

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: MHL032-404	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED 12/18/2018
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NAME OF PROVIDER OR SUPPLIER DON'S ADULT CARE GROUP HOME	STREET ADDRESS, CITY, STATE, ZIP CODE 1925 APEX HIGHWAY DURHAM, NC 27707
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V 000	<p>INITIAL COMMENTS</p> <p>An annual survey was completed on December 18, 2018. Deficiencies were cited.</p> <p>This facility is licensed for the following service category: 10A NCAC 27G .5600A Supervised Living for Adults with Mental Illness.</p>	V 000		
V 131	<p>G.S. 131E-256 (D2) HCPR - Prior Employment Verification</p> <p>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.</p> <p>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 three audited staff (The Qualified Professional). The findings are:</p> <p>Review on 12/13/18 of the facility's personnel files revealed: -The Qualified Professional had a hire date of 8/20/17. -The Qualified Professional had a HCPR check completed on 12/17/18. -There was no documentation of a HCPR check completed for the Qualified Professional prior to hire.</p>	V 131		

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

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V 131	Continued From page 1 Interview on 12/18/18 with staff #1 confirmed: -The HCPR check was not completed for the Qualified Professional prior to hire. Interview with the Acting Administrator on 12/13/18 and 12/18/18 revealed: -The Licensee for the group home was having some health issues. -She was helping him with the group home until his health improves. -She thought the Qualified Professional had a HCPR check in her personnel record. -She confirmed the HCPR check was not completed for the Qualified Professional prior to hire.	V 131		
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	V 133		

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V 133	Continued From page 2 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 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	V 133		

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V 133	<p>Continued From page 3</p> <p>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 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</p>	V 133		
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V 133	<p>Continued From page 4</p> <p>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, 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</p>	V 133		

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

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V 133	<p>Continued From page 6</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 three audited staff (the Qualified Professional). The findings are:</p> <p>Review on 12/13/18 of the facility's personnel files revealed: -The Qualified Professional had a hire date of 8/20/17. -The Qualified Professional had a criminal history check completed on 12/16/18. -There was no documentation of a criminal history check completed for the Qualified Professional within five business days of making the conditional offer of employment.</p> <p>Interview on 12/18/18 with staff #1 confirmed: -The criminal history check was not completed for the Qualified Professional within five business days of making the conditional offer of employment.</p> <p>Interview with the Acting Administrator on 12/13/18 and 12/18/18 revealed: -The Licensee for the group home was having some health issues. -She was helping him with the group home until his health improves. -She thought the Qualified Professional had a criminal history check in her personnel record. -She confirmed the criminal history check was not completed for the Qualified Professional within</p>	V 133		

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V 133	Continued From page 7 five business days of making the conditional offer of employment.	V 133		
V 736	<p>27G .0303(c) Facility and Grounds Maintenance</p> <p>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.</p> <p>This Rule is not met as evidenced by: Based on observation and interview, the facility failed to ensure facility grounds were maintained in a safe, clean, attractive, orderly manner and kept free from offensive odor. The findings are:</p> <p>Observation on 12/13/18 at approximately 10:55 AM of the facility revealed the following issues: -Bathroom #1-There were six putty like spots and peeling wall paper on the walls. The sink had soap scum and black oily spots. The bathtub had soap scum in it. The shower curtain had mildew towards the bottom of it. -Staff's bedroom area-There were two holes in the wall. One hole was about the size of a large cantaloupe melon and the other was about the size of a medium watermelon. -Bathroom #2-There was a dirt like debris around edges of the sink. There was a strong urine odor. The paint was peeling from the walls. The shower curtain had mildew towards bottom of it. The bathmat had mildew on it. The bathtub had black grease like marks inside of it. The floor had dirt particles on it. -Kitchen area-Cabinets had peeling paint and</p>	V 736		

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V 736	<p>Continued From page 8</p> <p>grease/dirt like marks on them. The stove top had a grease like film on it. The refrigerator had a dirt like debris on it. The dining table was sticky. The floor had dirt particles on it.</p> <ul style="list-style-type: none"> -Walls throughout the group home had grease and dirt stains on them. -Carpet throughout the group home had faded spots on it. <p>Interview with staff #1 on 12/13/18 revealed:</p> <ul style="list-style-type: none"> -A former client was responsible for the holes in the wall in staff's bedroom. -The former client lost his balance and fell into the wall. -The former client left the group home over a year ago. -He confirmed the facility was not maintained in a safe, clean, attractive, orderly manner and kept free of offensive odor. 	V 736		