

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  <b>MHL092-913</b>	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____  B. WING _____	(X3) DATE SURVEY COMPLETED  <b>R</b> <b>02/08/2019</b>
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NAME OF PROVIDER OR SUPPLIER  <b>PIONEER HEALTHCARE INC #3</b>	STREET ADDRESS, CITY, STATE, ZIP CODE <b>2726 NEWSOME STREET</b> <b>RALEIGH, NC 27603</b>
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V 000	<p><b>INITIAL COMMENTS</b></p> <p>An Annual and Follow Up Survey was completed on 02/08/19. 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 118	<p><b>27G .0209 (C) Medication Requirements</b></p> <p><b>10A NCAC 27G .0209 MEDICATION REQUIREMENTS</b></p> <p>(c) Medication administration:</p> <p>(1) Prescription or non-prescription drugs shall only be administered to a client on the written order of a person authorized by law to prescribe drugs.</p> <p>(2) Medications shall be self-administered by clients only when authorized in writing by the client's physician.</p> <p>(3) Medications, including injections, shall be administered only by licensed persons, or by unlicensed persons trained by a registered nurse, pharmacist or other legally qualified person and privileged to prepare and administer medications.</p> <p>(4) A Medication Administration Record (MAR) of all drugs administered to each client must be kept current. Medications administered shall be recorded immediately after administration. The MAR is to include the following:</p> <p>(A) client's name;</p> <p>(B) name, strength, and quantity of the drug;</p> <p>(C) instructions for administering the drug;</p> <p>(D) date and time the drug is administered; and</p> <p>(E) name or initials of person administering the drug.</p> <p>(5) Client requests for medication changes or checks shall be recorded and kept with the MAR file followed up by appointment or consultation with a physician.</p>	V 118		

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

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V 118	<p>Continued From page 1</p> <p>This Rule is not met as evidenced by: Based on record review and interview, the facility failed to assure two of three audited clients (#1 and #3) were administered medications as prescribed. The findings are:</p> <p>A. Review on 02/06/19 of client #1's record revealed:            - Admitted: 10/13/10            - Diagnoses: Schizoaffective Disorder, Hypertension, Multiple Sclerosis and Anxiety Disorder            - Physician's Orders for Zyprexa dated 08/20/18 10 mg one tablet twice a day. No other physician's orders noted for Zyprexa            - MARs listed Zyprexa as follows: December 2018- 10 mg one tablet twice a day, January 2019- 20 mg one tablet twice a day and February 2019- 25 mg 1/2 tablet twice a day.</p> <p>Observation on 02/06/19 at 2:26 PM of client #1's medications revealed Zyprexa 25 mg 1/2 tablet twice a day dispensed 01/28/19</p> <p>B. Review on 02/06/19 of client #3's record revealed:            - Admitted 03/08/16            - Diagnoses which included Schizophrenia, paranoid Type/Bipolar Type and Hypertension            - Physician's orders for Zyprexa as follows: 10/01/18 10 mg one tablet at night...11/11/19 discontinue 10 mg (no other medication orders noted for dosing amount)...12/17/18 - 2.5 mg one qhs and she is being tapered off medication. No additional prescription noted for changes after</p>	V 118		

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V 118	<p>Continued From page 2</p> <p>12/17/18</p> <ul style="list-style-type: none"> <li>- MARs listed Zyprexa as follows: December 1st-19th: 5 mg at night, 19th -31st-January 1st-9th 2019: 2.5 mg one tablet at night...January 10th-14th: 5 mg one tablet night, 15th-31st -February 2019: 10 mg one tablet at night</li> </ul> <p>Observation on 02/07/19 of client #3's medications revealed Zyprexa 10 mg one tablet at night dispensed 01/14/19</p> <p>During interview on 02/08/19, the Qualified Professional reported:</p> <ul style="list-style-type: none"> <li>- She was not sure why client #1 and client #3's physician's orders for Zyprexa was not in their records at the group home</li> <li>- Since the Licensee was also a Registered Nurse, she provided oversight of client medications at the facility</li> </ul>	V 118		
V 131	<p>G.S. 131E-256 (D2) HCPR - Prior Employment Verification</p> <p>G.S. §131E-256 HEALTH CARE PERSONNEL REGISTRY</p> <p>(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 interview, the facility failed to access the North Carolina Health Care</p>	V 131		

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V 131	<p>Continued From page 3</p> <p>Personnel Registry (HCPR) prior to hiring one of two staff (#1). The findings are:</p> <p>Review on between 02/08/19 of staff #2's personnel records revealed:</p> <ul style="list-style-type: none"> <li>- Staff #2 hired prior to 2016</li> <li>- No evidence HCPR check had been completed prior to hire...HCPR dated 02/06/19</li> </ul> <p>During interview on 02/08/18, the Qualified Professional reported:</p> <ul style="list-style-type: none"> <li>- She thought a HCPR check had been completed for staff #2 prior to 2019. Since she could not locate the document, another HCPR was completed.</li> <li>- Staff #1 also worked for the agency in the family care home</li> <li>- The Licensee was responsible for the personnel records</li> </ul>	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 less than five years, then the offer of employment</p>	V 133		

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V 133	<p>Continued From page 4</p> <p>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 may conduct on behalf of a provider a State</p>	V 133		

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

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V 133	<p>Continued From page 6</p> <p>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, Obtaining Property or Services by False or</p>	V 133		

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V 133	<p>Continued From page 7</p> <p>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 business days after the individual begins</p>	V 133		



