



AGENCY OF HUMAN SERVICES

DEPARTMENT OF DISABILITIES, AGING AND INDEPENDENT LIVING

Division of Licensing and Protection

HC 2 South, 280 State Drive

Waterbury VT 05671-2060

<http://www.dlp.vermont.gov>

Survey and Certification Voice/TTY (802)-241-0480

Survey and Certification Fax (802)-241-0343

Survey and Certification Reporting Line: (888) 700-5330

To Report Adult Abuse: (800) 564-1612

February 16, 2021

Ashley Hudson, Manager
Four Seasons Care Home, Inc
135 South Main Street
Northfield, VT 05663-5603

Dear Ms. Hudson:

The Division of Licensing and Protection completed a complaint investigation at your facility on **February 3, 2021**. The purpose of the survey was to determine if your facility was in compliance with Vermont Residential Care Home Regulations. The survey statement is enclosed. This survey found that your facility was in substantial compliance with the participation requirements. However, there is one deficiency that requires a commitment to correct but does not require that you submit a written plan of correction.

Please sign, date and indicate your title on the bottom of the deficiency statement and return this report no later than **March 1, 2021**.

If you have any questions regarding this report, please feel free to contact this office at (802) 241-0480.

Sincerely,

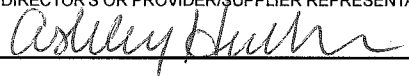
Pamela Cota, RN
Licensing Chief

Division of Licensing and Protection

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 0129	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED C 02/03/2021
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NAME OF PROVIDER OR SUPPLIER FOUR SEASONS CARE HOME, INC	STREET ADDRESS, CITY, STATE, ZIP CODE 135 SOUTH MAIN STREET NORTHFIELD, VT 05663
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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
R100	Initial Comments: An unannounced on-site investigation of two complaints was conducted by the Division of Licensing and Protection on 2/3/2021. There was a regulatory deficiency identified as a result of this investigation.	R100		
R321 SS=A	<p>XI. RESIDENT FUNDS AND PROPERTY</p> <p>11.8 The licensee, the licensee's relative or any staff member shall not be the <u>legal guardian, trustee or legal representative for any resident</u> other than a relative. The licensee or any staff of the home are permitted to act as the resident's representative payee according to Social Security regulations provided the resident or the resident's legal representative agrees in writing to this arrangement and all other provisions of these regulations related to money management are met.</p> <p>This REQUIREMENT is not met as evidenced by: Based on staff interview and record review, the licensee accepted the roll of health care agent and executrix for one of four residents in the applicable sample (Resident # 1) . Findings include:</p> <p>Per record review, Resident # 1's Vermont Advance Directive for Health Care form dated 11/1/2016 and signed by the resident on 11/3/16 states "I wish that this document serves as my health care agent". 'I wish for [both Owners of Four Seasons named] help facilitate my wishes resulting from my death".</p> <p>Resident #1's Last Will and Testament signed by her/him and dated November 3, 2016 appoints</p>	R321	<p><i>Please see letter to Licensing & their response. AP</i></p>	

Division of Licensing and Protection LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE 	TITLE DNS/co-owner/manager	(X6) DATE 4/6/21
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Division of Licensing and Protection

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R321	Continued From page 1 both Owners of Four Seasons as executrix. The Will states "My executrix shall have the right to perform every act in administering and disposing of my estate which I might perform if I were alive and may sell all or part of my assets, at public or private sale, without obtaining leave of the court, at any time for any price which she deems needful to the administration or distributions of my estate". "My executrix shall follow through with my wishes that my possessions located at my residence in Four Seasons located in Northfield, Vermont stay and be donated to Four Seasons". "My executrix shall distribute my real and person property as follows: I give and bequeath to Four Seasons any bank balance in my name I give and bequeath to Four Seasons any cash amounts receivable to me at the time of my death". The Last Will and Testament describes an IRA policy and a Pension policy, and states "I wish upon my death to be distributed in the following manner if there is any value left to be received from said policies all value to be left to Four Seasons of North field, VT". on 1/1/2021 at 4:30 PM the Owners confirmed that they had been appointed as executors for [Resident #1]. Stating that they "were just carrying out her wishes for [her/him] when [s/he] died".	R321		



135 South Main Street
Northfield, VT 05663
(W) 802-485-8163 (F) 802-485-4124
www.fourseasonscareshomevt.com

February 17, 2021

Dear Pam,

We are writing in response to our complaint investigation findings (R321).

We do not feel that we are "out of compliance" with regulation 11.8. We were not; legal guardians, nor were we a trustee or legal representative. Individuals listed under these categories (in our understanding, as explained by our legal counsel) carry-out matters for other individuals. Someone such as a legal guardian, power of attorney (POA) make decisions for people who are incapable of making them on their own.

The resident in question made all decisions, for herself, up until the day she passed away. We were never responsible for making "legal" decisions for her, nor would we ever want to be.

