

Division of Health Improvement

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 7097	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING: _____	(X3) DATE SURVEY COMPLETED C 02/20/2025
NAME OF PROVIDER OR SUPPLIER THE VILLAGE AT ALAMEDA		STREET ADDRESS, CITY, STATE, ZIP CODE 8810 HORIZON BLVD NE ALBUQUERQUE, NM 87113		
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8 000	<p>Initial Comments</p> <p>The following deficiencies were cited during a Complaint survey completed on 02/20/25 for the state requirements of NMAC 8.730.14, Regulations for Assisted Living for Adults.</p> <p>Census: 70</p> <p>Complaint intake NM [REDACTED] was investigated and deficiencies were not cited.</p> <p>Complaint intake NM [REDACTED] was investigated and deficiencies were cited.</p>	8 000	<p>Resident Rights</p> <p>The violation of resident rights resulting in residents suffering from emotional and financial harm due to the loss of personal finances has been corrected by the Executive director. The E.D. has gone over resident rights with all directors to ensure they are understood and the importance of keeping in compliance to protect our residents. All directors have understood and agreed to uphold these rights.</p>	
8 033	<p>8 NMAC 370.14.33 Resident Rights</p> <p>All licensed facilities shall understand, protect and respect the rights of all residents.</p> <p>A. Prior to admission to a facility, a resident and legal representative shall be given a written description of the legal rights of the resident, translated into another language, if necessary, to meet the resident's understanding.</p> <p>B. If the resident has no legal representative and is incapable of understanding his or her legal rights, a written copy of the resident's legal rights shall be provided to the most significant responsible party in the following order:</p> <ul style="list-style-type: none"> (1) the resident's spouse; (2) significant other; (3) any of the resident's adult children; (4) the resident's parents; (5) any relative the resident has lived with for six or more months before admission; (6) a person who has been caring for, or paying benefits on behalf of the resident; (7) a placing agency; (8) resident advocate; or (9) the ombudsman. <p>C. The resident rights shall be posted in a conspicuous public place in the facility and shall</p>	8 033	<p>There is an all-staff meeting scheduled for 3/19/25, which APS will be speaking on abuse, neglect, and exploitation. All Staff will be present, and those that cannot make this meeting will be scheduled for 3/24 to review the meeting notes and discuss the abuse, neglect, and exploitation. At these meetings the "no-tolerance" policy for accepting gifts or money from residents or their families will be reviewed and all staff will sign the document, which all new hires sign upon hire.</p>	3/15/2025

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LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE

Rhonda Grey

STATE FORM

TITLE
Executive Director

(X6) DATE

3/15/25

809

KF5R11

If continuation sheet 1 of 8

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8 033	<p>Continued From page 1</p> <p>include the telephone numbers for the incident management hotline and for the state ombudsman program.</p> <p>D. To protect resident rights, the facility shall:</p> <ul style="list-style-type: none"> (1) treat all residents with courtesy, respect, dignity and compassion; (2) not discriminate in admission or services based on gender, sexual orientation, resident's age, race, religion, physical or mental disability, or nationality; (3) provide residents written information about all services provided by the facility and their costs and give advance written notice of any changes; (4) provide residents with a safe and sanitary living environment; (5) provide humane care for all residents; (6) provide the right to privacy, including privacy during medical examinations, consultations and treatment; (7) protect the confidentiality of the resident's medical record; (8) protect the right to personal privacy, including privacy in personal hygiene; privacy during visits with a spouse, family member or other visitor; and privacy in the resident's own room; (9) protect the right to communicate privately and freely with any person, including private telephone conversations and private correspondence; and the right to receive visits from family, friends, lawyers, ombudsmen and community organizations; (10) prohibit the use of any and all physical and chemical restraints; (11) ensure that residents: <ul style="list-style-type: none"> (a) are free from physical and emotional abuse neglect and misappropriation/or exploitation; (b) are free from financial abuse and misappropriation by facility staff or management; (c) are free to participate in religious, social, 	8 033	<p>The E.D. has sent a letter to all residents reminding them, as stated in our lease agreement, that we "urge them not to retain valuable items or large amounts of cash in their apartment". We have also encouraged them to use the locked drawers, available in all apartments, for items of high value and any financial documents (including checks & credit/debit cards). We have also sent an email to all families reminding them of the importance of protecting the resident's valuables. The maintenance dept. has checked each apartment to be sure locks are available to all residents.</p> <p>All new hires will be checked on the EAR, through the HCA and background checks will continue to be completed upon hire. The ED has reviewed this policy with the business office manager for complete understanding.</p>	3/15/2025

