

DEPARTMENT OF HEALTH AND HUMAN SERVICES
CENTERS FOR MEDICARE & MEDICAID SERVICES

PRINTED: 08/08/2018
FORM APPROVED
OMB NO. 0938-0391

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 34G143	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____ B. WING _____		(X3) DATE SURVEY COMPLETED C 08/03/2018
NAME OF PROVIDER OR SUPPLIER KEYWEST CENTER			STREET ADDRESS, CITY, STATE, ZIP CODE 1722 ATHENS AVENUE DURHAM, NC 27707		
(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY MUST BE PRECEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION)	ID PREFIX TAG	PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY)	(X5) COMPLETION DATE	
W 122	<p>CLIENT PROTECTIONS CFR(s): 483.420</p> <p>The facility must ensure that specific client protections requirements are met.</p> <p>This CONDITION is not met as evidenced by: The facility failed to: assure the clients were not subjected to physical abuse (W127) and to implement procedures to take appropriate corrective action to reasonably prevent the possibility of abuse, neglect, mistreatment or injury from potentially occurring to clients (W157).</p> <p>The cumulative effect of this practice resulted in the facility's failure to provide statutorily mandated services of client protections to its clients.</p> <p>The survey team determined as a result of this deficient practice a situation of immediate jeopardy (IJ) existed at the facility. The facility implemented corrective action and the IJ was removed.</p>	W 122			
W 127	<p>PROTECTION OF CLIENTS RIGHTS CFR(s): 483.420(a)(5)</p> <p>The facility must ensure the rights of all clients. Therefore, the facility must ensure that clients are not subjected to physical, verbal, sexual or psychological abuse or punishment.</p> <p>This STANDARD is not met as evidenced by: Based on interviews and document review, the facility failed to assure 1 of 1 sampled client (#1) and 5 of 5 non sampled clients (#2, #3, #4, #5 and #6) were not potentially subjected to physical abuse and punishment. The finding is:</p>	W 127			

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE

TITLE

(X6) DATE

Any deficiency statement ending with an asterisk (*) denotes a deficiency which the institution may be excused from correcting providing it is determined that other safeguards provide sufficient protection to the patients. (See instructions.) Except for nursing homes, the findings stated above are disclosable 90 days following the date of survey whether or not a plan of correction is provided. For nursing homes, the above findings and plans of correction are disclosable 14 days following the date these documents are made available to the facility. If deficiencies are cited, an approved plan of correction is requisite to continued program participation.

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W 127	<p>Continued From page 1</p> <p>The facility did not assure client #1 was not potentially subjected to physical abuse or punishment.</p> <p>During a complaint investigation on 8/2/2018, the qualified intellectual disabilities professional (QIDP) was interviewed by both surveyors about a different client then revealed information about client #1. During this interview the QIDP revealed, "No staff, including myself are not allowed to touch the clients push, shove, hit. Yes, I have shoved. If a client gets in my space I will shove them out of my space. You can take that to whomever you want. Yes, I will shove, if I have asked a client [Client #1] to move out of my space over 3 times."</p> <p>Review on 8/2/18 of the facility's policy 00028 "Client Abuse, Neglect, Exploitation and Record Falsification Policy effective 1/1990 revealed, "A. Physical: The infliction of physical discomfort, pain or injury through the use of physical force by other than accidental means. Physical abuse also includes but is not limited to the following examples: 1. Striking an individual who works at [Facility's name] with hand (closed or open), foot (kicking), knee (kneeing), etc....3. Burning, cutting, shoving, jerking, tripping unreasonable confinement , or pushing in a manner that may cause or causes physical harm or injury.... B. Emotional: Abusive verbal or nonverbal interactions with or in the presences of individuals served that may result in distress, fear or a negative reaction. Emotional abuse includes but is not limited to the following examples which may or may not be intentional: 1. Threatening punishment, deprivation or physical violence of any form. 2. Baiting, teasing, taunting, scolding,</p>	W 127			

