

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: MHL034-224	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING: _____	(X3) DATE SURVEY COMPLETED R-C 02/27/2018
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NAME OF PROVIDER OR SUPPLIER INDEPENDENT LIVING GROUP HOME	STREET ADDRESS, CITY, STATE, ZIP CODE 924 CLOISTER DRIVE WINSTON SALEM, NC 27127
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V 000	INITIAL COMMENTS A complaint and follow up survey was completed on 2/27/18. The complaint was substantiated (intake #NC00134986). Deficiencies were cited. This facility is licensed for the following service category: 10A NCAC 27G .5600C Supervised Living for Adults with Developmental Disabilities.	V 000	<p>DHSR - Mental Health</p> <p>APR 12 2018</p> <p>Lic. & Cert. Section</p>	
V 112	27G .0205 (C-D) Assessment/Treatment/Habilitation Plan 10A NCAC 27G .0205 ASSESSMENT AND TREATMENT/HABILITATION OR SERVICE PLAN (c) The plan shall be developed based on the assessment, and in partnership with the client or legally responsible person or both, within 30 days of admission for clients who are expected to receive services beyond 30 days. (d) The plan shall include: (1) client outcome(s) that are anticipated to be achieved by provision of the service and a projected date of achievement; (2) strategies; (3) staff responsible; (4) a schedule for review of the plan at least annually in consultation with the client or legally responsible person or both; (5) basis for evaluation or assessment of outcome achievement; and (6) written consent or agreement by the client or responsible party, or a written statement by the provider stating why such consent could not be obtained.	V 112		

Division of Health Service Regulation
LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE

Ananika Ornela

TITLE

Director

(X6) DATE

3/7/18

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V 112	<p>Continued From page 1</p> <p>This Rule is not met as evidenced by: Based on record reviews and interviews, the facility failed to ensure treatment plans were developed and implemented to meet the individualized needs of clients affecting 1 of 2 clients (#1). The findings are:</p> <p>Review on 2/21/18 of client #1's record revealed: -an admission date of 9/11/17; -an age of 24 years old -diagnoses included Mild Intellectual Developmental Disability, Post-Traumatic Stress Disorder, Borderline Personality Disorder, Bipolar Disorder, Conversion Disorder, Seizure Disorder, Essential Hypertension, and Gastroesophageal Reflux; -a psychological evaluation dated 7/6/16 noted a full scale intelligence quotient (IQ) score of 67; -a legal guardian had been appointed; -an assessment not dated that noted a history of "multiple hospitalizations for self-injury and suicidal ideations" and listed indicators of "decompensation which included inability to eat the food that's available, adjusting to a new environment, scary news, disrespect by staff and hypochondriac;" -an Individual Support Plan dated 9/11/17 that included: -things that were important to the client were her personal tablet and other belongings; "...has had severe challenges during her childhood that has adversely affected her ability to function independently as an adult;" -while in her grandparents custody from the ages of 9 months to 7 years, she was confined to a crib and was reportedly abused sexually; -from the ages of 7 to 17 she resided in 14 different foster care homes;</p>	V 112		

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V 112	<p>Continued From page 2</p> <p>-from the age of 17 she has lived in various assisted living facilities and had ongoing behavior issues;</p> <p>-"she exhibits behavior issues and has been hospitalized three times this year for behaviors;"</p> <p>-a treatment plan dated 9/11/17 that included behavior related goals and strategies of:</p> <p>-a goal of " ...will increase her ability to identify and implement positive coping skills to assist with managing her behaviors;"</p> <p>-a strategy of "following her daily schedule for structure - needs routine/structure;"</p> <p>-a goal of " ...will establish, maintain and develop healthy boundaries with her peers;"</p> <p>-a strategy of "staff will provide instruction and direction to client on how to establish and maintain appropriate boundaries with peers, staff and family;"</p> <p>-a strategy of "staff will define what is a boundary to client, how her behaviors effect healthy boundaries, and the importance of respecting others in her residential setting and out in the community;"</p> <p>-a strategy of "staff will instruct client on what happens when she defies a boundary and presents with a lack of respect such as: loss of privileges, exposure to danger and dangerous circumstances and situations, etcetera;"</p> <p>-a strategy of "staff will implement role reversal and role modeling in order to facilitate and provide instructions to client on how to develop appropriate boundaries;"</p> <p>-a strategy of "staff will document intervention and progress;"</p> <p>Finding #1 Interview on 2/27/18 with client #1 revealed: -"they (staff) say if I won't shut up they take my stuff;" -"they took my tablet;"</p>	V 112	<p>The staff has been retrained that they do not take the personal</p>	

