

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  <b>MHL064-075</b>	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____  B. WING _____	(X3) DATE SURVEY COMPLETED  <b>R</b> <b>04/02/2019</b>
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NAME OF PROVIDER OR SUPPLIER  <b>BTW HOME CARE SERVICES</b>	STREET ADDRESS, CITY, STATE, ZIP CODE <b>2709 GARY ROAD</b> <b>ROCKY MOUNT, NC 27803</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 000	<p><b>INITIAL COMMENTS</b></p> <p>An Annual and Follow Up Survey was completed 4/2/19. A deficiency was cited.</p> <p>This facility is licensed for the following service category: 10A NCAC 27G .5600C Supervised Living for Adults with Developmental Disabilities.</p> <p>"A sister facility is identified in this report. The sister facility will be identified as sister facility A. Clients will be identified using the letter of the facility and a numerical identifier."</p> <p>*notation: this is a family owned business and for better understanding of this report, the staff are as follows:</p> <p>Licensee #1 (husband) Licensee #2 (wife)</p>	V 000		
V 290	<p>27G .5602 Supervised Living - Staff</p> <p>10A NCAC 27G .5602 STAFF</p> <p>(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.</p> <p>(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.</p> <p>(c) Staff shall be present in a facility in the following client-staff ratios when more than one</p>	V 290		

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V 290	<p>Continued From page 1</p> <p>child or adolescent client is present:</p> <p>(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</p> <p>(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 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 observation, record review and interview the facility failed to ensure a minimum of one staff member was present at all times except when a client's treatment plan documented the client was capable of remaining in the community without supervision for 4 of 5 current clients (#1, #3, #4 &amp; #5). The findings are:</p> <p>Review on 3/11/19 of client #3's record revealed:</p>	V 290		

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V 290	<p>Continued From page 2</p> <ul style="list-style-type: none"> <li>- admitted to the facility on 6/27/16</li> <li>- diagnoses of Mild Intellectual Disability; Schizophrenia &amp; Hearing Disability</li> <li>- a treatment plan dated 7/10/18 revealed no documentation of unsupervised time</li> <li>- a physician note dated 9/5/17 - "hearing deficit limits...past visits have discussed hearing evaluation which he repeatedly refused..."</li> </ul> <p>Review on 3/15/19 of a North Carolina offender search for client #3 revealed:</p> <ul style="list-style-type: none"> <li>- convicted 4/16/98 for robbery with dangerous weapon</li> <li>- released from prison on 1/7/09</li> </ul> <p>Review on 3/12/19 of an incident report dated 1/11/19 (time 5pm) for client #3 revealed:</p> <ul style="list-style-type: none"> <li>- "...on Friday 1/11/19 during and outing to [another county] [client #3] turned up missing...the group had stopped at [restaurant] for restroom breaks and to grab something to eat from one of the four restaurants. When we met back up to leave [client #3] was not to be found. We searched the bathrooms and dining areas of all the surrounding restaurants to no availability.... [client #3] is from [county of outing] and has lots of family and friends there so we knew he was very familiar with his surroundings. We also knew he was not the type of person to talk to or get on a vehicle with strangers. [Client #3's guardian] (department of social services (DSS) was contacted. Our next step was to contact his family to see if by chance one of them had seen him...Licensee #1 reached out to known family members on social media and instructed them to contact her as soon as possible...we received no immediate response...the next morning (1/12/19) Licensee #1 &amp; #2 went back to [county of outing] to resume search. At 2:30pm [client #3]'s sister called and said she had seen the message on</li> </ul>	V 290		

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V 290	<p>Continued From page 3</p> <p>social media. She would call [client #3's] mom and call back...forty minutes went by when a call finally came in from [client #3's mother]. She immediately wanted to know why a silver alert was placed for her son...he was fine. [Client #3]'s mother stated he was visiting with his sister but would be back shortly and he could decide then whether or not to return to the facility or stay with her [county of outing]. Licensee #1 called [client #3's guardian] and informed her [client #3] had been located and allowed her to handle the situation. Licensee #2 notified the officer to let him know [client #3]'s whereabouts. After about 30 minutes [client #3]'s guardian informed us that it was ok to pick up [client #3]. The silver alert was canceled and client #3 returned to the facility...Licensee #2 asked [client #3] how he managed to leave without being seen. [Client #3] said that when we left [restaurant] he went behind the building and watched the van until we left. Once we were gone, he stated that he walked to a friend of the family's house which was within three blocks of that location and the friend took him to his mother's house."</p> <p>Review on 3/18/19 of a police service report dated 1/11/19 for client #3 revealed:</p> <ul style="list-style-type: none"> <li>- "...the man (client #3) had been missing since 5:30pm but the police was not notified until around 10:00pm...the couple (Licensee #1 &amp; #2) advised they came to [another county] with their group of male residents (approximately 8 males) to have some dinner...the group split-up as they often do and allowed the males to attend the restaurant of their choice [3 different restaurants named] since all 3 restaurants are directly in a row. The plan was to get food and then meet back at the van in approximately 20-30 minutes...after the specified time [Licensees'] returned to the van. They noticed the only</li> </ul>	V 290		

