

Health Standards Section

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: BO0004642	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____ B. WING _____	(X3) DATE SURVEY COMPLETED 02/03/2011
NAME OF PROVIDER OR SUPPLIER DELTA CLINIC OF BATON ROUGE, INC		STREET ADDRESS, CITY, STATE, ZIP CODE 756 COLONIAL DRIVE BATON ROUGE, LA 70806		
(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
S 000	Explicit Statements-01 Annual Unannounced Licensing Survey.	S 000		
S4405	GOVERNING BODY This Rule is not met as evidenced by: §4405. Governing Body A. The abortion facility must have a governing body which meets at least annually. The governing body is the ultimate authority of the facility, and as such, it shall approve and adopt all bylaws, rules, policies, and procedures formulated in accordance with these licensing standards. All bylaws, rules, policies, and procedures formulated in accordance with these licensing standards shall be in writing, revised as necessary, and reviewed annually. If, due to type of ownership or other reasons, it is not possible or practical to establish a governing body, as such, then documents shall reveal the person(s) who are legally responsible for the conduct of the facility and are also responsible for carrying out the functions and obligations contained herein pertaining to the governing body. Based on record review and interview the governing body failed to ensure the clinic followed	S4405		

DHH/Health Standards Section

TITLE

(X6) DATE

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

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S4405	Continued From page 1 their policy for "Minor Patients" and the law (Louisiana Children's Code Article 603 La. and R.S. 40.80.1) regarding mandatory reporting of carnal knowledge, incest, and rape of minors for 1 of 7 (Patient #3) minor patient records reviewed out a total sample of 13 patients. Findings: Review of La. Children's Code Article 603 provides a definition of mandatory reporters and abuse. A mandatory reporter is any of the following individuals performing their occupational duties: Health practitioners, including physicians, surgeons, physical therapists, dentists, residents, interns, hospital staff members, podiatrists, chiropractors, licensed nurses, nursing aides, dental hygienist, emergency medical technicians, paramedics, optometrists, medical examiners, or coroners. . . Abuse is defined as any one of the following acts which seriously endanger the physical, mental, or emotional health and safety of the child . . . The involvement of the child in any sexual act with a parent or any other person, or the aiding or toleration by the parent or the caretaker of the child's sexual involvement with any other person or the child ' s involvement in pornographic displays, or any other involvement of a child in sexual activity constituting a crime under the laws of this state. La. R.S. 40.80.1 provides that misdemeanor carnal knowledge of a juvenile is committed when a person who is seventeen years of age or older has sexual intercourse, with consent, with a person who is thirteen years of age or older but less than seventeen years of age, when the victim is not the spouse of the offender, and when the difference between age of the victim and age of the offender is greater than two years, but less than four years.	S4405			

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S4405	<p>Continued From page 2</p> <p>The Delta Clinic policy entitled "Minor Patients" presented as the clinic's current policy revealed in part, "Policy: All minor patients will complete a minor investigation form which will allow the clinic staff to know if the minor pregnancy was consensual, rape, or molestation. This will also make the staff aware of the age of the person the minor is pregnant for. Procedure: During one on one counseling the attending physician will go over the minor investigation form. If a report needs to be made the Office Manager will contact the police department in the parish in which the minor patient conceived. The clinic will follow the state laws on carnal knowledge of a juvenile."</p> <p>The medical record for Patient #3 was reviewed. Documentation on the Minor Pregnancy Investigation intake form revealed the patient was born on 07/05/95 and was 15 years of age. Review of the medical record revealed the patient was scheduled for an abortion procedure on 01/06/11. Further review of the Minor Pregnancy Investigation form revealed the age of the person for whom she was pregnant was 18 years of age. Further review of the Minor Pregnancy Investigation form revealed the notification of Louisiana state law enforcement was blank. Review of Patient #3's entire medical record revealed no documented evidence that Louisiana state law enforcement was notified of a potential violation of a juvenile.</p> <p>S2, Assistant Clinic Manager, was interviewed face to face on 02/03/11 at 2:10pm. S2 indicated S4, Clinic Office Manager was the person who typically informed the law enforcement agency per telephone when the patient was a minor and carnal knowledge of a juvenile was discovered. S2 indicated she was not sure why this case (#3)</p>	S4405			

