaline, is primarily a medication and hormone. As a medication it is used for a number of conditions including: anaphylaxis, cardiac arrest, and superficial bleeding.</p> <p>Metoclopramide injections : is a medication used mostly for stomach and esophageal problems. It is commonly used to treat nausea and vomiting, to help with emptying of the stomach in people with delayed stomach emptying due to either diabetes or following surgery, and to help with gastroesophageal reflux disease. It is also used to treat migraine headaches</p> <p>An unannounced visit was made on the morning of 1/13/2016 at then above named facility to conduct a Re-Licensure Survey to determine compliance with 25 TAC Chapter 135 State Licensing Rules for Ambulatory Surgical Centers and the related areas of 25 TAC Chapter 139 State Licensing Rules for Abortion Facility.</p> <p>An entrance conference was conducted with the Medical Director . The purpose of the visit and procedure for the survey was discussed.</p>	T 000	<p>Recv'd</p> <p>FEB 05 2016</p> <p>HFC - Houston</p> <p>Reviewed 2/8/2016 Accepted <i>Man</i></p>	

SOD - State Form
LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE

[Signature]

TITLE

Medical Director

(X6) DATE

2-4-16

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T 000	Continued From page 1 An exit conference was conducted on the afternoon of 1/14/2016 with Key Administrative Personnel. Findings and determination of the survey was discussed. The facility was given an opportunity to provide additional information. Deficiencies were cited. Information to complete and submit an acceptable plan of correction was given verbally and in writing.	T 000		
T 193	135.8(h)(2) QUALITY ASSURANCE IN A LICENSED ASC (h) The quality assurance program shall be a well-defined organized program designed to enhance patient care through the ongoing objective assessment of important aspects of patient care and the associated or identified problems. The responsibilities for quality assurance activities shall be clearly delineated. (2) Nursing service shall be represented by one or more qualified registered nurses in quality assurance activities. This Requirement is not met as evidenced by: Based on record review and interview the facility failed to have a Registered Nurse to participate in Quality Assurance Activities at the facility. Citing one(1) of three (3) professional staffs (C). Findings: Review of quarterly Quality Assurance meeting minutes dated January 2015 through October 2015 revealed no documentation that a	T 193	135.8(h)(2)The Quality Assurance Program is well defined and designed to enhance patient care. The office manager immediately started looking for a staff RN to fill this position to correct this deficiency. A Registered Nurse will be at the facility at all times that surgery is scheduled. The RN will participate in Quality Assurance Activities, QA Meetings, supervision of personnel and patient care, Circulate pre operatively, intra operatively, and post operatively. RN will sign all patient charts. Medical Director will assure that an RN is present at clinic. Chart checks will be performed weekly by clinic manager to insure RN coverage.	2/15/16

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T 193	<p>Continued From page 2</p> <p>Registered Nurse participated in the Quality Assurance activities at the facility.</p> <p>During an interview on 1/14/2016 at 10:11 am with Staff (D) Licensed Vocational Nurse she stated there was no Registered Nurse (RN) at the facility and that Dr.(C) fills the role of the Registered Nurse in the facility. He performs all RN activities that is required.</p> <p>During an interview on 1/14/2016 at 11:10 am with DR. (C) he stated since he is a Qualified Licensed Physician and is unable to perform procedures because he did not have hospital privileges, he thought it would be okay to perform the nursing activities.</p> <p>Review of personnel file for Dr. (C) revealed he had a current license to practice medicine in the State of Texas.</p>	T 193		
T 267	<p>135.12(a) PHARMACEUTICAL SERVICES IN A LIC ASC</p> <p>Pharmaceutical Services.</p> <p>(a) The ambulatory surgical center (ASC) shall provide drugs and biologicals in a safe and effective manner in accordance with professional practices and shall be in compliance with all state and federal laws and regulations. The ASC shall be licensed as required by the Texas State Board of Pharmacy and comply with 22 Texas Administrative Code, §291.76 (relating to Class C Pharmacies Located in a Freestanding Ambulatory Surgical Center).</p> <p>This Requirement is not met as evidenced by:</p>	T 267		

