

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  <b>MHL049-123</b>	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____  B. WING _____	(X3) DATE SURVEY COMPLETED  <b>C</b> <b>02/15/2019</b>
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NAME OF PROVIDER OR SUPPLIER  <b>HELMS HOUSE</b>	STREET ADDRESS, CITY, STATE, ZIP CODE <b>611 PRESBYTERIAN ROAD</b> <b>MOORESVILLE, NC 28115</b>
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V 000	<p>INITIAL COMMENTS</p> <p>A complaint survey was completed on February 15, 2019. The complaint was substantiated (Intake ID: NC00147960). Deficiencies were cited.</p> <p>This facility is licensed for the following service category: 10A NCAC 27G .1700: Residential Treatment-Staff Secure for Children or Adolescents.</p>	V 000		
V 109	<p>27G .0203 Privileging/Training Professionals</p> <p>10A NCAC 27G .0203 COMPETENCIES OF QUALIFIED PROFESSIONALS AND ASSOCIATE PROFESSIONALS</p> <p>(a) There shall be no privileging requirements for qualified professionals or associate professionals.</p> <p>(b) Qualified professionals and associate professionals shall demonstrate knowledge, skills and abilities required by the population served.</p> <p>(c) At such time as a competency-based employment system is established by rulemaking, then qualified professionals and associate professionals shall demonstrate competence.</p> <p>(d) Competence shall be demonstrated by exhibiting core skills including:</p> <ol style="list-style-type: none"> <li>(1) technical knowledge;</li> <li>(2) cultural awareness;</li> <li>(3) analytical skills;</li> <li>(4) decision-making;</li> <li>(5) interpersonal skills;</li> <li>(6) communication skills; and</li> <li>(7) clinical skills.</li> </ol> <p>(e) Qualified professionals as specified in 10A NCAC 27G .0104 (18)(a) are deemed to have met the requirements of the competency-based employment system in the State Plan for MH/DD/SAS.</p> <p>(f) The governing body for each facility shall</p>	V 109		

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

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V 109	<p>Continued From page 1</p> <p>develop and implement policies and procedures for the initiation of an individualized supervision plan upon hiring each associate professional. (g) The associate professional shall be supervised by a qualified professional with the population served for the period of time as specified in Rule .0104 of this Subchapter.</p> <p>This Rule is not met as evidenced by: Based on record review and interview, 1 of 2 former associate professionals (Former Associate Professional (FAP)) failed to demonstrate the knowledge, skills and abilities required by the population served. The findings are:</p> <p>Review on 2/15/19 of the FAP's record revealed: - Date of hire: 4/13/19 - Last Day of Employment: 1/25/19</p> <p>Interview on 2/12/19 with client #1 revealed: - On 1/23/19 she wanted to be taken to the hospital because she was unable to urinate. - When staff did not take her to the hospital she started walking by herself to the hospital from Whalen House. - The FAP never attempted to come after her and "normally they would get in the car and come after me but [FAP] did not do that." - The FAP told her, "I can't deal with this I got somewhere else to be." - The police were not called when she went AWOL (absent without leave), "because they would have come after me because the cops know me very well."</p> <p>Interview on 2/13/19 with the Operations Manager</p>	V 109		

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V 109	<p>Continued From page 2</p> <p>revealed:</p> <ul style="list-style-type: none"> <li>- The FAP was terminated on 1/25/19 for making poor decisions on 1/23/19 regarding the care of client #1.</li> <li>- "We determined [FAP] was in a hurry to leave because her shift was done."</li> <li>- "[FAP] was guilty for not contacting the police when [client #1] got out of her sight and not turning the situation over to another staff and not following up on the situation. She should have been in contact with all parties involved. Her last day with the 25th (1/25/19)."</li> </ul> <p>Interview on 2/15/19 with staff #4 revealed:</p> <ul style="list-style-type: none"> <li>- She was working at Whalen House on 1/23/19 when FAP dropped off 2 clients at Whalen House and client #1 was still in the care of FAP.</li> <li>- "I did not understand why [FAP] left. I was thinking that [FAP] was going to get her (client #1). If I had known [FAP] was going to leave her (client #1) I would have gotten the other client and gone to look for her (client #1). She [FAP] was the AP at the time and I thought she would be more professional."</li> </ul> <p>Interview on 2/14/19 with the FAP revealed:</p> <ul style="list-style-type: none"> <li>- She was aware that client #1 had gone "AWOL" on 1/23/19.</li> <li>- She did not contact the police and left without relaying information to another staff member who was still in his car and had just arrived.</li> <li>- "I watched her (client #1) until (former qualified professional) pulled up and I waved at him and then left."</li> </ul> <p>Review on 2/15/19 of the "1/23/19 Incident Report" revealed:</p> <ul style="list-style-type: none"> <li>- "At this time she (client #1) requested that we take her to the hospital to get a catheter. I (FAP) explained that we would most likely not take her</li> </ul>	V 109		

