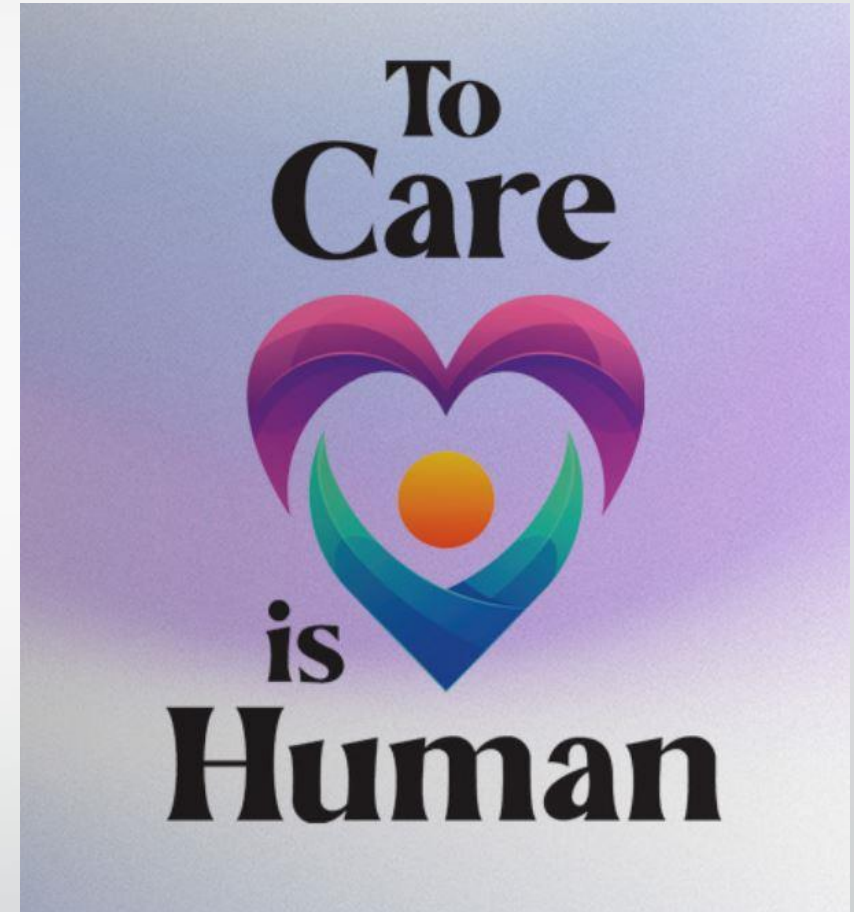


# Long Term Care Safety and Security Planning

- THCA 2023 Convention
- August 17, 2023
- Michael D. Brent, *Bradley Arant Boult Cummings LLP*
- Michael Mann, *Michael Mann Security Services*



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# **Caring Headlines Regulations Alternatives Questions**

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# The Headlines Before 2018

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# Texas nursing home shooting leaves 3 dead, 2 more bodies found at nearby home: police



By Madeline Farber | Fox News



The Retama Manor Nursing Center in Robstown, Texas. (Google Earth)

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The tender, terrifying truth about what happened inside the Trader Joe's hostage



Mendocino Complex fire keeps growing; 68 homes lost and more evacuations



Tru  
>

L.A. NOW

LOCAL

# Resident of Long Beach care facility held in fatal shooting of firefighter



By JOSEPH SERNA , MELISSA ETEHAD , RICHARD WINTON and  
ALENE TCHEKMEDYIAN  
JUN 25, 2018 | 5:45 PM



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# The New York Times

## *Gunman and 3 Hostages Found Dead at California Veterans Home*



Officers outside the Veterans Home of California after a standoff in Yountville, Calif., on Friday. [Jl Sousa/The Napa Valley Register, via Associated Press](#)

By **Matt Stevens and Dave Philipps**

March 9, 2018



Three women and the gunman who took them hostage were found dead Friday evening at a home for military veterans in Northern California, hours after the gunman had fired at a deputy, the authorities said.

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# Alabama hospital shooting leaves employee and suspected gunman dead

By **Jamiel Lynch** and **Joe Sutton**, CNN

Updated 12:14 AM ET, Thu March 15, 2018



Source: WBRC

2 shot, 1 dead at Alabama hospital 00:38

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# Murder-suicide at health care facility in Washington Twp., N.J.



EMBED </> MORE VIDEOS ▶

Murder-suicide at health care facility in Washington Twp., N.J. Vernon Odom reports during Action News at 4:30pm on February 20, 2018.



