

Department of Human Services  
Bureau of Human Service Licensing  
LICENSING INSPECTION SUMMARY - PUBLIC

August 4, 2023

[REDACTED], PA AREA DIRECTOR  
ERIE OPS LLC  
[REDACTED]  
[REDACTED]

RE: WESTLAKE WOODS AL  
3302 WEST LAKE ROAD  
ERIE, PA, 16505  
LICENSE/COC#: 45407

Dear [REDACTED],

As a result of the Pennsylvania Department of Human Services, Bureau of Human Service Licensing review on 12/05/2022 of the above facility, we have determined that your submitted plan of correction is fully implemented. Continued compliance must be maintained.

Please note that you are required to post this Licensing Inspection Summary at your facility in a conspicuous location.

Sincerely,  
[REDACTED]

cc: Pennsylvania Bureau of Human Service Licensing

## Facility Information

Name: WESTLAKE WOODS AL License #: 45407 License Expiration: 10/31/2023  
 Address: 3302 WEST LAKE ROAD, ERIE, PA 16505  
 County: ERIE Region: WESTERN

## Administrator

Name: [REDACTED] Phone: [REDACTED] Email: [REDACTED]

## Legal Entity

Name: ERIE OPS LLC  
 Address: [REDACTED]  
 Phone: [REDACTED] Email: [REDACTED]

## Certificate(s) of Occupancy

Type: C 2 LP Date: 10/31/1997 Issued By: Dept. of Labor & Industry

## Staffing Hours

Resident Support Staff: 0 Total Daily Staff: 85 Waking Staff: 64

## Inspection Information

Type: Partial Notice: Unannounced BHA Docket #:  
 Reason: Incident Exit Conference Date: 12/09/2022

## Inspection Dates and Department Representative

12/05/2022 On Site [REDACTED]

## Resident Demographic Data as of Inspection Dates

## General Information

License Capacity: 79 Residents Served: 57

## Special Care Unit

In Home: No Area: Capacity: Residents Served:

## Hospice

Current Residents: 3

## Number of Residents Who:

Receive Supplemental Security Income: 0 Are 60 Years of Age or Older: 57  
 Diagnosed with Mental Illness: 0 Diagnosed with Intellectual Disability: 0  
 Have Mobility Need: 28 Have Physical Disability: 0

## Inspections / Reviews

## 12/05/2022 - Partial

Lead Inspector: [REDACTED] Follow-Up Type: POC Submission Follow-Up Date: 01/27/2023

## 03/18/2023 - POC Submission

Submitted By: [REDACTED] Date Submitted: 04/10/2023  
 Reviewer: [REDACTED] Follow-Up Type: POC Submission Follow-Up Date: 03/24/2023

Inspections / Reviews *(continued)*

04/04/2023 - POC Submission

Submitted By: [REDACTED]

Date Submitted: 04/10/2023

Reviewer: [REDACTED]

Follow-Up Type: Document Submission Follow-Up Date: 04/11/2023

08/04/2023 - Document Submission

Submitted By: [REDACTED]

Date Submitted: 04/10/2023

Reviewer: [REDACTED]

Follow-Up Type: Not Required

## 15a Resident abuse report

## 1. Requirements

2800.

15.a. The residence shall immediately report suspected abuse of a resident served in the home in accordance with the Older Adult Protective Services Act (35 P. S. § § 10225.701—10225.707) and 6 Pa. Code § 15.21—15.27 (relating to reporting suspected abuse) and comply with the requirements regarding restrictions on staff persons.

**Description of Violation**

On [REDACTED]/22 at approximately [REDACTED] pm, staff person A and staff person B were assisting resident #1 with removing [REDACTED] shirt. Staff person A became forceful, causing resident #1 to scream and yell for [REDACTED] to stop. Staff person A told resident #1 to shut up and slapped [REDACTED] in the face with the back of [REDACTED] hand. Resident #1 was crying and said please don't do that. However, this incident was not reported to the local Area Agency on Aging until [REDACTED]/22.