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V 109	Continued From page 3  to the emergency room but that urgent care might be a good option." - "At 3:50 I (FAP) called my supervisor, [Qualified Professional], following incident protocol to notify supervisor before calling the police. I explained that at this point it was very important that I leave because I had something important happening after work and I was already staying later than time could afford."	V 109		
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, the facility failed to access the Health Care Personnel Registry (HCPR) prior to hire for 1 of 2 audited former staff (Former Qualified Professional (FQP)). The findings are:  Review on 2/15/19 of the FQP's record revealed: - Date of hire: 9/12/19 - Last Day of Employment: 1/25/19 - There was no HCPR in his record.  Interview on 2/15/19 with the Operations Manager	V 131		

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V 131	Continued From page 4  revealed: - He reported that it was previously the responsibility of the officer administrator, who no longer was employed, to complete the HCPR and criminal checks. - "If they (HCPR and criminal check) are not there we don't have them." - "...I will take responsibility for it now not being there."	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 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	V 133		

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V 133	Continued From page 5  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 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	V 133		

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V 133	<p>Continued From page 6</p> <p>(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"> <li>(1) The level and seriousness of the crime.</li> <li>(2) The date of the crime.</li> <li>(3) The age of the person at the time of the conviction.</li> <li>(4) The circumstances surrounding the commission of the crime, if known.</li> <li>(5) The nexus between the criminal conduct of the person and the job duties of the position to be filled.</li> <li>(6) The prison, jail, probation, parole, rehabilitation, and employment records of the person since the date the crime was committed.</li> <li>(7) The subsequent commission by the person of a relevant offense.</li> </ol> <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"> <li>(1) The failure of the provider to employ an</li> </ol>	V 133		

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



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V 133	<p>Continued From page 8</p> <p>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> <p>This Rule is not met as evidenced by: Based on record reviews and interview the facility failed to ensure criminal history record checks</p>	V 133		

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V 133	<p>Continued From page 9</p> <p>were requested within five business days of the date of hire affecting 1 of 2 audited former staff (Former Qualified Professional (FQP)). The findings are:</p> <p>Review on 2/15/19 of the FQP's record revealed:</p> <ul style="list-style-type: none"> <li>- Date of hire: 9/12/19</li> <li>- Last Day of Employment: 1/25/19</li> <li>- There was no criminal history check found in his record.</li> </ul> <p>Interview on 2/15/19 with the Operations Manager revealed:</p> <ul style="list-style-type: none"> <li>- He reported that it was previously the responsibility of the officer administrator, who no longer was employed, to complete the HCPR and criminal checks.</li> <li>- "If they (HCPR and criminal check) are not there we don't have them."</li> <li>- "...I will take responsibility for it now not being there."</li> </ul>	V 133		
V 296	<p>27G .1704 Residential Tx. Child/Adol - Min. Staffing</p> <p>10A NCAC 27G .1704 MINIMUM STAFFING REQUIREMENTS</p> <p>(a) A qualified professional shall be available by telephone or page. A direct care staff shall be able to reach the facility within 30 minutes at all times.</p> <p>(b) The minimum number of direct care staff required when children or adolescents are present and awake is as follows:</p> <p>(1) two direct care staff shall be present for one, two, three or four children or adolescents;</p> <p>(2) three direct care staff shall be present for five, six, seven or eight children or adolescents; and</p>	V 296		