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V 112	<p>Continued From page 3</p> <p>-she had gotten her tablet back during the past couple of days after her case manager from the Local Management Entity-Managed Care Organization (LME-MCO) requested the Facility Supervisor return it;</p> <p>-she was told by the Facility Supervisor that her tablet had been taken from her because of her bad behaviors;</p> <p>-"they're not supposed to take nothing from me because if they do it escalates my behaviors."</p> <p>Interview on 2/21/18 with the LME-MCO revealed:</p> <p>-a visit was made to the facility on 1/11/18 and it was observed that client #1's mattress and bedspring was lying on the floor;</p> <p>-client #1's radio and tablet had been taken away from her due to her exhibiting bad behaviors and while the radio had been returned, the tablet had not;</p> <p>-the Qualified Professional (QP) informed them client #1 had broken her bed frame a couple of weeks prior and was in the process of earning a new one;</p> <p>-there was no Behavior Support Plan or other plan available to support client #1's items being taken from her;</p> <p>-the QP was not sure how long client #1 was required to exhibit good behavior before her bed frame would be replaced and her tablet would be returned;</p> <p>-they notified the Director on 1/12/18 that it was not acceptable for client #1 to be required to earn a bed frame through good behavior;</p> <p>-client #1's bed frame was replaced on 1/12/18;</p> <p>-they had been visiting client #1 monthly and this month they planned on discussing the clients tablet being returned with the staff.</p> <p>Interview on 2/26/18 with staff #1 revealed:</p> <p>-client #1 threw things when she was mad but</p>	V 112	<p>belongings regardless of the circumstances. If any residents rights are needing to be restricted we will contact the psychologist to incorporate the things needed to be included in the behavior support plan. If the resident does not have a BSP then the Qualified Professional will write, implement, monitor the plan after it is approved by the Human Right Committee. The Director and Qualified Professional will be responsible for monitoring the situation.</p>	

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V 112	<p>Continued From page 4</p> <p>hadn't thrown her television or tablet; -when client #1 threw things, her items were removed until she exhibited good behaviors; -she was not aware of a plan that identified items that were to be removed for bad behaviors or a length of time for them to be removed.</p> <p>Interview on 2/21/18 with the Facility Supervisor revealed: -"she (client #1) broke it (bed frame);" -it was a couple of weeks before client #1's bed frame was replaced; -"the owners probably had to order another one;" -"her tablet and television were taken away during episodes for her safety and the safety of the staff because she was threatening to throw them at staff;" -she was not aware that client #1's tablet had not been returned to her.</p> <p>Interview on 2/27/18 with the QP revealed: -"we had to go in and staff had to remove things out of her room to keep her safe;" -"she broke her bed down and threw the headboard and the footboard;" -"as a reward system she could earn them back;" -"we kind of got creative;" -he was not aware that staff had not given client #1 her tablet back; -"I can't remember right off if she's got one or not (Behavior Support Plan);" -he was not aware of any documentation regarding the reward system for client #1.</p> <p>Interview on 2/27/18 with the Lead Qualified Professional (LQP) revealed: -"I know she (client #1) broke it (bed);" -"the reason she didn't have her tablet was because she was about to tear it up;" -"her case manager said to let her tear it up since</p>	V 112		

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V 112	<p>Continued From page 5</p> <p>it's hers but that's just crazy;"</p> <p>-"we have an obligation and a job here;"</p> <p>-he was not sure whether all of client #1's belongings had been returned to her but thought her tablet had been returned.</p> <p>Finding #2</p> <p>Review on 2/27/18 of Shift Event and Behavior Logs for client #1 revealed:</p> <p>-An entry dated 9/13/17 of:</p> <p>- "...refused to get in the wash, take her medications or eat dinner because she was not feeling well;</p> <p>-she was falling asleep on the couch so she was asked to go to her room and lay down if she was tired and felt sick;"</p> <p>-she started yelling at staff telling them they "did not care, she need to see a doctor and we was not doing our job";</p> <p>-staff convinced her to take her medications but not her shower or to eat dinner;</p> <p>-she yelled and talked junk for about 10-15 minutes then she went to sleep;</p> <p>-still trying to figure out what do and don't work for consumer, figure out what I did to set her off so things can run more smooove."</p> <p>-An entry dated 9/15/17 of:</p> <p>- "...started the night with refusing to shower because she was too sick;</p> <p>-went on to refusing to take her diper out to the trash and said she was too sick to move;</p> <p>-staff asked her several times to take her diper outside to the trash and she started to yell at staff and cuss them out;</p> <p>-she kicked staff several times each staff went through till second shift;</p> <p>-tried to talk to her she did not want to talk to staff she wanted to be left alone;</p> <p>-she fell asleep after a while;</p>	V 112		