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T 267	<p>Continued From page 3</p> <p>Based on observation, interview and record review, the facility failed to ensure expired medications and medical supplies were not stored and made available in the facility.</p> <p>Findings: Observation on 01/13/2015 at 11:00 a.m. revealed the following expired medications and medical supplies were observed in the emergency crash cart and anesthesia cart in the procedure room: Two ampoules Epinephrine 1:1000, 10 mls 0.1 mg/ ml, Lot # 38.071.DN. expired on November 1, 2015 Seven vials Metoclopramide injections 10 mg, 5 mg/ ml. Lot # 41-181-DK. Expired November 1, 2015 Three Synevac Vacuum Curette Lot #s 03083785 expired 03/2011 and Lot # 10093892, Expired 10/2012 Observation in the cupboard in the facility's medication room revealed one box surflo 16 gauge injections needles, Code #0 x 1632 CA, expired 12/2003.</p>	T 267	<p>135.12(a)Pharmaceutical Services in a LIC ASC</p> <p>Epinephrine 1:10,000 was expired on crash cart. This was ordered 3 months in advance from several pharmacies and was unavailable. The order was followed up on regularly and was delivered to clinic on 01/14/2016. To prevent this, medications will be ordered 6 months before they expire. All supplies and medications in OR, medication room, crash cart and anesthesia will be checked monthly Medical Director will confirm this is done. A check list for all medication and supplies on crash cart will be used and checked monthly by RN or LVN. This deficiency is being corrected and implemented by the office manager/LVN.</p>	2/15/16
T 301	<p>135.15 (a)(2)(A-E) NURSING SERVICES IN A LICENSED ASC</p> <p>(a) Nursing services. (2) There shall be a written plan of administrative authority for all nursing services with responsibilities and duties of each category of nursing personnel delineated and a written job description for each category. The scope of nursing service shall include, but is not limited to, nursing care rendered to patients preoperatively, intraoperatively, and postoperatively. (A) The responsible individual for nursing services shall be a qualified registered nurse</p>	T 301		

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T 301	Continued From page 4 (RN) whose responsibility and authority for nursing service shall be clearly defined and includes supervision of both personnel performance and patient care. (B) There shall be a written delineation of functions, qualifications, and patient care responsibilities for all categories of nursing personnel. (C) Surgical technicians and licensed vocational nurses may be permitted to serve in the scrub nurse role under the direct supervision of an RN; they shall not be permitted to function as circulating nurses in the operating rooms. Licensed vocational nurses and surgical technicians may assist in circulatory duties under the direct supervision of a qualified RN. (D) Nursing services shall be provided in accordance with current recognized standards or recommended practices. (E)The facility shall adopt, implement and enforce policies and procedures to comply with Health and Safety Code, Chapter 259 (relating to Surgical Technologists at Health Care Facilities).	T 301	135.15(a)(2)(A-E) Nursing Services In A ASC Effective immediately, the Medical Director will ensure that a Registered Nurse will be present in the facility during procedures. The responsible individual for nursing services will be a qualified Registered Nurse. The RN will supervise the nursing care provided to patients perioperatively, intraoperatively, and postoperatively. All surgical technicians, licensed vocational nurses, and medical staff will be under the direct supervision of a qualified RN. Patient charts will be reviewed weekly by the Medical Director to ensure documentation that a RN was present in the facility. The correction for this deficiency and implementing the plan of correction is being done by the Medical Director and the clinic manager. There is a Job Description on file with written delineation of functions, qualifications, and patient care responsibilities for all categories of nursing personnel.	2/15/16
	This Requirement is not met as evidenced by: Based on observation, interview and record review, the facility failed to ensure a registered			

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T 301	<p>Continued From page 5</p> <p>nurse is present in the facility to supervise the nursing care of patients while the physician performs surgical procedures on patients in 7 of 7 sampled patients: Patient #s 1, 2, 3, 4, 5, 6 and 7</p> <p>Findings:</p> <p>Observation on 01/13/2016 at 12:25 p.m. revealed Operating Room Assistant (A) was observed in the procedure room of the facility. The Operating Room Assistant was assisting Physician (B) who was performing a voluntary /therapeutic termination of pregnancy by dilation and aspiration/evacuation on Patient #1. There was no registered nurse present in the facility during the procedure.</p> <p>Review on 01/13/2015 of Patient #1's intra-operative report revealed documentation which indicated that the only staff present in the operating room room during the procedure was Operating Room Assistant (A) and Physician (B).</p> <p>Review on 01/14/2016 of six sampled patients (Patient #s 2, 3, 4, 5, 6 and 7) clinical records (Pre - operative, intra operative and post-operative) clinical records, revealed documentation which indicated that the patients had voluntary /therapeutic termination of pregnancy by dilation and aspiration/evacuation on 01/13/2016. The patients' clinical records indicated that Physician (B) was assisted by Operating Room Assistant (A) during the procedures. There was no registered nurse present in the facility to supervise the nursing care of the patient during the procedures.</p> <p>Interview on 01/14/2015 at 10:35 a.m. with Physician (C) who was present in the facility revealed, he is a physician [REDACTED]</p>	T 301		

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T 301	<p>Continued From page 6</p> <p>██████████ and he is present in the facility monitoring patients post operatively. He said he was of the opinion that since he was present in the facility, he met the requirement of having a Registered Nurse in the facility. He said he did not have a full time registered nurse hired to the facility and he the physician does not have a registered nursing license.</p> <p>Interview on 01/14/2016 at 12:24 p.m. with Operating Room Assistant (A) at the nurses station, revealed she has been working in the facility for approximately 4 years. She said she assist the physician during procedures and was trained by Physician (C). She confirmed that there was no registered nurse supervising her during procedures.</p> <p>Interview on 01/14/2016 at 12:40 p.m. with Physician (B) revealed Operating Room Assistant (A) assists him with all procedures. He said there was no registered nurse present in the facility when he does his procedures.</p>	T 301		