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V 296	<p>Continued From page 10</p> <p>(3) four direct care staff shall be present for nine, ten, eleven or twelve children or adolescents.</p> <p>(c) The minimum number of direct care staff during child or adolescent sleep hours is as follows:</p> <p>(1) two direct care staff shall be present and one shall be awake for one through four children or adolescents;</p> <p>(2) two direct care staff shall be present and both shall be awake for five through eight children or adolescents; and</p> <p>(3) three direct care staff shall be present of which two shall be awake and the third may be asleep for nine, ten, eleven or twelve children or adolescents.</p> <p>(d) In addition to the minimum number of direct care staff set forth in Paragraphs (a)-(c) of this Rule, more direct care staff shall be required in the facility based on the child or adolescent's individual needs as specified in the treatment plan.</p> <p>(e) Each facility shall be responsible for ensuring supervision of children or adolescents when they are away from the facility in accordance with the child or adolescent's individual strengths and needs as specified in the treatment plan.</p> <p>This Rule is not met as evidenced by: Based on record review and interview, the facility failed to ensure supervision for 1 of 3 clients (client #1) when away from the facility based on individual strengths as specified in the treatment plan. The findings are:</p>	V 296		

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V 296	<p>Continued From page 11</p> <p>Review on 2/13/19 of client #1's record revealed:</p> <ul style="list-style-type: none"> <li>- Admission date: 10/4/18</li> <li>- 17 years-old</li> <li>- Diagnoses:</li> <li>- Bipolar Disorder and Post Traumatic Stress Disorder (PTSD)</li> <li>- Review of client #1's goals in the PCP dated 1/3/19 revealed:</li> <li>- "Client will reduce symptoms of PTSD and depression ..."</li> <li>- "Client will reduce symptoms associated with Bipolar and Cluster B traits ..."</li> <li>- "...Participate in therapy with assigned therapist at a minimum of one time each month to enhance socialization skills to improve decision making skills and engagement in appropriate behaviors ..."</li> <li>-Further review revealed no documentation of client #1's strengths that would allow for transportation with only one staff.</li> </ul> <p>Review on 2/15/19 of the "1/23/19 Incident Report" revealed:</p> <ul style="list-style-type: none"> <li>- The Former Associate Professional (FAP) reported that on 1/23/19 she had driven 3 clients in the facility van.</li> <li>- "When I (FAP) arrived to [client #1's school] they had removed her (client #1) from the bus and requested that I transport her home. I then had [client from sister facility], [client #1], and [second client from sister facility] all in the van."</li> </ul> <p>Interview on 2/15/19 with the Former Associate Professional (FAP) revealed:</p> <ul style="list-style-type: none"> <li>- She was picked up 3 consumers from school on 1/23/19.</li> <li>- "I had to pick up the other two kids along with [client #1] and drop the two kids off at Whalen ..."</li> </ul>	V 296		

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  <b>MHL049-123</b>	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____  B. WING _____	(X3) DATE SURVEY COMPLETED  <b>C</b> <b>02/15/2019</b>
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NAME OF PROVIDER OR SUPPLIER  <b>HELMS HOUSE</b>	STREET ADDRESS, CITY, STATE, ZIP CODE <b>611 PRESBYTERIAN ROAD</b> <b>MOORESVILLE, NC 28115</b>
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(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) COMPLETE DATE
V 296	<p>Continued From page 12</p> <p>Interview on 2/15/19 with the Qualified Professional revealed:</p> <ul style="list-style-type: none"> <li>- Only one staff member (FAP) was driving three clients on 1/23/19.</li> <li>- "As far as I know she was the only one staff (FAP) in the van."</li> </ul> <p>Interview on 2/15/19 with staff #4 revealed:</p> <ul style="list-style-type: none"> <li>- She was working at Whalen House when the FAP arrived on 1/23/19 with client #1.</li> <li>- She knew the FAP was the only one driving the van that day.</li> </ul>	V 296		