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S4405	Continued From page 3 had been missed and not reported; however, she did remember the patient. S2 indicated Patient (#3) had departed the clinic prior to completing the entire process on the day of her counseling session. S2 indicated typically upon arrival to the clinic, the first step of the process was to have a urine pregnancy test performed. S2 indicated following confirmation of pregnancy, patients would have an ultrasound and a counseling session. S2 indicated patients would receive group counseling by the physician for education and information which would be followed by an individual session which allowed patients to seek information or ask questions privately. S2 indicated the last step on the counseling day was to process the patient's record which included the patient's next appointment, whether they chose to proceed with termination of their pregnancy, and, in the case of minor aged patients, the records would be reviewed to determine if a police report needed to be made. S2 indicated Patient #3 left before the chart had been completely processed. S2 indicated the Clinic Staff on duty thought Patient #3 must have decided not to proceed with the termination of her pregnancy because she left before her medical record processing had been complete. S2 stated that it must have been an oversight due to the patient leaving before the process had been completed. S1, MD Medical Director indicated in a face to face interview on 02/03/11 at 2:20pm the clinic policy was to report carnal knowledge of a juvenile to the state police when discovered. S1 indicated the policy had been enforced at the clinic since it's adoption. S1 indicated it must have been an oversight that the carnal knowledge of Patient #3 had not been reported to the police. S1 indicated the practice at the clinic was that	S4405			

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S4405	Continued From page 4 she (Physician S1) reviewed the "Minor Investigation Form", as completed by the patient in regards to the age of the father and whether the sexual act was forced or consensual. S1 indicated the office manager would then make the police report. During the interview on 2/3/11, S1 instructed S2 to make the call to report to the police Carnal Knowledge of Patient #3.	S4405		
S4415	PATIENT RECORDS AND REPORTS This Rule is not met as evidenced by: §4415. Patient Records and Reports B. Content of Medical Record 1. The following minimum data shall be kept on all patients: n. authorizations, consents or releases; Based on record review and interview, the facility failed to ensure a written notarized parental consent was obtained in accordance with clinic policy for Minor Patients and according to La.R.S. 40:1299.35.5 Minors: for 1 of 7 minor patient records reviewed out of a total of 13 sampled patients. (Patient #11) Findings: Review of La.R.S. 40:1299.35.5 Minors revealed "A. No physician shall perform or induce an abortion upon any pregnant women who is under the age of eighteen years and who is not emancipated judicially or by marriage unless the physician has received one of the following documents. (1) a notarized statement signed by the mother, father, legal guardian or tutor of the minor in accordance to state law that the affiant has been informed that the minor intends to seek an abortion and that the the affiant consents to the abortion. (2) A court order as provided in	S4415		

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S4415	<p>Continued From page 5</p> <p>Subsection B of this Section."</p> <p>The Delta Clinic policy entitled "Minor Patients" presented as the clinic's current policy revealed in part, "Policy: all patients under the age of 18 will need a school ID (if their school offers) and the parent or legal guardian will need proof of identity. Procedure: The parent or legal guardian of the minor patient will be given a minor consent for which will need to be notarized by a notary before the minor patient can return to the clinic for service."</p> <p>The medical record for Patient #11 was reviewed. Documentation on the Minor Pregnancy Investigation intake form revealed the patient was born on 10/01/94 and was 16 years of age. Further the patient was scheduled for an abortion on 11/13/10. Further review revealed a "Consent for Surgical Abortion" dated 11/03/2010 which contained two signatures, one of the patient and the other of the woman identifying herself as the patient's mother. This consent was not notarized. A copy of the patient' school ID and the driver's license of the woman identifying herself as the patient's mother was located in the medical record. Review of the entire medical record revealed no documented evidence of a notarized statement signed by the patient's mother, father, legal guardian or tutor indicating the affiant had been informed that the minor intended to seek an abortion and that the affiant consented to the abortion or a court order allowing the minor patient to seek abortion. Further review revealed no documented evidence that the person indicating she was the patient's mother was indeed the patient's mother.</p> <p>This finding was confirmed by S2, Assistant Clinic Manager in a face to face interview on 02/03/11</p>	S4415			

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S4415	Continued From page 6 at 2pm. S2 confirmed Patient #11 had an abortion on 11/03/10. Further S2 indicated she could not locate the notarized statement (the clinic uses two consent forms for abortions, one that is notarized and one that is not) signed by the parent and thought the notarized statement could have been misfiled in another patient's record. S2 indicated the process required patients to obtain the notarized statement and also included the mother of the patient to prove she was the mother such as the patient's birth certificate. S2 indicated the process at the facility had been to review the notarized consent prior to obtaining signatures on the facility's Consent for Surgical Abortion. S2 indicated the Notarized Statement for Patient #11 must have been misfiled.	S4415		