On 1 [REDACTED] 22, staff person B observed staff person A grab resident #2 from [REDACTED] wheelchair, swing [REDACTED] over to the toilet and roughly drop [REDACTED] onto the toilet seat. This upset resident #2 and [REDACTED] looked afraid. Resident #2 said [REDACTED] doesn't want staff person A to come into [REDACTED] room ever again. However, this incident was not reported to the local Area Agency on Aging until [REDACTED]/22.

On [REDACTED]/22, staff person B observed staff person A tell resident #3 [REDACTED] needed to take a bath and [REDACTED] breath smells like shit. Resident #3 just looked down, like [REDACTED] was embarrassed. However, this incident was not reported to the local Area Agency on Aging until [REDACTED]/22.

Between [REDACTED]/22 and [REDACTED]/22, while providing perineal care to resident #1, staff person C observed staff person A smack resident #1 in the buttocks and heard [REDACTED] tell the resident [REDACTED] pussy stinks. However, this incident was not reported to the local Area Agency on Aging until [REDACTED]/22.

**Plan of Correction**

Accept ([REDACTED] - 04/04/2023)

*This plan of correction is submitted as required under State law. The submission of this Plan of Correction does not constitute any admission of civil or criminal liability on the part of the named Community as to contents stated in this Statement of Deficiencies. Any changes to the Community's policies and procedures made because of its receipt of this Statement of Deficiencies are subsequent remedial measures as that concept is employed in Rule 407 of the Federal Rules of Evidence and any corresponding state rules of civil procedure and should be inadmissible in any proceeding on that basis. The Community submits this plan of correction with the intention that it be inadmissible by any third party in any civil or criminal action against the Community or any employee, agent, officer, director, attorney, or shareholder of the Community or affiliated companies.*

*Residence disputes the below cited violation but is without procedural option to appeal the violation.*

*55 Pa. Code § 2800.15 - Abuse reporting covered by law provides: (a) The residence shall immediately report suspected abuse of a resident served in the residence in accordance with the Older Adult Protective Services Act (35 P. S. § § 10225.701-10225.707) and 6 Pa. Code § § 15.21-15.27 (relating to reporting suspected abuse, neglect, abandonment or exploitation) and comply with the requirements regarding restrictions on staff persons.*

*Page 15 and 193 of the PA Department of Human Services, Bureau of Human Services Licensing, Regulatory Compliance Guide (RCG) states, "Upon receiving a report of abuse, residences must:*

*1. Immediately report suspected abuse of a resident served in the residence in accordance with the Older Adults Protective Services Act (35 P.S. §§ 10225.101 – 10225.5102) and 6 Pa. Code §§ 15.21 – 15.27. The "Abuse Reporting Flowchart" on the following page illustrates these requirements."*

*Page 19 of the RCG Discussion of Abuse Reporting Covered by Law uses the term residence and staff persons. The RCG speaks to a difference between the Residence and its staff.*

15a Resident abuse report (continued)

The Executive Director notified Greater Erie Community Action Committee (GECAC) Area Agency on Aging (AAA) on 11/27/2022, immediately upon receipt of the allegation involving Resident 1, which is in compliance with the law for Residence to "1. Immediately report suspected abuse of a resident served in the residence." The basis for the citation provided is that the Residence did not report the allegation prior to receipt of notice of the allegation creating a strict liability scenario for residences to report allegations/suspicions of which it has no knowledge.

The Executive Director notified Greater Erie Community Action Committee (GECAC) Area Agency on Aging (AAA) on 11/28/2022 immediately upon notice of the additional allegations. Residence learned of these allegations when conducting its investigation of 11/27/2022. The notification to GECAC AAA is in compliance with the law for Residence to "1. Immediately report suspected abuse of a resident served in the residence." The basis for the citation provided is that the Residence did not report the allegation prior to receipt of notice of the allegation creating a strict liability scenario for residences to report allegations/suspicions of which it has no knowledge.

The Executive Director or designee will continue to notify GECAC AAA immediately upon notification of an allegation or suspicion of abuse.

To date Code § 2800.15 - Abuse reporting covered by law in-service trainings were held on 12/01/2022, 12/06/2022, and 01/05/2023 by Executive Director or designee. Team member discussions were held with the staff during shift meetings on Code § 2800.15 - Abuse reporting covered by law 11/28/2022-12/13/2022 by Executive Director or designee.