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V 112	<p>Continued From page 6</p> <ul style="list-style-type: none"> -keep redirecting her." -An entry dated 9/16/17 of: -"consumer wanted to go to the store and buy another consumer an high-definition multimedia interface (HDMI) card; -when she was not allowed she started cussing at staff telling them they stole her money; -she demanded to get the rest of it out the lock box because staff was spending her money on other consumers; -like it has been explained to her several times before only the Facility Supervisor has the keys to that box and I don't have access to any of her money; -she cussed for a few then walked away; -keep redirecting her." -An entry dated 9/17/17 of: -"consumer was upset because she had to drink water for lunch and started talking junk to the other consumers; -yelling at them asking them why they looking at her and cussing at them telling them to STFU; -asked her to stop talking to them like that and told her it's not her job to redirect them; -let her know nobody will be disrespected here; -she talked junk to staff cussing at us telling us we was not doing our job for a while; -keep redirecting her." -An entry dated 9/20/17 of: -"consumer started yelling at staff as soon as he walked through the door because another consumer in the house had a doctor appointment and not her; -she was cussing at staff and trying to kick staff; -yelling and telling another consumer she hope they die and she was going to kill them; -she was throwing around a glass alfredo sauce jar in her room against the wall trying to break it and staff took glass jar; -talked to her and let her know that disrespect to 	V 112		

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V 112	<p>Continued From page 7</p> <p>the other consumers cannot be and reminded her that the same respect she is given needs to give back;</p> <p>-she cussed and fussed for at least 45 minutes;</p> <p>-keep redirecting her."</p> <p>-An entry dated 9/21/17 of:</p> <p>"consumer got upset today because she said staff did not care about her and was not doing their job because we won't take her to the doctor;</p> <p>-she was yelling, cussing staff and threatening staff sayin she wish they would die;</p> <p>-just asked her to go to her room until she calmed down and could talk to staff with respect and she calmed down after about 10 minutes;</p> <p>-keep redirecting her."</p> <p>-An entry dated 9/25/17 of:</p> <p>"yelling, cussing and hitting staff and consumers;</p> <p>-threw staff food all over the living room, a chair, glass candles, shoes and books;</p> <p>-ripped calendar off wall and ripped it in half;</p> <p>-she was put in a hold and walked to her room for hitting the other consumer;</p> <p>-the things she threw were taken;</p> <p>-tried to talk to her and she had a lot to say about staff and a lot of yelling, cussing and crying;</p> <p>-keep talking to her and keep redirecting her."</p> <p>-An entry dated 10/20/17 of:</p> <p>"...was asked to get in the shower but she did not so another consumer got in;</p> <p>-she was asked to get in the shower again;</p> <p>-she cussed staff out and yelled at them telling them she was not taking no shower;</p> <p>-talked to her asked her a few times to take a shower;</p> <p>-gave her some time but she still refused and did not take a shower;</p> <p>-keep redirecting her."</p> <p>-An entry dated 10/23/17 of:</p> <p>"...was upset because she said someone</p>	V 112		

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V 112	<p>Continued From page 8</p> <p>went in her tablet and restarted it; -she said staff did not want her to play any games on her tablet; -she yelled and cussed at staff and talked junk; -tried to talk to her let her know that nobody would do that to her and we want her to have her tablet and play her games if it keeps her calm; -keep redirecting her." -An entry dated 10/24/17 of: -"staff was transporting consumers home when words were exchanged between two consumers; -client #1 began to tell another consumer to stop talking and stuck up her middle finger; -the other consumer grabbed her by the neck while staff is driving; -after hearing staff ask the other consumer to stop she does." -An entry dated 10/28/17 of: -"refused to eat, take medications, shower and do body check, saying she need medical attention; -she say she doesn't feel good but keep trying to argue and yell with staff and housemates; -sat in her bed under the covers and begin to scratch herself with a pair of scissors but no real bruises; -she admitted to scratching herself under her breast, her stomach, and left thigh with a pair of scissors." -An entry dated 10/29/17 of: -" ...was in her room yelling and cussing at staff and consumers; -upset cause she said she was sick and needed to go to the doctor; -she was being rude to another consumer after she woke her up yelling and slamming the door; -she put the dresser behind door and staff had to pry it open; -tried to talk to her but she went on for about an hour;</p>	V 112		