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Local News

# Deputies: Woman robs assisted living home at gunpoint

By: Andrew Reeser

Updated: Feb 08, 2018 05:34 PM MST



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wmcactionnews5.com



NEWS

WEATHER

SPORTS

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INVESTIGATES

## Group home employee shot, killed outside facility

Group home employee shot, killed outside facility - 00:21



A group home worker was killed outside of the facility after shots were fired.



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## US & Canada

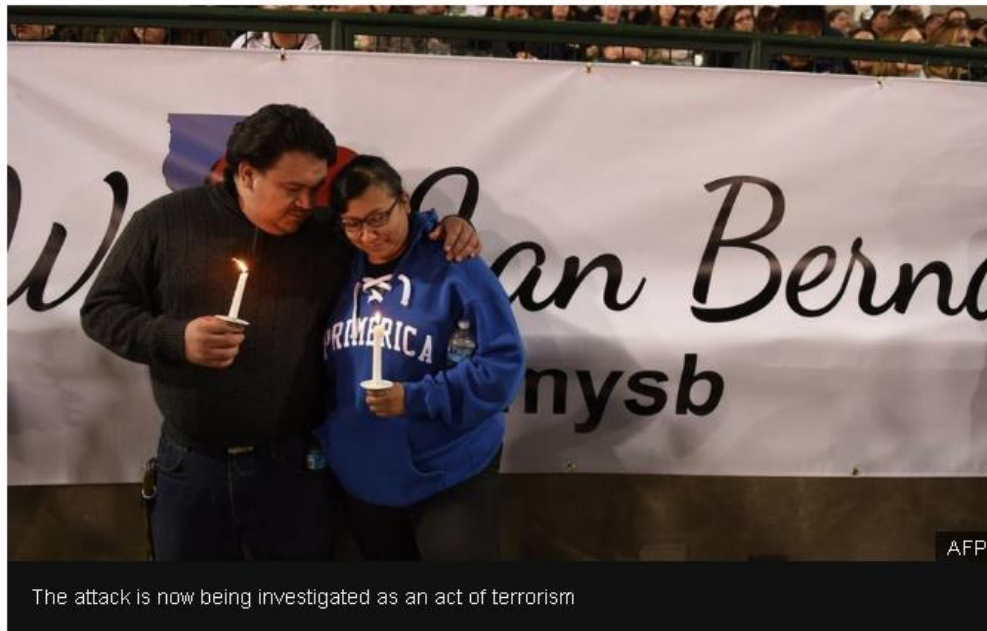
# San Bernardino shooting: What we know so far

11 December 2015



Share

San Bernardino shooting



AFP

The attack is now being investigated as an act of terrorism

**Police have killed a married couple suspected of shooting dead 14 people and wounding 21 more in San Bernardino, California.**

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# Nursing home bullying leads 87-year-old Washington man to hatch murder-suicide plot



By DAVID KNOWLES

NEW YORK DAILY NEWS

FEB 06, 2013

1:33 AM



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# Pinelake at 10: A Decade in the Shadow of North Carolina's Deadliest Mass Shooting



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# The Headlines Since 2018

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# 2019

 **NEWS**

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## Two fatally shot at nursing home in Wilmington, Delaware

The victims were an 82-year-old man and a 79-year-old woman, police said.



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# 2020 Shooting outside Wisconsin Senior Home



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# 2021 Two staff members fatally shot at Gateway Village (Capitol Heights, MD)



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# 2022 66-year-old assisted living facility resident stabs two other residents (Powell, OH)



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# 2022 Cumberland County, TN facility murder-suicide

## 2 dead after possible murder-suicide in Cumberland County retirement home, CCSO says

A retirement community later posted on social media that a resident was killed by her husband who then committed suicide.



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# March 2023

Unlocked door enabled nursing home shooting death; security experts urge better preparation for such emergencies

JESSICA R. TOWHEY



**McKnight's**  
Long-Term Care News



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# July 2023

☰ CBS NEWS

CRIME >

## More details emerge about suspect accused of fatally shooting Tennessee surgeon in exam room

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# March 27, 2023 The Covenant School



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# Emergency Preparedness

- Tennessee Department of Health and Health Facilities Commission
- Tennessee Emergency Management Agency
- Department of Homeland Security
- CMS
- OSHA
- NFPA
- FBI
- Joint Commission

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- These 13 Tennessee Threats include hazards related to: Drought, Earthquake, Extreme Temperatures, Wildfire, Flood, Geologic, Severe Weather, Tornado, Communicable Disease, Dam/levee Failure, Hazardous Material Release, Terrorism, and Critical Infrastructure

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**The Joint Commission**

***Quick Safety 4: Preparing for active shooter situations (Updated June 2021)***

**2010-2020: The Joint Commission received reports from its accredited organizations of 39 shootings that resulted in 39 deaths**

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# CMS Requirements for Long Term Care Facilities

## 42 C.F.R. §483.73 - EMERGENCY PREPAREDNESS

- (m) *Disaster and emergency preparedness.* (1) The facility must have detailed written plans and procedures to meet all potential emergencies and disasters, such as fire, severe weather, and missing residents.
- (2) The facility must train all employees in emergency procedures when they begin to work in the facility, periodically review the procedures with existing staff, and carry out unannounced staff drills using those procedures.

