

TEXAS DEPARTMENT OF STATE HEALTH SERVICES

FACILITY LICENSING GROUP

ENFORCEMENT ACTIONS

END STAGE RENAL DISEASE FACILITIES

November 2000 - Current Date

Name	Renal Care Group Downtown
License Number	7077
Location	Houston, Texas
Nature of Violation	<p>Based on alleged licensure violations cited at an annual survey, conducted on or about January 27, 2000, the Department entered into a Compromise and Settlement Agreement on March 15, 2002. The Compromise and Settlement Agreement is the settlement and compromise of any and all disputes for civil penalties.</p> <p>The Terms and Conditions of the Agreement are:</p> <p>Facility agreed to pay Civil Penalties in the amount of \$5,000.00, and reasonable costs and expenses incurred by the Department in the amount of \$15,000.00, pursuant to Texas Health and Safety Code 251.071.</p> <p>Facility agreed to pay \$10,000.00, representing attorney's fees/investigative costs.</p> <p>Judicial Proceedings May 14, 2002:</p> <p>Order of Dismissal with Prejudice was executed May 14, 2002, to dismiss the Department's original petition for permanent injunction and civil penalties against the facility.</p>
Disciplinary Action	Civil Penalty \$30,000
Final Enforcement Action Date	03/15/02

Name	Sherman Dialysis Center
License Number	6093
Location	Sherman, Texas
Nature of Violation	<p>Allegations relating to: Failure to recognize a patient as potentially HBsAg positive prior to</p>

	administering treatment; Failure to obtain results within required time for physician to review; Failure to implement and enforce a quality assurance system relating to the care of potentially HBsAG – positive patients.
Disciplinary Action	Administrative Penalty \$1,300
Final Enforcement Action Date	01/23/01

Name	Midland Dialysis
License Number	6898
Location	Midland, Texas
Nature of Violation	<p>Allegation relating to:</p> <p>Failure to provide a safe and comfortable treatment environment, in accordance with the facility's policies and procedures (P/P) regarding patient rights, as demonstrated by:</p> <p>Failure to arrange and maintain water system components to ensure that bacterial contaminant levels did not exceed the standards for hemodialysis water quality;</p> <p>Failure to administer approximately 302 doses of physician prescribed epogen, from on or about October 2, 2002, through October 29, 2002;</p> <p>Failure to assure that patients were informed by a physician of their medical status, when prescribed epogen was not administered as ordered;</p> <p>Failure to maintain medications at appropriate storage temperatures;</p> <p>Failure of nursing staff to prevent or reduce complications, and/or conduct assessments of a patient when a change in patient status occurred.</p>
Disciplinary Action	Administrative Penalty \$29,000
Final Enforcement Action Date	01/31/03

Name	Eastpointe Dialysis Facility
License Number	6799
Location	San Antonio, Texas
Nature of Violation	Allegations relating to:

	<p>Failure of the Facility to control the potential for patient infections and maintain a sanitary environment to minimize or prevent the transmission of infectious disease;</p> <p>Failure of the Facility to enforce policies and procedures (P/Ps) to ensure that patients were treated with respect and dignity;</p> <p>Failure of the Facility to administer medications, as ordered by patients' physicians;</p> <p>Failure of the Facility to label medications prepared for patient use;</p> <p>Failure of the Facility to assure that nursing services were provided in a manner to prevent or reduce complications and to maximize patients' functional status, and that a registered nurse was responsible for providing oversight and direction to dialysis technicians and licensed vocational nurses;</p> <p>Failure of the Facility to establish and maintain a clinical record system to assure that the care provided each patient was completely and accurately documented, readily available, and that progress notes provided an accurate picture of patients' progress, which was reflective of changes in patients' status or descriptive of unusual events.</p>
Disciplinary Action	<p>1.) Probated Suspension of License through 01/31/05</p> <p>2.) Administrative Penalty \$41,300</p> <p>3.) Surrender of License; Accepted 10/27/04</p>
Final Enforcement Action Date	08/11/04

Name	Kidney Center of Jasper
License Number	7327
Location	Jasper, Texas
Nature of Violation	<p>Allegations related to:</p> <p>Failure of the Facility to ensure that prior to a patient's treatment, staff verified the dialysate conductivity and pH of the patient's machine with an independent device;</p> <p>Failure of the Facility to conform to the Association for the Advancement of Medical Instrumentation (AAMI) guidelines, related to reuse of hemodialyzers;</p> <p>Failure of the Facility to establish, implement and enforce a process for intensive team intervention for a patient, to ensure safe care.</p>
Disciplinary Action	Violations of Rules Committed: No Penalty Assessed.

Final Enforcement Action Date	01/22/05
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Name	Gambro Healthcare-Houston
License Number	000098
Location	Houston Texas
Nature of Violation	<p>Allegations related to:</p> <p>Failure of the Facility to ensure that prior to a patient's treatment, staff verified the dialysate conductivity and pH of the patient's machine with an independent device;</p> <p>Failure of the Facility to conform to the Association for the Advancement of Medical Instrumentation (AAMI) guidelines, related to reuse of hemodialyzers;</p> <p>Failure of the Facility to maintain responsibility and accountability for the entire reuse process;</p> <p>Failure of the supervising registered nurse to demonstrate responsibility for providing oversight and direction to dialysis technicians and licensed nurses.</p>
Disciplinary Action	Violations of Rules Committed; No Penalty Assessed.
Final Enforcement Action Date	02/11/05