The only reason we were fully vested with this individual is as follows; upon admission, Resident #1 had a family friend, whom was listed as her agent in her Advanced Directives, assisting her with decision making and financial matters. This family friend ultimately ended up not paying her bills and stealing thousands and thousands of dollars from her. Resident #1 in essence hadn't paid for 7 months of R & B and had an excessive pharmacy bill, to the tune of over \$6000. We reported this individual to APS. Resident #1 suffered with terrible anxiety and this experience was devastating to her. After going through the financial exploitation, the only individuals Resident #1 trusted, was us. She said all the other individuals "close" to her, "are after me for something." We consented to the Last Will and Testament at Resident #1's insistence. Her mission was to make sure that anything she had left after she passed, wasn't left to individuals that stole from her and/or didn't appreciate her while she was alive.

In the event this is in fact a true deficiency.....please know that whatever system is in place.....is broken. Currently we have 11 residents in our community that have NO ONE to follow out their wishes. In 2020, we had 4 individuals that passed away who had NO ONE (this individual being one of them). #1-Our facility was responsible for paying for the cremains of a resident who passed. She sits in a box inside our facility, as she never told us what or where she wanted to be. This was the direct result of her having no family, friends, ANYONE to carry out her final wishes. #2-Our local funeral home was not paid for his cremation because he had too much money (for the state to kick in and pay) in his bank account and no one to access it. #3-Has 4 children (all estranged) that the University of Vermont Medical Center has been trying to contact since July to have his remains properly dealt with.

So we ask....What is the purpose of this regulation? Is it financially driven? Or to protect residents? At the end of the day, we advocate for our residents. We care and have made it our mission to be the voice of our residents, when they can no longer speak for themselves. We think that our reputations speak to this. You can also see all of the APS

reports that we have filed since 2013, advocating for our residents. Do you realize that not allowing someone that the resident trusts to pay their outstanding debts at the time of their death, results in other businesses not being reimbursed for their services?? How does the pharmacy, the funeral home, the cable or phone companies get paid? What if we were the executrix to carry out their final wishes but the will clearly stated the residents remaining assets were donated or distributed to someone other than the Four Seasons?? At the end of the day, we don't want or need their remaining assets. We feel this is blatantly obvious given resident #1 still owe's us money from her agent exploiting her. She also still has money in her bank account, as well as has a death benefit (left to us), that we have never sought out. We feel very strongly that being a representative payee for residents poses far more risk to our residents than doing something such as carrying out their final wishes. The opportunity for exploitation grows exponentially by acting as a rep payee.

In essence, the findings in our eyes support the estranged family members claim that we misappropriated this individuals assets. This is absolutely not the case and we will forever advocate for our "family" members if they do not have someone who can do it for them. In fact, what did we have to gain from her passing? Our attorney referred to the situation as de minimis. Little to nothing to gain. Maybe this is wrong in the eyes of licensing but we will continue to care for our residents through all aspects of their lives.

Is this truly us being, "in the wrong?" To us.....this really feels like a punch in the gut for doing the right thing. We care SO much for ALL of our residents, that this is demoralizing to us.

Prior to the "new" regulations being put out (that has been in the works for years), it would be hugely helpful to clearly define a Legal Representative. We were NOT legal guardians. A Trustee is NOT the same as an Executrix. A Legal Representative.....is clearly up to speculation?..?

Thank you for your time Pam.

Sincerely,

Courtney & Ashley

A handwritten signature in cursive script, appearing to read "Courtney Ashley", written in black ink.

Four Seasons

From: Cota, Pamela <pamela.cota@vermont.gov>
Sent: Friday, April 2, 2021 10:55 AM
To: 'Four Seasons'
Subject: RE: Survey complaint thoughts

Sensitivity: Confidential

Hi Ashley,

Both the surveyor and I reviewed, and while we realize that you had your heart in the right place, the regulation was written to protect residents and other avenues need to be explored for residents. Now, you have the expertise on this, so perhaps identifying gaps in the system (or a broken system as you referred to) and talking to your local legislators may be a good option here, we as the regulatory agency have a very limited role in looking at the whole system, as we simply ensure minimum standards are being met as written for the various provider types. Sorry I can't fix this issue, but if it is a big issue, gather your peers and advocate for what you all need for circumstances such as this.

Thanks for your patience with our response.

Sincerely,

Pam

From: Four Seasons [mailto:fourseasons@tds.net]
Sent: Friday, February 19, 2021 4:37 PM
To: Cota, Pamela <pamela.cota@vermont.gov>
Subject: Survey complaint thoughts
Sensitivity: Confidential

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hi Pam,

I think both Courtney and I are taking this personally. That being said, we do feel like the regs aren't clear or concise. Thanks for reading it anyway.

Have a good weekend!



Ashley Hudson, RN-BSN
DNS/Co-owner
Four Seasons Care Home, Inc.
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(w) 802-485-8163 (f) 802-485-4124