

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: MHL032-367	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED R 11/07/2018
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NAME OF PROVIDER OR SUPPLIER DURHAM MEN'S HALFWAY HOUSE	STREET ADDRESS, CITY, STATE, ZIP CODE 529 HOLLOWAY STREET DURHAM, NC 27701
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V 000	<p>INITIAL COMMENTS</p> <p>An annual and follow up survey was completed on 11/7/2018. Deficiencies were cited.</p> <p>This facility is licensed for the following service category: 10A NCAC 27G.5600E Supervised Living for Adults with Substance Abuse Dependency.</p>	V 000		
V 108	<p>27G .0202 (F-I) Personnel Requirements</p> <p>10A NCAC 27G .0202 PERSONNEL REQUIREMENTS</p> <p>(f) Continuing education shall be documented.</p> <p>(g) Employee training programs shall be provided and, at a minimum, shall consist of the following:</p> <p>(1) general organizational orientation;</p> <p>(2) training on client rights and confidentiality as delineated in 10A NCAC 27C, 27D, 27E, 27F and 10A NCAC 26B;</p> <p>(3) training to meet the mh/dd/sa needs of the client as specified in the treatment/habilitation plan; and</p> <p>(4) training in infectious diseases and bloodborne pathogens.</p> <p>(h) Except as permitted under 10a NCAC 27G .5602(b) of this Subchapter, at least one staff member shall be available in the facility at all times when a client is present. That staff member shall be trained in basic first aid including seizure management, currently trained to provide cardiopulmonary resuscitation and trained in the Heimlich maneuver or other first aid techniques such as those provided by Red Cross, the American Heart Association or their equivalence for relieving airway obstruction.</p> <p>(i) The governing body shall develop and implement policies and procedures for identifying, reporting, investigating and controlling infectious</p>	V 108		

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

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V 108	<p>Continued From page 1</p> <p>and communicable diseases of personnel and clients.</p> <p>This Rule is not met as evidenced by: Based on record review and interviews, the facility failed to ensure staff had training in Cardiopulmonary Resuscitation (CPR) and First Aid (FA) for one of five audited staff (staff #1). The findings are:</p> <p>Review on 11/7/18 of the facility's personnel files revealed: -Staff #1 had a hire date of 7/30/18. -Staff #1 was hired as a Health Care Counselor. -There was no documentation of training in Cardiopulmonary Resuscitation and First Aid for staff #1.</p> <p>Interview on 11/7/18 with the Human Resources Director revealed: -Staff #1 told her that he took the Cardiopulmonary Resuscitation and First Aid training. -Staff #1 told her he took the Cardiopulmonary Resuscitation and First Aid training with another agency. -Staff #1 had been scheduled to take the CPR and FA training the later part of November 2018. -She confirmed there was no documentation of training in Cardiopulmonary Resuscitation and First Aid for staff #1.</p> <p>Interview on 11/7/18 with the Program Manager revealed: -Staff #1 tod them he had the CPR and FA training with another agency.</p>	V 108		

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V 108	Continued From page 2 -Staff #1 had worked alone with the clients in the home. -He confirmed there was no documentation of training in Cardiopulmonary Resuscitation and First Aid for staff #1. Interview on 11/7/18 with the Quality Improvement Director confirmed: -There was no documentation of training in Cardiopulmonary Resuscitation and First Aid for staff #1.	V 108		
V 131	G.S. 131E-256 (D2) HCPR - Prior Employment Verification G.S. §131E-256 HEALTH CARE PERSONNEL REGISTRY (d2) Before hiring health care personnel into a health care facility or service, every employer at a health care facility shall access the Health Care Personnel Registry and shall note each incident of access in the appropriate business files. This Rule is not met as evidenced by: Based on record review and interviews, the facility failed to access the Health Care Personnel Registry (HCPR) prior to employment for one of five audited staff (staff #1). The findings are: Review on 11/7/18 of the facility's personnel files revealed: -Staff #1 had a hire date of 7/30/18. -Staff #1 was hired as a Health Care Counselor. -Staff #1 had a HCPR check completed on	V 131		

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V 131	<p>Continued From page 3</p> <p>8/23/18.</p> <p>-There was no documentation of a HCPR check completed for staff #1 prior to hire.</p> <p>Interview on 11/7/18 with the Human Resources Director revealed:</p> <p>-She had an Assistant who was responsible for ensuring the appropriate documents were in staff's folders.</p> <p>-The Assistant had taken on some additional duties just recently.</p> <p>-Some of the documents/paperwork for staff #1 possibly had not been filed.</p> <p>-She confirmed the HCPR check was not completed for staff #1 prior to hire.</p> <p>Interview on 11/7/18 with the Quality Improvement Director confirmed:</p> <p>-The HCPR check was not completed for staff #1 prior to hire.</p>	V 131		
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</p>	V 133		