The Executive Director and Care Team Manager will conduct and complete all-staff retraining on 55 Pa. Code § 2800.15 - Abuse reporting covered by law by February 16, 2023 with emphasis on the requirement of staff for immediate notification of Residence leadership of an allegation or suspicion of abuse. Additionally, the Executive Director or designee will continue to conduct training at hire, annually and as warranted.

Licensee's Proposed Overall Completion Date: 03/31/2023

Implemented [redacted] - 08/04/2023)

15b Resident abuse superv plan

2. Requirements

2800.

15.b. If there is an allegation of abuse of a resident involving a residence s staff person, the residence shall immediately develop and implement a plan of supervision or suspend the staff person involved in the alleged incident.

Description of Violation

On [redacted]/22 at approximately [redacted] pm, staff person A and staff person B were assisting resident #1 with removing [redacted] shirt. Staff person A became forceful, causing resident #1 to scream and yell for [redacted] to stop. Staff person A told resident #1 to shut up and slapped [redacted] in the face with the back of [redacted] hand. Resident #1 was crying and said please don't do that. However, staff person A worked from [redacted] pm on [redacted]/22 to [redacted] am on [redacted]/22 and was not suspended until [redacted]/22.

On [redacted]/22, staff person B observed staff person A grab resident #2 from [redacted] wheelchair, swing [redacted] over to the toilet and roughly drop [redacted] onto the toilet seat. This upset resident #2 and [redacted] looked afraid. Resident #2 said [redacted] doesn't want staff person A to come into [redacted] room ever again. However, staff person A worked from [redacted] pm on [redacted]/22 to [redacted] am on [redacted]/22 and was not suspended until [redacted]/22.

On [redacted]/22, staff person B observed staff person A tell resident # [redacted] needed to take a bath and [redacted] breath smells

**15b Resident abuse-superv plan (continued)**

like shit. Resident #3 just looked down, like [REDACTED] was embarrassed. However, staff person A worked from [REDACTED] pm on [REDACTED]/22 to [REDACTED] am on [REDACTED]/22 and was not suspended until [REDACTED]/22.

Between [REDACTED]/22 and [REDACTED]/22, while providing perineal care to resident #1, staff person C observed staff person A smack resident #1 in the buttocks and heard [REDACTED] tell the resident [REDACTED] pussy stinks. However, staff person A worked from [REDACTED] pm on [REDACTED]/22 to [REDACTED] am on [REDACTED]/22 and was not suspended until [REDACTED]/22.

**Plan of Correction****Accept [REDACTED] - 04/04/2023)**

*This plan of correction is submitted as required under State law. The submission of this Plan of Correction does not constitute any admission of civil or criminal liability on the part of the named Community as to contents stated in this Statement of Deficiencies. Any changes to the Community's policies and procedures made because of its receipt of this Statement of Deficiencies are subsequent remedial measures as that concept is employed in Rule 407 of the Federal Rules of Evidence and any corresponding state rules of civil procedure and should be inadmissible in any proceeding on that basis. The Community submits this plan of correction with the intention that it be inadmissible by any third party in any civil or criminal action against the Community or any employee, agent, officer, director, attorney, or shareholder of the Community or affiliated companies.*

*Residence disputes the below cited violation but is without procedural option to appeal the violation.*

*55 Pa. Code § 2800.15 - Abuse reporting covered by law provides: (b) If there is an allegation of abuse of a resident involving a residence's staff person, the residence shall immediately develop and implement a plan of supervision or suspend the staff person involved in the alleged incident.*

*Staff Person A was suspended on 11/27/2022 upon notice to Residence of the allegation of abuse.*

*The Executive Director and Care Team Manager will conduct and complete retraining on 55 Pa. Code § 2800.15 - Abuse reporting covered by law with all team members no later than February 16, 2023. Additionally, the Executive Director or designee will continue to conduct training at hire, annually, and as warranted.*

**Licensee's Proposed Overall Completion Date: 03/31/2023**

**Implemented [REDACTED] - 08/04/2023)****16c Incident reporting****3. Requirements**

2800.