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8 033	<p>Continued From page 2</p> <p>community and other activities and freely associate with persons in and out of the facility;</p> <p>(d) are free to leave the facility and return without unreasonable restriction;</p> <p>(e) are given a 15 calendar day, written notice before room transfers or discharge from the facility unless there is immediate danger to self or others in the facility;</p> <p>(f) have an environment that fosters social interaction and avoids social isolation;</p> <p>(g) or their surrogate decision makers, are informed of and consent to the services provided by the facility;</p> <p>(h) have the right to voice grievances to the facility staff, public officials, the ombudsmen, any state agency, or any other person, without fear of reprisal or retaliation;</p> <p>(i) have the right to have their complaints addressed within 14 calendar days or sooner;</p> <p>(j) have the right to participate in the development of their care plan/ISP;</p> <p>(k) have the right to choose a doctor, pharmacist and other health care provider(s);</p> <p>(l) have the right to participate in medical treatment decisions and formulate advance directives such as living wills and powers of attorney;</p> <p>(m) have the right to keep and use personal possessions without loss or damage;</p> <p>(n) have the right to manage and control their personal finances;</p> <p>(o) have the right to freely organize and participate in a resident association that may recommend changes in the facility's policies, services and management;</p> <p>(p) shall not be required to work for the facility; and</p> <p>(q) are protected from unjustified room transfers or discharge.</p>	8 033		

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8 033	<p>Continued From page 3</p> <p>E. The resident's rights shall not be restricted unless this restriction is for the health and safety of the resident, agreed to by the resident or the resident's surrogate decision maker and outlined in the resident's individual service plan. [8.370.14.33 NMAC - N, 7/1/2024]</p> <p>This REQUIREMENT is not met as evidenced by: 8.370.14.33. D 11 (b)</p> <p>Based on record review and interview, the facility failed to ensure for 1 (R #1) of 1 (R #1) resident were free from financial exploitation by facility staff.</p> <p>This deficient practice could likely cause emotional and financial harm to residents due to the loss of personal finances.</p> <p>The findings are:</p> <p>A. Record review of the complaint intake [REDACTED] received on 12/18/24 revealed the following:</p> <ol style="list-style-type: none"> 1. On 12/09/24, a previous direct care staff [Name of DCS #1] initiated a CashApp transfer of \$300.00 from R #1's bank account and on 12/10/24, two more CashApp transfers of \$500.00 each were made. 2. On 12/14/24, R #1's brother/Power of Attorney (POA) notified the facility's administrator that R #1's credit union had contacted him concerning unauthorized bank withdrawals made by [Name of DCS #1]. The previous DCS#1 had been hired in July 2024 and her employment ended in October 2024. The administrator and the POA ruled out R #1 had downloaded CashApp onto his phone. R #1 admitted to always having [REDACTED] ID and wallet placed on [REDACTED] dresser. The POA now secures R #1's wallet and 	8 033		

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8 033	<p>Continued From page 4</p> <p>debit/credit card. Both the administrator and the POA filed police reports.</p> <p>3. On 12/16/24 at 5:15 pm, the facility administrator submitted an exploitation/misappropriation of resident property/funds complaint to the New Mexico licensing authority.</p> <p>B. Record Review of R #1's file revealed the following:</p> <p>1. On 05/08/24, a Power of Attorney (POA) document revealed R #1's biological brother was assigned the POA to manage R #1's personal finances.</p> <p>2. On 12/14/24, a facility document, "Concern Form" outlined the POA notified the facility of fraudulent bank activity with R #1's checking account identifying previous DCS#1 as the culprit. Both POA and facility submitted (on-line/ phone) police reports of the incident.</p> <p>C. Record Review of DCS# 1's file revealed the following:</p> <p>1. On 07/10/24, DCS#1 signed the Employee Conduct Policy Regarding Resident Gifts/Items/Money policy that underscores, "To protect our residents, it is against our community's employee policy conduct to receive gifts/items/money from residents, per Employee Handbook, under the Rules of Conduct section, stated, "Accepting gifts or money from residents and family members" is deemed inappropriate conduct."</p> <p>2. A Notice of Termination for DCS #1 revealed a duration of employment to be from 07/10/24 through 10/28/24. Due to no call/no show, DCS #1 was terminated for job abandonment.</p> <p>D. Record review of R #1's bank statement dated</p>	8 033		

