

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: MHL026-964	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED R 09/06/2018
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NAME OF PROVIDER OR SUPPLIER COLLEGE LAKES	STREET ADDRESS, CITY, STATE, ZIP CODE 5104 FLATROCK DRIVE FAYETTEVILLE, NC 28311
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V 000	INITIAL COMMENTS An annual and follow-up survey was completed on September 6, 2018. 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		
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		

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

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V 112	<p>Continued From page 1</p> <p>This Rule is not met as evidenced by: Based on record review, observation and interviews, the facility failed to develop and implement strategies based on assessment affecting one of three audited clients (#1). The findings are:</p> <p>Review on 09/06/18 of client #1's record revealed:</p> <ul style="list-style-type: none"> - 26 year old male. - Admission date to the agency: 07/2006. - Diagnoses of Autism, Tourette's Syndrome and Mild Intellectual Developmental Disability. - Individual Support Plan (ISP) dated 12/01/17. - No strategies in the ISP to address client #1's loss of phone privileges. <p>Observation on 09/06/18 at approximately 9:50am revealed a cell phone located in client #1's medication box.</p> <p>Interview on 09/06/18 client #1 stated:</p> <ul style="list-style-type: none"> - He had lost his phone privileges. - He could get his phone privileges back if he had good behavior. - His cell phone was kept in his medication box. <p>Interview on 09/06/18 the Qualified Professional stated:</p> <ul style="list-style-type: none"> - Client #1 had been calling people in the early morning hours and the guardian requested the cell phone be taken away to prevent this behavior. - The ISP did not contain strategies to address the loss of phone privileges. - Client #1's phone no longer was operable. 	V 112		

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V 114 V 114	<p>Continued From page 2</p> <p>27G .0207 Emergency Plans and Supplies</p> <p>10A NCAC 27G .0207 EMERGENCY PLANS AND SUPPLIES</p> <p>(a) A written fire plan for each facility and area-wide disaster plan shall be developed and shall be approved by the appropriate local authority.</p> <p>(b) The plan shall be made available to all staff and evacuation procedures and routes shall be posted in the facility.</p> <p>(c) Fire and disaster drills in a 24-hour facility shall be held at least quarterly and shall be repeated for each shift. Drills shall be conducted under conditions that simulate fire emergencies.</p> <p>(d) Each facility shall have basic first aid supplies accessible for use.</p> <p>This Rule is not met as evidenced by: Based on record review and interview the facility failed to have fire and disaster drills held at least quarterly and repeated on each shift. The findings are:</p> <p>Review on 09/06/18 of facility records from October 2017 thru August 2018 revealed: - No fire drills had been documented from February 2018 thru August 2018 on the 8am to 4pm (1st shift). - No disaster drills had been documented from February 2018 thru August 2018 on the 8am to 4pm (1st shift).</p> <p>Interview on 09/06/18 the Qualified Professional stated: - 1st shift is 8am-4pm - 2nd shift 4pm-12midnight. - 3rd shift 12 midnight-8am.</p>	V 114 V 114		

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V 114	Continued From page 3 - The facility operated on a 12 hour rotation on the weekends. - The facility staff must have completed a 2nd shift drill instead of a 1st shift drill in April 2018.	V 114		
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 section. Except as otherwise provided in this subsection, within five business days of making the conditional offer of employment, a provider shall submit a request to the Department of Justice under G.S. 114-19.10 to conduct a	V 133		

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V 133	Continued From page 4 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 criminal history record checks utilizing public records obtained from a State agency.	V 133		

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V 133	<p>Continued From page 5</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 criminal offenses if the employee's criminal history record check is requested and received in 	V 133		

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V 133	Continued From page 6 compliance with this section. (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 sale of drugs in violation of the North Carolina Controlled Substances Act, Article 5 of Chapter	V 133		

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V 133	<p>Continued From page 7</p> <p>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 request within five business days of making the conditional offer of employment, a national criminal history record check to include a check of the applicant's fingerprints, for 1 of 4 staff audited who had lived out of state within 5 years of hire (#5). The findings are:</p>	V 133		

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V 133	Continued From page 8 Review on 09/06/18 of staff #5's personnel record revealed: - Date of Hire: 04/02/18. - Application date of 03/15/18. - Employed in another state until January 2018. - No documentation of a national criminal background with fingerprint check had been completed. Interview on 09/06/18 the Qualified Professional stated: - She had been told in the past a national background with fingerprint check should be completed when a staff was hired and had lived in the state less than five years. - She indicated she would follow up on the background checks.	V 133		
V 736	27G .0303(c) Facility and Grounds Maintenance 10A NCAC 27G .0303 LOCATION AND EXTERIOR REQUIREMENTS (c) Each facility and its grounds shall be maintained in a safe, clean, attractive and orderly manner and shall be kept free from offensive odor. This Rule is not met as evidenced by: Based on observation and interview, the facility was not maintained in a clean, attractive and orderly manner. The findings are: Observation on 09/06/18 at approximately 9:45am revealed: - Client #1's bedroom revealed several window blind slats were missing and a bleached area on	V 736		

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V 736	<p>Continued From page 9</p> <p>the carpet.</p> <ul style="list-style-type: none"> - Client #3's bedroom revealed the walls had numerous dark scuff marks. The carpet had bits of debris on the surface and a cover was missing from an electrical socket. - Client #4's bedroom revealed the door was cracked. 2 softball sized and 1 baseball sized holes in the walls. An approximately 3 inch by 6 inch crack in the wall. - The living room area revealed a softball sized cracked area on the wall. Three electrical socket covers were missing. The light fixture above the table revealed 4 of 16 lights did not work. - The light fixture above the kitchen table revealed 2 of 4 light bulbs did not work. - The room adjacent to the kitchen table revealed soiled carpet. - Bathroom #1 revealed 2 baseball sized white patched areas. 1 of 3 light bulbs above the sink did not work and the floor vent was rusty. - Bathroom #2 revealed a missing towel rack and 1 of 2 light bulbs did not work. <p>Interview on 09/06/18 the Qualified Professional stated:</p> <ul style="list-style-type: none"> - Several work orders had been submitted for repairs. - Client #4 had a history of punching walls. 	V 736		
V 752	<p>27G .0304(b)(4) Hot Water Temperatures</p> <p>10A NCAC 27G .0304 FACILITY DESIGN AND EQUIPMENT</p> <p>(b) Safety: Each facility shall be designed, constructed and equipped in a manner that ensures the physical safety of clients, staff and visitors.</p> <p>(4) In areas of the facility where clients are exposed to hot water, the temperature of the</p>	V 752		

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V 752	<p>Continued From page 10</p> <p>water shall be maintained between 100-116 degrees Fahrenheit.</p> <p>This Rule is not met as evidenced by: Based on observation and interview, the facility failed to maintain the water temperature between 100-116 degrees Fahrenheit. The findings are:</p> <p>Observation on 09/06/18 at approximately 9:45am revealed the hot water temperature in client bathroom #1 and #2 was 124 degrees Fahrenheit.</p> <p>Interview on 09/06/18 the Qualified Professional stated: - The water heater at the facility had recently failed. - A new water heater had been installed at the facility the previous day. - She had contacted someone to turn the temperature of the hot water heater down.</p>	V 752		