16.c. The residence shall report the incident or condition to the Department's assisted living residence office or the assisted living residence complaint hotline within 24 hours in a manner designated by the Department. Abuse reporting shall also follow the guidelines in § 2800.15 (relating to abuse reporting covered by law).

**Description of Violation**

On [REDACTED]/22 at approximately [REDACTED] pm, staff person A and staff person B were assisting resident #1 with removing [REDACTED] shirt. Staff person A became forceful, causing resident #1 to scream and yell for [REDACTED] to stop. Staff person A told resident #1 to shut up and slapped [REDACTED] in the face with the back of [REDACTED] hand. Resident #1 was crying and said please don't do that. However, this incident was not reported to the Department until [REDACTED]/22.

On [REDACTED]/22, staff person B observed staff person A grab resident #2 from [REDACTED] wheelchair, swing [REDACTED] over to the toilet and roughly drop [REDACTED] onto the toilet seat. This upset resident #2 and [REDACTED] looked afraid. Resident #2 said [REDACTED] doesn't want staff person A to come into [REDACTED] room ever again. However, this incident was not reported to the Department until [REDACTED]/22.

**16c Incident reporting (continued)**

On [REDACTED]/22, staff person B observed staff person A tell resident #3 [REDACTED] needed to take a bath and [REDACTED] breath smells like shit. Resident #3 just looked down, like [REDACTED] was embarrassed. However, this incident was not reported to the Department until [REDACTED]

Between [REDACTED] while providing perineal care to resident #1, staff person C observed staff person A smack resident #1 in the buttocks and heard [REDACTED] tell the resident [REDACTED] pussy stinks. However, this incident was not reported to the Department until [REDACTED]/22.

**Plan of Correction**

Accept [REDACTED] 04/04/2023)

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Residence disputes the below cited violation but is without a procedural option to appeal the violation.

55 Pa. Code § 2800.16 – Reportable incidents and conditions provides: (c) The residence shall report the incident or condition to the Department's assisted living residence office or the assisted living residence complaint hotline within 24 hours in a manner designated by the Department.

The Bureau of Human Services Licensing (BHSL) Incident Reporting Form was filed on November 28, 2022, within the required 24 hours reporting from the time the residence was notified. The BHSL appears to apply a strict liability standard for reporting allegations of abuse regardless of notice of the allegation to the residence or information that would create a suspicion of abuse.

The Bureau of Human Services Licensing (BHSL) Incident Reporting Form was filed on December 8, 2022, at the direction of the licensing representative. The additional allegations were reported to AAA and were discussed with the BHSL. The residence believed it had met the requirement of the regulation when the initial report was submitted on 11/28/2022. The residence planned to submit final incident report as a follow up when Residence concluded the investigation.

The Executive Director and Care Team Manager will conduct and complete retraining on 55 Pa. Code § 2800.16 Reportable incidents and conditions with all team members no later than February 16, 2023.

No later than, February 16, 2023, the Executive Director or designee will notify the BHSL within 24 hours of its notice of a reportable incident pursuant to applicable regulations.

Licensee's Proposed Overall Completion Date: 03/24/2023

Implemented [REDACTED] 08/04/2023)

**42b Abuse/Neglect****4. Requirements**

2800.

42.b. A resident may not be neglected, intimidated, physically or verbally abused, mistreated, subjected to corporal punishment or disciplined in any way.

**Description of Violation**

On [REDACTED]/22 at approximately [REDACTED] pm, staff person A and staff person B were assisting resident #1 with removing

**42b Abuse/Neglect (continued)**

■■■■ shirt. Staff person A became forceful, causing resident #1 to scream and yell for ■■■■ to stop. Staff person A told resident #1 to shut up and slapped ■■■■ in the face with the back of ■■■■ hand. Resident #1 was crying and said please don't do that.

On ■■■■/22, staff person B observed staff person A grab resident #2 ■■■■ wheelchair, swing ■■■■ over to the toilet and roughly drop ■■■■ onto the toilet seat. This upset resident #2 and ■■■■ looked afraid. Resident #2 said ■■■■ doesn't want staff person A to come into ■■■■ room ever again.