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8 033	<p>Continued From page 5</p> <p>12/15/24 revealed on 12/09/24, a CashApp withdrawal of \$300.00 was made and on 12/10/24, two additional CashApp withdrawals were made for \$500.00 each. All three CashApp withdrawals were listed in [name of DCS# 1].</p> <p>E. Record review of the police report dated 12/09/24, revealed the following:</p> <ol style="list-style-type: none"> 1. An on-line report was submitted by the POA on behalf of R #1. [name of DCS #1] was documented on a bank statement linked to three CashApp withdrawals. The first was on 12/09/24 for \$300 and the other two occurred on 12/10/24 for \$500 each, totaling \$1,300.00. DCS #1 stole R #1's personal financial information while employed at the facility and later opened a CashApp account in R #1's name without [REDACTED] consent or knowledge. 2. On 02/26/25, a follow-up on the reports indicated police reports made on-line or called in, are likely delayed to being assigned. Facility and POA were notified, and a new report may possibly be created to ensure expedition of an investigation. <p>F. On 02/17/25 at 9:48 am, during an interview the administrator stated the following:</p> <ol style="list-style-type: none"> 1. The facility conducted an internal investigation after being informed on 12/14/25 by R #1's POA of the financial abuse by DCS #1. 2. The facility's internal investigation confirmed that DCS #1 had worked with R #1. and was terminated on 10/28/24 due to no call/no show. Create a new statement 3. The administrator phoned in a police report with the Police Department on 12/16/25, with the exact same information the POA had provide in his report and also submitted a self-report to the New Mexico licensing authority. Provide date. 	8 033		

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8 033	<p>Continued From page 6</p> <p>G. On 02/19/25 at 10:00 am, during an interview with both R #1 and the POA/brother revealed the following:</p> <ol style="list-style-type: none"> 1. R #1 does not recall working with DCS #1, but has never given any direct care staff permission to use [REDACTED] debit/credit card or asked them to purchase items for [REDACTED] behalf. R #1 also stated [REDACTED] never gifted direct staff any money. 2. R #1 kept [REDACTED] wallet and debit/card tucked away behind things on [REDACTED] dresser, and [REDACTED] brother now has possession of the wallet and debit/card for safe keeping. 3. R #1 has never downloaded CashApp onto [REDACTED] cell phone, but a fraudulent account was made in [REDACTED] name by DCS #1 4. The debit/credit card was canceled, and the bank returned the CashApp amount of \$1300 to R #1. The checking account remained opened and fraudulent checks (signed by another individual from out-of-state) were attempting to steal more money from R #1's bank account so the bank closed [REDACTED] bank account. There is suspicion DCS #1 may have been linked to the fake checks but there is no documented proof to show DCS#1 is connected to the fake checks. 5. The POA intends to pursue criminal charges against DCS #1 pending the results of the police investigation (still underway). <p>H. On 02/18/25 at 4:57 pm, during an interview, (previous) DCS #1 stated the following:</p> <ol style="list-style-type: none"> 1. (Previous) DCS #1 initially did recall who R #1 was but later in a text (sent on 02/18/25 at 5:11 pm) to the surveyor stated, "[Name of R #1] asked me to order [REDACTED] a space heater online [REDACTED] had me take a picture of [REDACTED] card and said to do it later, we never got around to it." 2. (Previous) DCS #1 stated she uses the 	8 033		

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8 033	Continued From page 7 CashApp for all her financial transactions and was notified by the CashApp she was negative \$1,300.00. DCS #1 claimed this money was earned and accounted for and was confused why she was in the negative. Later she switched her story stating she "noticed money was getting deposited into her CashApp account after her girlfriend sold her phone through FaceBook Marketplace. DCS #1 stated she had erased all her information from her old phone but may have "accidentally" left her CashApp information and R #1's credit card photo on the phone. She does not know the name of the person who purchased her phone for \$60.00. When asked to provide her December 2024 CashApp activity, she sent account activity from December 2023. DCS #1 sent a text exchange between her and supposed CashApp support showing she contacted them claiming money had been deposited into her account on 10/08 and 10/09/24. DCS #1 stated she was concerned her CashApp account had been "hacked" and she wanted to close her account. The text exchange indicated CashApp support replied to her saying her "account could not be closed due to outstanding transactions." DCS #1 stated she "currently cannot use her Cash App account at her current job due to the an outstanding negative balance of \$1,300.00." When asked to show receipt of the sale of her old phone, she was unable to provide a receipt since her girlfriend did not keep the Facebook marketplace account receipt. DCS #1 provided snapshots of "bill activity" from an unknown source from January 1 through January 31, 2025 of the amount of \$191.56 claiming this amount was her new phone purchase and her new phone number.	8 033		