



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

ROY COOPER • Governor

KODY H. KINSLEY • Secretary

MARK PAYNE • Director, Division of Health Service Regulation

Via Electronic Mail
chad.patrick@HCAHealthcare.com

December 19, 2023

Chad Patrick, CEO
Memorial Mission Hospital and Asheville Surgery Center
509 Biltmore Ave
Asheville, NC 28801

RE: Complaint Investigation

Dear Mr. Patrick,

Thank you and your staff for the assistance and cooperation extended to the Acute Care team during the survey conducted November 13, 2023 through November 17, 2023; November 27, 2023 through December 1, 2023; and December 4 - 9, 2023. The purpose of conducting the complaint survey was to evaluate the Hospital's compliance with the Federal Medicare Conditions of Participation. The complaint investigation resulted in an Immediate Jeopardy (IJ) identification as of **December 1, 2023 at 12:00 PM** as a result of incidents occurring on 08/14/2023; 07/05/2022; 07/04/2022; 04/05/2022; 10/03/2023; 10/31/2023; and 10/17/2023. The complaint investigation resulted in an Immediate Jeopardy (IJ) identification as of **December 9, 2023 at 5:00 PM** as a result of incidents occurring on 11/28/2023 and 11/09/2023.

Specifically, pursuant to **482.13 Patients' Rights, 482.23 Nursing Services, and 482.55 Emergency Services** the hospital nursing staff failed to provide a safe environment for patients presenting to the emergency department (ED) by failing to accept patients on arrival, resulting in lack of or delays with triage, assessments, monitoring, and implementation of orders, including labs and telemetry. ED nursing staff failed to assess, monitor and evaluate patients to identify and respond to changes in patient conditions. The hospital staff failed to ensure qualified staff were available to provide care and treatment for patients who arrived in the ED. The cumulative effects of these practices resulted in an unsafe environment for ED patients.

As discussed during the exit conference on December 19, 2023 at 5:00 PM, the information gathered was forwarded to the CMS Regional Office in Atlanta (Region IV). Our state agency is recommending 23 day termination due to noncompliance with the **Conditions of Participation: 482.12 Governing Body, 482.13 Patients' Rights, 482.21 Quality Assurance, 482.23 Nursing Services, 482.27 Laboratory Services and 482.55 Emergency Services**. The Immediate Jeopardy is ongoing. CMS Regional Office in Atlanta will make the determination of compliance or noncompliance and will notify you of their findings and of any action to be taken.

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF HEALTH SERVICE REGULATION

LOCATION: 1205 Umstead Drive, Lineberger Building, Raleigh, NC 27603
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Chad Patrick, CEO
December 19, 2023

If you have questions regarding the status of the investigation, please contact the CMS representative for North Carolina:

Ms. Michelle Joshua
Division of Survey and Certification
CMS Atlanta Regional Office
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW Suite 4T-20
Atlanta, Georgia 30303-8909
(404) 562-7405

If you have any questions, please do not hesitate to contact this office at (919) 855-4620.

Sincerely,

Debbie McCarty, RN

Debbie McCarty, RN
Nurse Consultant Lead
Acute and Home Care Licensure and Certification

cc: Azzie Conley, Section Chief
Melissa Foreman, CMS Atlanta Regional Office