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Education](#)



## Workplace Violence-Hospitals

**Title** Workplace Violence-Hospitals

**Memo #** QSO-23-04-Hospitals

**Posting Date** 2022-11-28

**Fiscal Year** 2023

**Title**

- Workers in hospitals, nursing homes, and other healthcare settings face risks of workplace violence. Many factors contribute to this risk, including working directly with people who have a history of aggressive behavior, behavioral issues, or may be under the influence of drugs.
- An April 2020 Bureau of Labor Statistics Fact Sheet found that healthcare workers accounted for 73 percent of all nonfatal workplace injuries and illnesses due to violence in 2018. This number has been steadily growing since tracking of these specific events began in 2011.
- Exposure to workplace violence hazards come at a high cost; however, with appropriate controls in place, it can be addressed.
- CMS will continue to enforce the regulatory expectations that patient and staff have an environment that prioritizes their safety to ensure effective delivery of healthcare.

Feedback

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# Tennessee Regulatory Provisions – NH Rules

## **1200-08-06-.14 DISASTER PREPAREDNESS.**

(2) (a) 1. Every nursing home shall have a current internal emergency plan, or plans, that provides for fires, bomb threats, severe weather, utility service failures, plus any local high risk situations such as floods, earthquakes, toxic fumes and chemical spills. The plan should consider the probability of the types of disasters which might occur, both natural and “man-made.”

(2) (c) 1. All nursing homes shall establish and maintain communications with the county Emergency Management Agency.

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# Tennessee Regulatory Provisions – ACLF Rules

## **1200-08-25-.16 DISASTER PREPAREDNESS.**

(1) An ACLF shall have in effect and available for all supervisory personnel and staff written copies of the following disaster, refuge and/or evacuation plans readily available at all times:

(a) Fire Safety Procedures Plan...

(b) Tornado/Severe Weather Procedures Plan...

(c) Bomb Threat Procedures Plan...

(d) Flood Procedure Plan...

(e) Severe Cold Weather and Severe Hot Weather Procedure Plans...

(f) Earthquake Disaster Procedures Plan...

(3) An ACLF shall participate in the Tennessee Emergency Management Agency local/county emergency plan on an annual basis.

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# Threats in 2023-Extenal and Internal

- **Domestic and Family Violence**
  - **Staff**
  - **Residents**
- **Workplace Violence**
- **Gun Violence**
- **Civil Unrest**
- **Other Violence**

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# Physical Hardening of Long Term Care Facilities

- Security Assessment
- Security Plan Development
- Access
  - Entrances and Exits
  - Security Vestibules
  - Badges/Fobs
  - Visitor/Family and Vendor Management
- Surveillance Systems
- Locking Systems
- Communication Systems

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# Staff Training in Long Term Care Facilities

- Observation Skills
- De-escalation Skills
- Lockdowns
- “Empty Hands” Defense Techniques
- Trauma First Aid
- Communications
- Evacuation
- Shelter in Place/Safe Areas
- Other

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# Staffing for Safety and Security in Long Term Care Facilities

- Off-Duty Law Enforcement Officers
- Private Security Officers
  - Security Company Employee
  - Facility Employee
- Non-Security Facility Staff

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# Adoption and Enforcement of Weapons Policies in Facilities

- Unregulated Independent Living
- Regulated Skilled Nursing and Assisted Living
- Limitations vs. Bans
- Permitted Exceptions
- Remedies for Violations

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# Signage, Notices and Policies



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# Requirements for Armed Personnel

- Tennessee Department of Commerce and Insurance
  - Security Company
  - Proprietary Security Organization
  - Armed Security Officer
- Insurance
  - Entity
  - Individual
- Indemnification

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# Entity Structuring Options – Armed Personnel

- Unrelated Security Company
- Direct Employee of Facility OpCo
- Employed by Facility Affiliate
  - HoldCo
  - PropCo
  - OpCo
  - MgmtCo
  - SecurityCo

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