

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  <b>MHL026-214</b>	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____  B. WING _____	(X3) DATE SURVEY COMPLETED  <b>R-C</b> <b>06/06/2018</b>
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NAME OF PROVIDER OR SUPPLIER  <b>ASHTON W LILLY HOME</b>	STREET ADDRESS, CITY, STATE, ZIP CODE <b>560 WILKES ROAD</b> <b>FAYETTEVILLE, NC 28306</b>
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V 000	<p>INITIAL COMMENTS</p> <p>A complaint and follow up survey was completed on June 6, 2018. The complaint was substantiated (intake #NC00138764). A deficiency was cited.</p> <p>This facility is licensed for the following category: 10A NCAC 27G .5600E Supervised Living for Adults with Substance Abuse.</p>	V 000		
V 500	<p>27D .0101(a-e) Client Rights - Policy on Rights</p> <p>10A NCAC 27D .0101 POLICY ON RIGHTS RESTRICTIONS AND INTERVENTIONS</p> <p>(a) The governing body shall develop policy that assures the implementation of G.S. 122C-59, G.S. 122C-65, and G.S. 122C-66.</p> <p>(b) The governing body shall develop and implement policy to assure that:</p> <p>(1) all instances of alleged or suspected abuse, neglect or exploitation of clients are reported to the County Department of Social Services as specified in G.S. 108A, Article 6 or G.S. 7A, Article 44; and</p> <p>(2) procedures and safeguards are instituted in accordance with sound medical practice when a medication that is known to present serious risk to the client is prescribed. Particular attention shall be given to the use of neuroleptic medications.</p> <p>(c) In addition to those procedures prohibited in 10A NCAC 27E .0102(1), the governing body of each facility shall develop and implement policy that identifies:</p> <p>(1) any restrictive intervention that is prohibited from use within the facility; and</p> <p>(2) in a 24-hour facility, the circumstances under which staff are prohibited from restricting the rights of a client.</p> <p>(d) If the governing body allows the use of</p>	V 500		

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LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE \_\_\_\_\_ TITLE \_\_\_\_\_ (X6) DATE \_\_\_\_\_

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V 500	<p>Continued From page 1</p> <p>restrictive interventions or if, in a 24-hour facility, the restrictions of client rights specified in G.S. 122C-62(b) and (d) are allowed, the policy shall identify:</p> <p>(1) the permitted restrictive interventions or allowed restrictions;</p> <p>(2) the individual responsible for informing the client; and</p> <p>(3) the due process procedures for an involuntary client who refuses the use of restrictive interventions.</p> <p>(e) If restrictive interventions are allowed for use within the facility, the governing body shall develop and implement policy that assures compliance with Subchapter 27E, Section .0100, which includes:</p> <p>(1) the designation of an individual, who has been trained and who has demonstrated competence to use restrictive interventions, to provide written authorization for the use of restrictive interventions when the original order is renewed for up to a total of 24 hours in accordance with the time limits specified in 10A NCAC 27E .0104(e)(10)(E);</p> <p>(2) the designation of an individual to be responsible for reviews of the use of restrictive interventions; and</p> <p>(3) the establishment of a process for appeal for the resolution of any disagreement over the planned use of a restrictive intervention.</p> <p>This Rule is not met as evidenced by: The facility failed to develop and implement policy to prohibit the restriction of client rights to attend religious services in a 24 hour facility. The findings are:</p>	V 500		

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V 500	<p>Continued From page 2</p> <p>Review on 06/05/18 of client #7's record revealed: -54 year old male. -Admission date of 04/20/18. -Diagnoses included Alcohol Use Disorder, Cocaine Use Disorder, Stimulant Use Disorder and Severe Generalized Anxiety Disorder. -Client #7 had no write ups or any documented concerns to prohibit leave for Friday attendance for worship service.</p> <p>Review on 06/05/18 of the facility's house rules and contract for residency revealed: - item #28 "A four hour pass is available on Sunday, 10:00am - 2:00 (pm) to attend a religious service of your choice. You must provide your own transportation by a sponsor or family member..."</p> <p>During interview on 06/05/18 client #7 stated: -He was a practicing muslim and had been allowed to attend his service at his place of worship only one time. -He had done all the necessary requirements to be allowed to attend his choice of worship and was allowed to attend only once on or before May 11, 2018 and was then informed by the Program Director that he could no longer attend his place and choice of worship. -It was "my constitutional right to attend service." -He had received no "write ups" to prevent him from attending service.</p> <p>During interview on 06/05/18 client #5 stated: -He had been admitted to the facility for four months and had no concerns. -He was aware of "one guy (client #7) who wanted to go to Ramadon and it was given (allowed) the first time and not the second time" and muslim attend service on Fridays.</p>	V 500		

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V 500	<p>Continued From page 3</p> <p>During interview on 06/05/18 client #3 stated: -He had no concerns at the facility and had written a grievance and everything was resolved and he was satisfied with the outcome from the grievance. -He was aware "some guys did not eat pork" but were given an alternative meal.</p> <p>During interview on 06/05/18 first shift Group Home Manager (GHM) stated: -He was not aware of anyone being denied from attending religious service of their choice. -The service time was only allowed on Sunday from 10:00am to 2:00pm.</p> <p>During interview on 06/05/18 second shift GHM stated: -He had only been working at the facility for two weeks. -He was not aware of anyone being denied the ability to attend worship service of their choice. -He was aware of a muslim client who did not eat pork and "we will abide by diet for religious beliefs."</p> <p>During interview on 06/05/18 the Program Director stated: -She had allowed client #7 and client #4 (from sister facility) to attend one service on a Friday. -She had allowed options for the food not to include pork and allowed headgear to be worn by client #7 and a client from a sister facility. -The facility's "guidelines" was any worship service was identified (allowed) on Sunday and "other people in the United States service and worship on Sunday." -"We don't concede to any other kind of religious service or structure and muslim service time is on Friday."</p>	V 500		

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V 500	<p>Continued From page 4</p> <p>-"Because we don't concede to Sunday as a religious day, we don't view Friday or any other day as a religious day."</p> <p>-"Concessions have been made for clothing and food and if it helps you transition from point A to B, I'm 100 percent behind it."</p> <p>-"It will be that we follow the guidelines and rules of Myrover-Reese (Licensee) and not concede to anyone outside of our rules."</p> <p>During interview on 06/05/18 the Chairman for the Board of Directors for the facility stated: -"Are we to up-end our schedules because of their (client #7 and a client from a sister facility) desire to go to their religious service? On Sunday guys who want to go, go (religious service attendance). D***! I don't know if we need to do that and allow for that on Friday (muslim worship/service day) for them to attend...What next? Sunday, traditionally everyone is off and people can go out to church and Friday is a regular business day...the state (North Carolina) is making us go through tall grass to allow this and what if others come in and we have to deal with them? What about devil worshipers? These folks (clients) can be very manipulative."</p>	V 500		