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V 112	<p>Continued From page 9</p> <p>-keep directing her."</p> <p>-An entry dated 11/1/17 of:</p> <p>-" ...refused to put her seatbelt on in van;</p> <p>-she started talking junk to the consumer in the van because he had money and was going to the store as well as staff;</p> <p>-she yelled, cussed and fussed the whole way there and back;</p> <p>-once in the house she started yelling at staff saying she did not want a sandwich;</p> <p>-staff informed her once again that was not what she was having;</p> <p>-she knocked over the medication boxes twice and she knocked the stuff another consumer had on the couch off and it went everywhere;</p> <p>-she continued with her rude behavior for a while</p> <p>-I tried to talk to consumer and reminded her but she kept going and nothing worked;</p> <p>-keep redirecting them."</p> <p>-An entry dated 11/2/17 of:</p> <p>-" ...refused to get out of car with day program and pretended to be asleep;</p> <p>-I had to verbally prompt her several times before she came inside the home;</p> <p>-when in the home she began insulting and cussing at the staff and consumers;</p> <p>-she threw shoes at the consumers and staff and tried to break the WIFI box;</p> <p>-she was then taken to her room and knocked over her dresser, threw her chair and pushed her desk;</p> <p>-we tried to talk and calm her down but it didn't work and she continued to cuss at us;</p> <p>-we removed her dresser from the room so she could no longer push it over;</p> <p>-she then began to throw all of her items on the floor;</p> <p>-we asked her if she could pick them up but then she started to throw things at us such as blow dryers, books, shoes, and clipboards;</p>	V 112		

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V 112	<p>Continued From page 10</p> <ul style="list-style-type: none"> -when staff tried to pick up some of the items she began to kick and hit them and was then put into a therapeutic hold; -we began putting all of her things in bags so she couldn't throw them; -she screamed I will f-ing kill you B****; -she came to the living room and threatened to call the police; -she then started to throw things off the wall and break the time clock; -when being told to stop she started hitting and pulling hair and was then escorted to her room; -we tried talking calmly to her and explaining things to her but didn't work and she continued to refuse and cuss at staff and throw objects; -I plan to be more strict and assertive next time but still talking calmly without yelling." -An entry dated 11/6/17 of: -"consumer was upset because another consumer was up and woke her up out of her sleep; -I tried to redirect consumer by talking to her and trying to calm down; -told her to ignore the consumer and lay down which she refused and was not receptive to redirection; -consumer became more irritated, aggressive and physical and had to be put in a therapeutic hold; -continue to work on attitudes and behaviors, try to stay focused and not let others dictate feelings and being able to control her action." -An entry dated 11/9/17 of: -"consumer was having a behavior about medications she was suppose to receive; -when told she cannot call police she waited until staff was busy with consumer to sneak and call 911; -she told them she was assaulted and having seizures; 	V 112		

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V 112	<p>Continued From page 11</p> <p>-consumer evaluated at local hospital." -An entry dated 11/14/17 of: -"she flipped over her dresser twice, threw a plate off table, took a poop in tub, spread paint across floor, used profanity and racial slurs and name calling; -grabbed staff hair and while picking up items off floor, she proceeded to hit staff; -was put in an emergency therapeutic hold for 1.5 minutes." -An entry dated 11/15/17 of: -"consumer would not get out of company van and then urinated in the front seat; -when she finally got out van she called staff stupid fu***** b*****." -An entry dated 11/16/17 of: -"consumer used bathroom on herself, put feces in the hallway then continue to spread them on her bed, the floor, and sheets; -name calling, racial slurs, cursing, open window and start screaming and crying and making a scene." -An entry dated 11/25/17 of: -"physical and verbal aggression; -triggers - not getting their way, attention seeking, saying no, refusing re-direction." -An entry dated 12/3/17 of: -"consumer was very agitated so staff verbal prompt her to just take a deep breath; -consumer decided she wanted to go in her room and start to have a behavior; -staff prompt her to take a deep breath and just calm down so we can talk about what is troubling you; -consumer sat down and talked to staff about what was troubling her; -staff reinforce the consumer she was safe and had nothing to worry about; -consumer will continue to stride on working on her goals and staying calm."</p>	V 112		

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V 112	Continued From page 12 -An entry dated 12/7/17 of: - "while transporting consumer was cussing at staff and consumers; - when arrived to the group home consumer was cussing at staff; - she tried to bite staff and was put in a therapeutic hold; - she calmed down and was fine." -An entry dated 1/5/18 of: - "calling staff out there names and using the N word; - triggers - not getting their way and refusing re-direction." -An entry dated 1/14/18 of: - "while consumers were getting on the van she told them that is where she sits; - all consumers got on the van she continue to yell; - another consumer scratched her face." -An entry dated 2/5/18 of: - " ... came in the residence cursing staff and threatening staff; - she started throwing things at staff, beating on walls, yelling and pooped on herself; - staff asked her to get in the shower but she refused and hit staff; - she was put in a therapeutic hold; - she then went to get in the bath and put her poop on the floor; - then she sat in the bath and insisted on flooding the bathroom until it came into the hallway; - staff got her to stop then she got out and staff offered prn (as needed) she refused; - she then pooped on herself again and threw yogurt and other objects; - we offered dinner she threw rice at me and attempted to hit me with the broom; - no triggers; - talked to her, offered propositions, offered prn but the response was a continued behavior and	V 112		