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V 133	Continued From page 4 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 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	V 133		

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V 133	<p>Continued From page 5</p> <p>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.</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</p>	V 133		

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V 133	<p>Continued From page 6</p> <p>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> <p>(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.</p> <p>(2) Failure to check an employee's history of 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,</p>	V 133		

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V 133	<p>Continued From page 7</p> <p>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 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</p>	V 133		

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V 133	<p>Continued From page 8</p> <p>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 ensure the criminal history record check was conducted within five business days of making the conditional offer of employment affecting one of five audited staff (staff #1). The findings are:</p> <p>Review on 11/7/18 of the facility's personnel files revealed: -Staff #1 had a hire date of 7/30/18. -Staff #1 was hired as a Health Care Counselor. -There was no documentation of a criminal history check for staff #1 completed within five business days of making the conditional offer of employment.</p> <p>Interview on 11/7/18 with the Human Resources Director revealed: -She had an Assistant who was responsible for ensuring the appropriate documents were in staff's folders. -The Assistant had taken on some additional duties just recently. -Some of the documents/paperwork for staff #1 possibly had not been filed. -She confirmed there was no documentation of a criminal history check for staff #1 completed within five business days of making the conditional offer of employment.</p>	V 133		

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V 133	Continued From page 9 Interview on 11/7/18 with the Quality Improvement Director confirmed: -There was no documentation of a criminal history check for staff #1 completed within five business days of making the conditional offer of employment.	V 133		
V 290	27G .5602 Supervised Living - Staff 10A NCAC 27G .5602 STAFF (a) Staff-client ratios above the minimum numbers specified in Paragraphs (b), (c) and (d) of this Rule shall be determined by the facility to enable staff to respond to individualized client needs. (b) A minimum of one staff member shall be present at all times when any adult client is on the premises, except when the client's treatment or habilitation plan documents that the client is capable of remaining in the home or community without supervision. The plan shall be reviewed as needed but not less than annually to ensure the client continues to be capable of remaining in the home or community without supervision for specified periods of time. (c) Staff shall be present in a facility in the following client-staff ratios when more than one child or adolescent client is present: (1) children or adolescents with substance abuse disorders shall be served with a minimum of one staff present for every five or fewer minor clients present. However, only one staff need be present during sleeping hours if specified by the emergency back-up procedures determined by the governing body; or (2) children or adolescents with developmental disabilities shall be served with one staff present for every one to three clients present and two staff present for every four or	V 290		

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V 290	<p>Continued From page 10</p> <p>more clients present. However, only one staff need be present during sleeping hours if specified by the emergency back-up procedures determined by the governing body.</p> <p>(d) In facilities which serve clients whose primary diagnosis is substance abuse dependency:</p> <p>(1) at least one staff member who is on duty shall be trained in alcohol and other drug withdrawal symptoms and symptoms of secondary complications to alcohol and other drug addiction; and</p> <p>(2) the services of a certified substance abuse counselor shall be available on an as-needed basis for each client.</p> <p>This Rule is not met as evidenced by: Based on record review and interviews the facility failed to ensure at least one staff member on duty had training on alcohol and other drug withdrawal symptoms and symptoms of secondary complications to alcohol and other drug addictions affecting one of five audited staff (staff #1). The findings are:</p> <p>Review on 11/7/18 of the facility's personnel files revealed: -Staff #1 had a hire date of 7/30/18. -Staff #1 was hired as a Health Care Counselor. -There was no evidence of training on alcohol and other drug withdrawal symptoms and symptoms of secondary complications to alcohol and other drug addictions.</p> <p>Interview on 11/7/18 with the Human Resources Director revealed: -She thought staff #1 had the training to work with individuals with substance abuse.</p>	V 290		

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V 290	<p>Continued From page 11</p> <ul style="list-style-type: none"> -She had an Assistant who was responsible for ensuring the appropriate documents were in staff's folders. -The Assistant had taken on some additional duties just recently. -Some of the documents/paperwork for staff #1 possibly had not been filed. -She confirmed staff #1 did not have training on alcohol and other drug withdrawal symptoms and symptoms of secondary complications to alcohol and other drug addictions. <p>Interview on 11/7/18 with the Program Manager revealed:</p> <ul style="list-style-type: none"> -Staff #1 had worked alone with the clients at the home. -He confirmed staff #1 did not have training on alcohol and other drug withdrawal symptoms and symptoms of secondary complications to alcohol and other drug addictions. <p>Interview on 11/7/18 with the Quality Improvement Director confirmed:</p> <ul style="list-style-type: none"> -Staff #1 did not have training on alcohol and other drug withdrawal symptoms and symptoms of secondary complications to alcohol and other drug addictions. 	V 290		