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W 127	<p>Continued From page 2</p> <p>using profane language or a loud harsh tone of voice or acting in any manner designed to humiliate a person in any manner inconsistent with his/her therapeutic goals."</p> <p>Review on 8/2/18 of the facility's policy and procedure Definitions of Types of Mistreatment(no date) revealed, "FORMS OF MISTREATMENT 1. Physical Abuse - The indication of physical discomfort, pain or injury through the use of physical force by other than accidental means. Examples of physical abuse include but not limited to:</p> <ul style="list-style-type: none"> Hitting Kicking Pinching Hair pulling Shoving Unreasonable confinement...." <p>Facility Director/QIDP admitted to shoving a client when he got in her face as part of an interview conduct by surveyors during a complaint investigation. Interview with the assistant QIDP revealed when told about the conversation and the allegation of physical abuse reported that he could not do anything as she was the owner/director of the facility. Immediate Jeopardy was called due to the director admitting she had abused a client in the past and remained working in the facility.</p> <p>During an interview on 8/3/18, the facility's psychologist provided a plan of correction to ensure client safety was provided to remove the immediate jeopardy (IJ): "1. ...QIDP will have no direct contact or supervision of [Facility's name] clients until completion of an independent investigation of an abuse issue is received by</p>	W 127			

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W 127	Continued From page 3	W 127			
W 157	<p>DHSR; and has been assessed and responded to by DHSR. 2. Pending resolution by DHSR of the above referenced issue, [QIDP's name] can only be in the [Facility's name]...while another staff member is present and she is subject to the same restrictions listed in item 1 above."</p> <p>STAFF TREATMENT OF CLIENTS CFR(s): 483.420(d)(4)</p> <p>If the alleged violation is verified, appropriate corrective action must be taken.</p> <p>This STANDARD is not met as evidenced by: Based on an interviews and document review the facility failed to take the appropriate corrective action to prevent the possibility of abuse, mistreatment and/or injury from occurring to 1 of 1 sampled client (#1). The finding is:</p> <p>The corrective measure to prevent the possibility of client abuse, mistreatment or injury from occurring was not provided.</p> <p>During a complaint investigation on 8/2/2018, the qualified intellectual disabilities professional (QIDP) was interviewed by both surveyors about a different client then revealed information about client #1. During this interview the QIDP revealed, "No staff, including myself are not allowed to touch the clients push, shove, hit. Yes, I have shoved. If a client gets in my space I will shove them out of my space. You can take that to whomever you want. Yes, I will shove, if I have asked a client [Client #1] to move out of my space over 3 times."</p> <p>Review on 8/2/18 of the facility's policy 00028</p>	W 157			

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W 157	<p>Continued From page 4</p> <p>Client Abuse, Neglect, Exploitation and Record Falsification Policy effective 1/1990 revealed, "A. Physical: The infliction of physical discomfort, pain or injury through the use of physical force by other than accidental means. Physical abuse also includes but is not limited to the following examples: 1. Striking an individual who works at [Facility's name] with hand (closed or open), foot (kicking), knee (kneeing), etc....3. Burning, cutting, shoving, jerking, tripping unreasonable confinement, or pushing in a manner that may cause or causes physical harm or injury...."</p> <p>Review on 8/2/18 of the facility's policy and procedure Definitions of Types of Mistreatment(no date) revealed, "FORMS OF MISTREATMENT 1. Physical Abuse - The indication of physical discomfort, pain or injury through the use of physical force by other than accidental means. Examples of physical abuse include but not limited to: Hitting Kicking Pinching Hair pulling Shoving Unreasonable confinement...."</p> <p>During an interview on 8/2/18, the assistant qualified intellectual disabilities professional (AQIDP) was informed of the information the QIDP revealed to the surveyors. The AQIDP stated, "What am I to do? She is the owner, this is her facility." Additional interview revealed he did not know what to do. The surveyors informed the AQIDP, the QIDP should not be allowed around the clients and no action was immediately taken.</p>	W 157			