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V 112	<p>Continued From page 13</p> <p>yelling</p> <p>-continue to work on goals and praise positivity."</p> <p>-An entry dated 2/26/18 of:</p> <p>-"verbal aggression, attention seeking and refusing re-direction;</p> <p>-consumer woke up an started cussing at the staff about going to a staff meeting;</p> <p>-refused to shower;</p> <p>-tried to redirect her to get in shower an to calm down but she refused to do either and continued to be verbally aggressive;</p> <p>-took 8:00 medications and prn;</p> <p>-continue to work with consumer."</p> <p>Interview on 2/27/18 with client #1 revealed:</p> <p>-"staff puts me in a deep restraint and I'm currently dealing with a broke hand that happened during a restraint;"</p> <p>-thought she had been behaving "a lot better";</p> <p>-had gotten upset when she thought the other consumer received more food than her and had exhibited bad behavior;</p> <p>-didn't like when staff asked her to take her shower before meals because she always dropped food on herself and this caused her to exhibit bad behaviors;</p> <p>-when she was already upset and staff threatened to take her belongings it caused her bad behaviors to worsen.</p> <p>Interview on 2/26/18 with staff #1 revealed:</p> <p>-she had worked at the facility since 12/6/17;</p> <p>-client #1 "is basically pretty much ok;"</p> <p>-"when she had behaviors, there has been occasions when she has been physical;"</p> <p>-"she claims she has seizures but she doesn't;"</p> <p>-"she throws things when she gets mad;"</p> <p>-client #1's belongings were taken when she started throwing them and were returned when the QP and the Facility Supervisor felt she had</p>	V 112		

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V 112	<p>Continued From page 14</p> <p>exhibited enough good behaviors to earn them back; -she was not sure if there was a plan to change or add goals for the client.</p> <p>Interview on 2/26/18 with staff #2 revealed: -he had worked at the facility since 1/9/18; -client #1 has "got to have a lot of attention;" -"she might say stuff that ain't even worth saying;" -"she hasn't really acted out;" -her goals included "keep her room clean, do her laundry, get her exercise in, and assist with preparation for a meal;" -he was not sure if there was a plan to change or add goals for the client.</p> <p>Interview on 2/21/18 with the Facility Supervisor revealed: -she had worked at the facility for 4 ½ years; -"she broke it (bed frame), pushed the dressers and tried to throw her feces on staff;" -"one time and she's never done it again;" -"I'd say for the last 60 days she's been really good."</p> <p>Interview on 2/27/18 with the QP revealed: -client #1 "has come a long way;" -"she was something else;" -"on a scale of 1-10, she's a 20;" -"she had to get acclimated and in that timeframe staff had to make adjustments;" -"every single question we asked her was turned into an argument;" -"now she's real good;" -"in the beginning she would complain basically about everything but no major complaints or anything like that recently;" -the Director was the one to talk to about goals."</p> <p>Interview on 2/27/18 with the Lead QP revealed:</p>	V 112		

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V 112	<p>Continued From page 15</p> <p>-client #1 "is manipulative;"</p> <p>-"when she first came she was saying she was going to change and do good but surely after she got here that changed;"</p> <p>-"she lies on staff and uses the restroom on herself;"</p> <p>-" ...doesn't really want to be helped if you ask me;"</p> <p>Interview on 2/27/18 with the Director revealed:</p> <p>-client #1 did not have a Behavior Support Plan;</p> <p>-"we're trying to work on getting one (Behavior Support Plan) now and waiting on the case manager;"</p> <p>-"with her history, I don't know why she didn't already have one;"</p> <p>-"we're just not a provider that every time you hiccup, we're going to take you to the doctor and that was what she was used to;"</p> <p>-she had been "faking seizures;"</p> <p>-"she would terrorize the other consumers by hitting them and calling them names;"</p> <p>-"hit consumers at her last placement;"</p> <p>-"she accused one staff of actually abusing her but then admitted she had lied;"</p> <p>-"she started urinating on herself to get attention;"</p> <p>-"she would smear feces on the wall and would try to come out of her room with feces all over her;"</p> <p>-"she tore her room up;"</p> <p>-"for a while she went through a good spell but now she's started again;"</p> <p>-"We've tried to bring her in periodically to address her concerns and see if there is anything we can do to make her happier but she's just one of these people that don't want to be happy;"</p> <p>-"I have seen some improvements;"</p> <p>-"she is mean;"</p> <p>-"we're not going to discharge her and are just going to continue doing what we're doing until she</p>	V 112		

