

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: MHL056-004	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED 05/15/2018
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NAME OF PROVIDER OR SUPPLIER HARRISON AVENUE GROUP HOME	STREET ADDRESS, CITY, STATE, ZIP CODE 734 HARRISON AVENUE FRANKLIN, NC 28734
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V 000	<p>INITIAL COMMENTS</p> <p>An annual survey was completed on 5/15/18. A deficiency was cited.</p> <p>This facility is licensed for the following service category: 10A NCAC 27G .5600C Supervised Living for Individuals of all Disability Groups.</p>	V 000	<p>Staff #1 will be referred to have a criminal background check utilizing fingerprints. Results, including the evidence of the check will be kept in his personnel file.</p>	6/1/2018
V 133	<p>G.S. 122C-80 Criminal History Record Check</p> <p>G.S. §122C-80 CRIMINAL HISTORY RECORD CHECK REQUIRED FOR CERTAIN APPLICANTS FOR EMPLOYMENT.</p> <p>(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.</p> <p>(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 section. Except as otherwise provided in this subsection, within five business days of making the conditional offer of employment, a provider</p>	V 133	<p>In order to ensure compliance with the regulation in the future, the HR Manager or person responsible for direct hiring, will utilize a checklist for all mandatory tasks that must be completed prior to hiring, including the need for a criminal history record check involving fingerprints for any potential staff that have lived in North Carolina for less than 5 years. Please see attached form.</p> <p style="text-align: center;">DHSR - Mental Health</p> <p style="text-align: center;">MAY 29 2018</p> <p style="text-align: center;">Lic. & Cert. Section</p>	

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

Christi HOB

TITLE

Executive Director

(X6) DATE

5.21.18

Division of Health Service Regulation

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V 133	<p>Continued From page 1</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 2</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 3</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 4</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 interview the facility failed to submit the request for a criminal history record check to include fingerprints no later than five business days after the individual begins conditional employment for 1 of 3 sampled staff</p>	V 133		
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V 133	<p>Continued From page 5</p> <p>(#1). The findings are:</p> <p>Review on 5/15/18 of the personnel record for Staff #1 revealed:</p> <ul style="list-style-type: none"> -Hire date of 1/26/15. -A resident of the state for less than 5 years. -Criminal background check on 1/12/15 did not include fingerprints. <p>Interview on 5/15/18 with the Executive Director revealed:</p> <ul style="list-style-type: none"> -It was the facility policy to submit fingerprints with the background check for staff who resided in the state for less than 5 years. -The fingerprints could not be located in the personnel record. -She was not sure why this was missed at the time of the background check. 	V 133		
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NEW EMPLOYEE HR CHECKLIST

EMPLOYEE NAME	
DATE OF HIRE	
References completed	
Received all background check reports	
Received Drug Screening results	
Fingerprinting completed / sent off	
Copy of diploma/GED and any credentials for professional staff	
Scheduled / Received results for Hep. B Shots	
Scheduled /Received TB test results Two Step TB	
I-9 Form completed and entered into the computer	
E-Verify completed	
Copy of driver's license	
Orientation form given to employee	
Given Employee Handbook	
New Hire form filed and copy mailed	
Record of employee signature signed	
BBP training completed within 10 days of employment	

NCI training completed	
CPR/First Aid Training Completed	
Enrolled / Declined health/supplemental insurance within 15 days	
Privileging form completed within 30 days	
Med training completed	
Added to MCH vehicle insurance	
All testing from trainers/facilitators completed and turned in	
Staff returned orientation/training sheet	
Staff returned sign-off sheet for P/P manual/Employee Handbook	



Harrison Avenue Group Home
Iotla Street Group Home
Macon Group Home
Macon Citizens Enterprises
Smoky Group Home
Webster Group Home
Yonce House

P.O Box 698
Franklin, NC 28744
Phone: (828) 524-5888
Fax: (828) 369-5758
Email: mch@maconcitizens.org
Web: www.maconcitizens.org

May 21, 2018

Sherry Waters
Facility Compliance Consultant I
Mental Health Licensure and Certification Section
NC Division of Health Service Regulation
2718 Mail Service Center
Raleigh, NC 27699-2718

Dear Ms. Waters,

Please find enclosed a plan of correction for deficiency cited at the recertification survey completed on May 15, 2018 for Harrison Avenue Group Home. A sample attachment is included. If you have any questions or if there are any corrections needed, please contact me at (828) 524-5888 ext. 218.

Thank you so much for your visit. We hope to see you again.

Sincerely,

A handwritten signature in black ink that reads "Christi Huff".

Christi Huff
Executive Director