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V 133	<p>Continued From page 8</p> <p>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 governing body failed to complete a criminal history record checks within five days of a conditional employment offer. The findings are:</p> <p>Review on 02/08/19 of staff #2's personnel records revealed:</p> <ul style="list-style-type: none"> <li>- Staff #2 hired prior to 2016</li> <li>- Release of Information dated 01/23/19 for a criminal record check</li> </ul> <p>During interview on 02/08/18, the Qualified Professional reported:</p> <ul style="list-style-type: none"> <li>- She thought a criminal history check had been completed for staff #2 prior to 2019.</li> <li>- Staff #1 also worked for the agency in the family care home and a criminal history check would be required</li> <li>- The Licensee was responsible for the personnel records</li> </ul>	V 133		
V 500	<p>27D .0101(a-e) Client Rights - Policy on Rights</p> <p>10A NCAC 27D .0101 POLICY ON RIGHTS RESTRICTIONS AND INTERVENTIONS</p> <p>(a) The governing body shall develop policy that assures the implementation of G.S. 122C-59, G.S. 122C-65, and G.S. 122C-66.</p> <p>(b) The governing body shall develop and implement policy to assure that:</p>	V 500		

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V 500	<p>Continued From page 9</p> <p>(1) all instances of alleged or suspected abuse, neglect or exploitation of clients are reported to the County Department of Social Services as specified in G.S. 108A, Article 6 or G.S. 7A, Article 44; and</p> <p>(2) procedures and safeguards are instituted in accordance with sound medical practice when a medication that is known to present serious risk to the client is prescribed. Particular attention shall be given to the use of neuroleptic medications.</p> <p>(c) In addition to those procedures prohibited in 10A NCAC 27E .0102(1), the governing body of each facility shall develop and implement policy that identifies:</p> <p>(1) any restrictive intervention that is prohibited from use within the facility; and</p> <p>(2) in a 24-hour facility, the circumstances under which staff are prohibited from restricting the rights of a client.</p> <p>(d) If the governing body allows the use of restrictive interventions or if, in a 24-hour facility, the restrictions of client rights specified in G.S. 122C-62(b) and (d) are allowed, the policy shall identify:</p> <p>(1) the permitted restrictive interventions or allowed restrictions;</p> <p>(2) the individual responsible for informing the client; and</p> <p>(3) the due process procedures for an involuntary client who refuses the use of restrictive interventions.</p> <p>(e) If restrictive interventions are allowed for use within the facility, the governing body shall develop and implement policy that assures compliance with Subchapter 27E, Section .0100, which includes:</p> <p>(1) the designation of an individual, who has been trained and who has demonstrated</p>	V 500		

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V 500	<p>Continued From page 10</p> <p>competence to use restrictive interventions, to provide written authorization for the use of restrictive interventions when the original order is renewed for up to a total of 24 hours in accordance with the time limits specified in 10A NCAC 27E .0104(e)(10)(E);</p> <p>(2) the designation of an individual to be responsible for reviews of the use of restrictive interventions; and</p> <p>(3) the establishment of a process for appeal for the resolution of any disagreement over the planned use of a restrictive intervention.</p> <p>This Rule is not met as evidenced by: Based on observation, record review and interview, the facility failed to implement interventions to address behaviors which did not restrict the rights for three of three audited clients (#1, #3 and #4). The findings are:</p> <p>Observation and tour on 02/06/19 at 11:00 AM of the facility revealed:</p> <ul style="list-style-type: none"> <li>- Note saying staff only do not touch posted on the refrigerator</li> <li>- A lock and chain around a handles of refrigerator</li> <li>- Lock hinges and locks noted cabinets in the kitchen area</li> </ul> <p>Record review on 02/08/19 of clients #1, #3 and #4's records revealed:</p> <ul style="list-style-type: none"> <li>- No evidence of right' restriction</li> </ul> <p>During interviews between and 02//08/19 three of three clients reported:</p> <ul style="list-style-type: none"> <li>- Refrigerator was locked to prevent clients from going in without permission</li> </ul>	V 500		

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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 500	<p>Continued From page 11</p> <p>During interview on 02/08/19, staff #2 reported:</p> <ul style="list-style-type: none"> <li>- She was the only staff at the facility for the past few weeks</li> <li>- No locks were on the refrigerator</li> <li>- She was not sure where Division of Health Service Regulation Surveyor saw a lock at the facility</li> </ul> <p>During interview on 2/13/17 the Qualified Professional reported:</p> <ul style="list-style-type: none"> <li>- She visited the facility at least monthly</li> <li>- She was not aware there was a lock on the refrigerator</li> </ul>	V 500		
V 736	<p>27G .0303(c) Facility and Grounds Maintenance</p> <p>10A NCAC 27G .0303 LOCATION AND EXTERIOR REQUIREMENTS</p> <p>(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 governing body failed to assure the facility was maintained in a safe, clean, attractive and orderly manner. The findings are:</p> <p>Observation on 02/07/19 at approximately 3:30 PM revealed:</p> <ul style="list-style-type: none"> <li>- Ceiling stains noted in kitchen area and back porch</li> <li>- Client beds mattress not fitting</li> <li>- Plastic on mattress torn on client's bed with incontinence issues</li> </ul>	V 736		

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  <b>MHL092-913</b>	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____  B. WING _____	(X3) DATE SURVEY COMPLETED  <b>R</b> <b>02/08/2019</b>
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V 736	<p>Continued From page 12</p> <ul style="list-style-type: none"> <li>- Lighting in the bathroom of master bedroom missing bulbs...</li> <li>- Flooring in bathroom, kitchen and indoor back porch area torn, worn, unsteady</li> </ul> <p>During interview on 02/08/19, the Qualified Professional reported she:</p> <ul style="list-style-type: none"> <li>- Was not aware of all the issues regarding the physical property of the home</li> <li>- She would follow up with recommendations</li> </ul>	V 736		