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V 112	<p>Continued From page 16</p> <p>realizes that we're not going to give into her."</p> <p>Finding #3</p> <p>Interview on 2/27/18 with client #1 revealed: -she didn't like wearing adult briefs; -"I'm supposed to only wear them at night because I tinkle on myself;" -the staff had not told her why she had to wear them all the time rather than just at night; -"they agitate my skin;" -"then when I do wear them, people make fun of me;" -"one of the girls in the day program calls me a baby."</p> <p>Interview on 2/21/18 with the LME-MCO revealed: -when client #1 was admitted to the facility she was wearing adult briefs at night only; -she was now wearing them all the time because it was more convenient for the staff rather than to address her behaviors of urinating and defecating to get attention.</p> <p>Interview on 2/26/18 with staff #1 revealed: -client #1 was supposed to wear adult briefs all the time; -"she wears them most of the time but sometimes I get her to wear panties instead because she doesn't like wearing the adult diapers;" -"I don't know why she wears them but maybe because of her behaviors;" -"I know there have been times that she has gotten mad at the day program and messed on herself."</p> <p>Interview on 2/26/18 with staff #2 revealed: -client #1 was supposed to wear adult diapers all the time; -"I don't know why she wears them."</p>	V 112		

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V 112	Continued From page 17 Interview on 2/27/18 with the Lead QP revealed: -client #1 "uses the restroom on herself;" -"I think sometimes she wears adult briefs;" -"anyone that would use the restroom on herself and push out feces needs to wear a diaper."	V 112		4/28/18
V 133	G.S. 122C-80 Criminal History Record Check G.S. §122C-80 CRIMINAL HISTORY RECORD CHECK REQUIRED FOR CERTAIN APPLICANTS FOR EMPLOYMENT. (a) Definition. - As used in this section, the term "provider" applies to an area authority/county program and any provider of mental health, developmental disability, and substance abuse services that is licensable under Article 2 of this Chapter. (b) Requirement. - An offer of employment by a provider licensed under this Chapter to an applicant to fill a position that does not require the applicant to have an occupational license is conditioned on consent to a State and national criminal history record check of the applicant. If the applicant has been a resident of this State for less than five years, then the offer of employment is conditioned on consent to a State and national criminal history record check of the applicant. The national criminal history record check shall include a check of the applicant's fingerprints. If the applicant has been a resident of this State for five years or more, then the offer is conditioned on consent to a State criminal history record check of the applicant. A provider shall not employ an applicant who refuses to consent to a criminal history record check required by this subsection, within five business days of making the conditional offer of employment, a provider	V 133		

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V 133	<p>Continued From page 18</p> <p>shall submit a request to the Department of Justice under G.S. 114-19.10 to conduct a criminal history record check required by this section or shall submit a request to a private entity to conduct a State criminal history record check required by this section. Notwithstanding G.S. 114-19.10, the Department of Justice shall return the results of national criminal history record checks for employment positions not covered by Public Law 105-277 to the Department of Health and Human Services, Criminal Records Check Unit. Within five business days of receipt of the national criminal history of the person, the Department of Health and Human Services, Criminal Records Check Unit, shall notify the provider as to whether the information received may affect the employability of the applicant. In no case shall the results of the national criminal history record check be shared with the provider. Providers shall make available upon request verification that a criminal history check has been completed on any staff covered by this section. A county that has adopted an appropriate local ordinance and has access to the Division of Criminal Information data bank may conduct on behalf of a provider a State criminal history record check required by this section without the provider having to submit a request to the Department of Justice. In such a case, the county shall commence with the State criminal history record check required by this section within five business days of the conditional offer of employment by the provider. All criminal history information received by the provider is confidential and may not be disclosed, except to the applicant as provided in subsection (c) of this section. For purposes of this subsection, the term "private entity" means a business regularly engaged in conducting</p>	V 133		