On ■■■■/22, staff person B observed staff person A tell resident #3 ■■■■ needed to take a bath and ■■■■ breath smells like shit. Resident #3 just looked down, like ■■■■ was embarrassed.

Between ■■■■/22 and ■■■■/22, while providing perineal care to resident #1, staff person C observed staff person A smack resident #1 in the buttocks and heard ■■■■ tell the resident ■■■■ pussy stinks.

**Plan of Correction****Accept ■■■■ 04/04/2023)**

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*55 Pa. Code § 2800.42 – Specific Right provides: (b)A resident may not be neglected, intimidated, physically or verbally abused, mistreated, subjected to corporal punishment or disciplined in any way.*

*We request that the BHSL create a registry of caregivers/aids substantiated to have committed abuse of a senior prohibiting them from being hired to work with vulnerable adults. In this instance, the surveyor reported that Staff Person A was known to her as having a history of substantiated abuse when employed with a former provider. There s no system in place by BHSL to protect residents from confirmed abusers or alert residences that the potential staff should not be hired due to the person's known history of abuse. Staff Person A falsely signed a statement at hire asserting that she does not have a history of having abused a senior.*

*Executive Director and Care Team Manager will conduct and complete retraining on 55 Pa. Code § 2800.42 Specific Rights (b) abuse/neglect with all team members no later than February 28, 2023. The Executive Director or designee will continue to conduct training on this topic at hire, annually and as needed.*

*The Executive Director or designee will conduct a sampling of 6 residents weekly for 4 weeks to monitor compliance with regulation 2800.42(b). This will begin week of 02/06/2023. The residents sampled will be asked about way care s delivered and about their satisfaction with the caregiving staff. Additional weekly checks will continue until consistent compliance with this regulation is demonstrated.*

*The Executive Director or designee, when reviewing Service Plans with resident and designated person, will incorporate in the plan review conversation as it relates to delivery of service and how the resident is treated by team members. This will begin week of 02/06/2023.*

**Licensee's Proposed Overall Completion Date: 03/24/2023****Implemented ■■■■ - 08/04/2023)**



54a Direct care staff quals

5. Requirements

2800.

54.a. Direct care staff persons shall have the following qualifications:

- 2. Have a high school diploma, GED or active registry status on the Pennsylvania nurse aide registry.

Description of Violation

Direct care staff person A does not have a high school diploma, GED, or active registry status on the Pennsylvania nurse aide registry.

Plan of Correction

Accept [REDACTED] - 04/04/2023)

This plan of correction is submitted as required under State law. The submission of this Plan of Correction does not constitute any admission of civil or criminal liability on the part of the named Community as to contents stated in this Statement of Deficiencies. Any changes to the Community's policies and procedures made because of its receipt of this Statement of Deficiencies are subsequent remedial measures as that concept is employed in Rule 407 of the Federal Rules of Evidence and any corresponding state rules of civil procedure and should be inadmissible in any proceeding on that basis. The Community submits this p an of correction with the intention that it be inadmissible by any third party in any civil or criminal action against the Community or any employee, agent, officer, director, attorney, or shareholder of the Community or affiliated companies.

55 Pa. Code § 2800.54 –Qualifications for direct staff person provides: (a) Direct care staff persons shall have the following qualifications. (2) Have a high school diploma, GED, or active registry status on the Pennsylvania nurse aide registry.

Staff person A provided documentation regarding her high school education. It turns out that staff person A did not have a high school diploma when the document was scrutinized for authenticity.

Staff person A no longer works at the community as of December 6, 2022.

The Care Team Manager or designee will monitor this requirement at hire and confirm that proper documentation is n employee file within the timelines specified in the RCG beginning 02/01/2023.

The Executive Director will audit the team member file within the first 30 days of employment for all new hires starting 02/01/2023.

The Care Team Manager will audit 6 employee files a week until all files have been reviewed which will be completed n approximately 8 weeks. The Care Team Manager will begin auditing files week of 02/06/2023.

Licensee's Proposed Overall Completion Date: 03/24/2023

Implemented [REDACTED] - 08/04/2023)