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V 133	<p>Continued From page 19</p> <p>criminal history record checks utilizing public records obtained from a State agency.</p> <p>(c) Action. - If an applicant's criminal history record check reveals one or more convictions of a relevant offense, the provider shall consider all of the following factors in determining whether to hire the applicant:</p> <ol style="list-style-type: none"> (1) The level and seriousness of the crime. (2) The date of the crime. (3) The age of the person at the time of the conviction. (4) The circumstances surrounding the commission of the crime, if known. (5) The nexus between the criminal conduct of the person and the job duties of the position to be filled. (6) The prison, jail, probation, parole, rehabilitation, and employment records of the person since the date the crime was committed. (7) The subsequent commission by the person of a relevant offense. <p>The fact of conviction of a relevant offense alone shall not be a bar to employment; however, the listed factors shall be considered by the provider. If the provider disqualifies an applicant after consideration of the relevant factors, then the provider may disclose information contained in the criminal history record check that is relevant to the disqualification, but may not provide a copy of the criminal history record check to the applicant.</p> <p>(d) Limited Immunity. - A provider and an officer or employee of a provider that, in good faith, complies with this section shall be immune from civil liability for:</p> <ol style="list-style-type: none"> (1) The failure of the provider to employ an individual on the basis of information provided in the criminal history record check of the individual. (2) Failure to check an employee's history of 	V 133		

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V 133	<p>Continued From page 20</p> <p>criminal offenses if the employee's criminal history record check is requested and received in compliance with this section.</p> <p>(e) Relevant Offense. - As used in this section, "relevant offense" means a county, state, or federal criminal history of conviction or pending indictment of a crime, whether a misdemeanor or felony, that bears upon an individual's fitness to have responsibility for the safety and well-being of persons needing mental health, developmental disabilities, or substance abuse services. These crimes include the criminal offenses set forth in any of the following Articles of Chapter 14 of the General Statutes: Article 5, Counterfeiting and Issuing Monetary Substitutes; Article 5A, Endangering Executive and Legislative Officers; Article 6, Homicide; Article 7A, Rape and Other Sex Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device or Material; Article 14, Burglary and Other Housebreakings; Article 15, Arson and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article 18, Embezzlement; Article 19, False Pretenses and Cheats; Article 19A, Obtaining Property or Services by False or Fraudulent Use of Credit Device or Other Means; Article 19B, Financial Transaction Card Crime Act; Article 20, Frauds; Article 21, Forgery; Article 26, Offenses Against Public Morality and Decency; Article 26A, Adult Establishments; Article 27, Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses Against the Public Peace; Article 36A, Riots and Civil Disorders; Article 39, Protection of Minors; Article 40, Protection of the Family; Article 59, Public Intoxication; and Article 60, Computer-Related Crime. These crimes also include possession or</p>	V 133		

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V 133	<p>Continued From page 21</p> <p>sale of drugs in violation of the North Carolina Controlled Substances Act, Article 5 of Chapter 90 of the General Statutes, and alcohol-related offenses such as sale to underage persons in violation of G.S. 18B-302 or driving while impaired in violation of G.S. 20-138.1 through G.S. 20-138.5.</p> <p>(f) Penalty for Furnishing False Information. - Any applicant for employment who willfully furnishes, supplies, or otherwise gives false information on an employment application that is the basis for a criminal history record check under this section shall be guilty of a Class A1 misdemeanor.</p> <p>(g) Conditional Employment. - A provider may employ an applicant conditionally prior to obtaining the results of a criminal history record check regarding the applicant if both of the following requirements are met:</p> <p>(1) The provider shall not employ an applicant prior to obtaining the applicant's consent for criminal history record check as required in subsection (b) of this section or the completed fingerprint cards as required in G.S. 114-19.10.</p> <p>(2) The provider shall submit the request for a criminal history record check not later than five business days after the individual begins conditional employment. (2000-154, s. 4; 2001-155, s. 1; 2004-124, ss. 10.19D(c), (h); 2005-4, ss. 1, 2, 3, 4, 5(a); 2007-444, s. 3.)</p> <p>This Rule is not met as evidenced by: Based on record review and interviews, the facility failed to request a criminal history background check within 5 days of rehiring staff affecting 1 of 3 audited staff (#1). The findings are:</p>	V 133	<p>Prior to rehiring a staff, regardless of how little time</p>	

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V 133	<p>Continued From page 22</p> <p>Review on 2/21/18 of staff #1's employee file revealed: -a hire date of 6/13/16; -a rehire date of 12/6/17; -documentation that a criminal history record check was received on 6/20/16; -no documentation that a criminal history record check was requested within 5 days of rehire.</p> <p>Interview on 2/26/18 with staff #1 revealed: -she was originally hired on 6/13/16; -she had worked for approximately a year and then left the company; -she was separated from the company for approximately 6 months; -she was rehired approximately 3 months ago.</p> <p>Interview on 2/27/18 with the Lead Qualified Professional (LQP) revealed: -he had not requested a criminal history record check for staff #1; -when staff #1 left her full time position, he added her to his "prn (as needed) list"; -staff #1 had not worked while she was on his prn list.</p> <p>Interviews on 2/21/18 and 2/27/18 with the Director revealed: -staff #1 had previously worked for the company and was recently rehired; -it was the responsibility of the LQP to complete criminal history record checks; -she was not aware that a criminal history record check was not requested when staff #1 was rehired; -she was aware that criminal history record check requests were required for all staff that were rehired.</p>	V 133	<p>has elapsed, the agency will do a new criminal background check as well as a health care personal registry check. The Qualified Professional will be responsible for ensuring that this is occurring. This will be monitored on a monthly basis</p>	3/29/18

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V 133	Continued From page 23 This deficiency constitutes a re-cited deficiency and must be corrected within 30 days.	V 133		3/29/18	



DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF HEALTH SERVICE REGULATION

ROY COOPER
GOVERNOR

MANDY COHEN, MD, MPH
SECRETARY

MARK PAYNE
DIRECTOR

March 9, 2018

Shanita Lovelace, Director
Independent Living Group Home, LLC
1107 Constantine Court
Kernersville, NC 27284

Re: Complaint and Follow-Up Survey completed February 27, 2018
Independent Living Group Home, 924 Cloister Drive, Winston Salem NC 27127
MHL # 034-224
E-mail Address: shanita001@bellsouth.net
Intake #NC00134986

Dear Ms. Lovelace:

Thank you for the cooperation and courtesy extended during the complaint and follow up survey completed February 27, 2018. The complaint was substantiated.

As a result of the follow up survey, it was determined that some of the deficiencies are now in compliance, which is reflected on the enclosed Revisit Report. Additional deficiencies were cited during the survey.

Enclosed you will find all deficiencies cited listed on the Statement of Deficiencies Form. The purpose of the Statement of Deficiencies is to provide you with specific details of the practice that does not comply with state regulations. You must develop one Plan of Correction that addresses each deficiency listed on the State Form, and return it to our office within ten days of receipt of this letter. Below you will find details of the type of deficiencies found, the time frames for compliance plus what to include in the Plan of Correction.

Type of Deficiencies Found

- Re-cited standard level deficiency.
- Other tag cited is a standard level deficiency.

Time Frames for Compliance

- Re-cited standard level deficiency must be **corrected** within 30 days from the exit of the survey, which is March 29, 2018.
- Standard level deficiency must be **corrected** within 60 days from the exit of the survey, which is April 28, 2018.

What to include in the Plan of Correction

- Indicate what measures will be put in place to **correct** the deficient area of practice (i.e. changes in policy and procedure, staff training, changes in staffing patterns, etc.).
- Indicate what measures will be put in place to **prevent** the problem from occurring again.
- Indicate **who will monitor** the situation to ensure it will not occur again.
- Indicate **how often** the monitoring will take place.
- Sign and date the bottom of the first page of the State Form.

MENTAL HEALTH LICENSURE & CERTIFICATION SECTION
WWW.NCDHHS.GOV

TEL 919-855-3795 • FAX 919-715-8078

LOCATION: 1800 UMSTEAD DRIVE • WILLIAMS BUILDING • RALEIGH, NC 27603

MAILING ADDRESS: 2718 MAIL SERVICE CENTER • RALEIGH, NC 27699-2718

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March 9, 2018

Independent Living Group Home, LLC

Shanita Lovelace, Director

Make a copy of the Statement of Deficiencies with the Plan of Correction to retain for your records. **Please do not include confidential information in your plan of correction and please remember never to send confidential information (protected health information) via email.**

Send the original completed form to our office at the following address within 10 days of receipt of this letter.

Mental Health Licensure and Certification Section
NC Division of Health Service Regulation
2718 Mail Service Center
Raleigh, NC 27699-2718

A follow up visit will be conducted to verify all violations have been corrected. If we can be of further assistance, please call Barbara Perdue at (336) 861-6283.

Sincerely,



Sheri Spicer
Facility Survey Consultant I
Mental Health Licensure & Certification Section

Cc: Trey Suttan, Interim Director, Cardinal Innovations LME/MCO
Onika Wilson, Quality Management Director, Cardinal Innovations LME/MCO
Rob Robinson, Director, Alliance Behavioral Health LME/MCO
Wes Knepper, Quality Management Director, Alliance Behavioral Health LME/MCO
W. Rhett Melton, Director, Partners Behavioral Healthcare LME/MCO
Selenna Moss, Quality Management Director, Partners Behavioral Healthcare LME/MCO
File

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