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V 290	<p>Continued From page 4</p> <p>resident who was not back was [client #3]...another resident advised that [client #3] did not want to exit the van earlier to get food. Others even offered to have [client #3] walk with them, but he declined and just asked them to bring him something back to eat...they could not provide any further details about where [client #3] went, his direction of travel, if he was with anyone, or if he got into a vehicle...it is believed that each resident suffers from some sort of cognitive impairment and could not be of further assistance...Licensee #1 advised the delay in reporting was due to them searching for [client #3]...he is hard of hearing...Licensee #1 explained [client #3] was timid and keeps to himself and stays out of trouble...a media release was done...silver alert canceled on 1/12/19...."</p> <p>Review on 3/15/19 of Bing maps revealed:</p> <ul style="list-style-type: none"> <li>- from the facility to the restaurant was 58 minutes</li> <li>- from the restaurant to client #3's mother's home would take 16 minutes walking</li> <li>- the distance in a vehicle would take 3 minutes to client #3's mother's home</li> </ul> <p>Observation on 3/18/19 at 11:22am revealed:</p> <ul style="list-style-type: none"> <li>- the restaurant was located off a busy 6 lane highway</li> <li>- one of the 6 lane highway was under construction</li> <li>- the speed limit was 45 miles per hour</li> <li>- the restaurant was located near 2 other restaurants</li> </ul> <p>During interview on 3/11/19 client #1, #4 &amp; #5 was not able to recall the 1/11/19 incident</p> <p>During interview on 3/11/19 client #2 reported:</p> <ul style="list-style-type: none"> <li>- he recalled some of the 1/11/19 incident</li> </ul>	V 290		

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V 290	<p>Continued From page 5</p> <ul style="list-style-type: none"> <li>- his group home and another group home went on an outing</li> <li>- they stopped at a restaurant</li> <li>- he recalled the Licensee's went in the restaurant but was not sure why...he thought to use the bathroom</li> <li>- the clients stayed on the van</li> <li>- client #3 got off the van</li> <li>- he was not sure which way client #3 went</li> <li>- he was not sure the time of the day</li> <li>- he could not recall anything else on 1/11/19</li> </ul> <p>During interview on 3/11/19 client #A5 reported:</p> <ul style="list-style-type: none"> <li>- Licensee #2 ordered food from a restaurant around 5:05pm</li> <li>- Licensee #1, #2 &amp; the guys from two sister facilities went to pick up the food</li> <li>- he (client #A5) walked to another restaurant</li> <li>- Licensee #1 &amp; #2 went in the restaurant to get food</li> <li>- when they got back to the van, client #3 was gone</li> </ul> <p>During interview on 3/11/19 client #3 reported:</p> <ul style="list-style-type: none"> <li>- he recalled the 1/11/19 incident</li> <li>- he went to his home town with the Licensees'</li> <li>- the Licensees' was inside the restaurant</li> <li>- he got off the van and walked to his mother's house</li> <li>- he did not tell anybody where he was going</li> <li>- it was not a long walk</li> <li>- he knew how to stay out the way of traffic</li> <li>- he stayed one night at his mother's home and had one 40 ounce beer</li> </ul> <p>During interview on 3/11/19 client #3's guardian reported:</p> <ul style="list-style-type: none"> <li>- she was aware of the 1/11/19 incident</li> <li>- client #3 was in the area his mom lived</li> <li>- he wanted to see his mother</li> </ul>	V 290		

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V 290	<p>Continued From page 6</p> <ul style="list-style-type: none"> <li>- he saw somebody he knew at the restaurant and left with them</li> <li>- his mother resides 3 minutes from the restaurant</li> <li>- he would have to cross the 6 lane highway to get to his mother's home</li> <li>- when asked about concerns of crossing the highway, she responded "he was able to make it to his mom's house"</li> <li>- client #3 was mild mannered...he does not raise his voice...he's not talkative...</li> <li>- he has not been any trouble since his release from prison</li> <li>- client #3 could hear</li> <li>- she had no supervision concerns of the facility</li> <li>- she has placed other clients at their facilities and there was no issues</li> </ul> <p>During interview on 3/11/19 &amp; 3/18/19 Licensee #1 reported:</p> <ul style="list-style-type: none"> <li>- Licensee #2 wanted something to eat at this restaurant</li> <li>- she went to the bathroom in the restaurant</li> <li>- she was in the bathroom approximately 5-10 minutes</li> <li>- all the clients were left on the van</li> <li>- when she returned to the van, client #3 was gone</li> <li>- the clients were not aware of client #3's whereabouts</li> <li>- they went to client #3's grandmother's home..."she seemed to have signs of dementia"</li> <li>- they went to a cousin's home</li> <li>- she reached out to family on social media and was able to locate client #3</li> <li>- later found out he left with a family member he saw in the drive thru line at the restaurant</li> <li>- the family member took him to his mother's house</li> </ul>	V 290		

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V 290	<p>Continued From page 7</p> <ul style="list-style-type: none"> <li>- if he walked to his mother's home he would have to cross the busy highway</li> <li>- she was not sure of the speed limit</li> <li>- she would not walk across the busy highway...</li> <li>- in the future clients will be supervised at all times</li> </ul> <p>During interview on 3/11/19 &amp; 3/18/19 Licensee #2 reported:</p> <ul style="list-style-type: none"> <li>- he had a taste for some food at this restaurant</li> <li>- he &amp; Licensee #1 went into the restaurant to get them a plate</li> <li>- the clients stayed on the van</li> <li>- this was not the first of the month, so this was not an outing</li> <li>- the clients did not have any money to go to the different restaurant</li> <li>- the clients liked to ride out so he took clients from both sister facilities (approximately 8-10 males)</li> <li>- the restaurant was busy so they were in the restaurant approximately 15 minutes</li> <li>- he does not recall given permission to any clients to get off the van</li> <li>- when he and Licensee #1 returned to the van, client #3 was not there</li> <li>- they waited a few minutes to see if client #3 went to the bathroom but he did not return to the van</li> <li>- they checked all three restaurants in the local area and he was not there</li> <li>- he left Licensee #1 at the restaurant in case client #3 returned to the restaurant</li> <li>- he rode around the block to look for client #3</li> <li>- he was not able to locate him</li> <li>- Licensee #1 was able to locate client #3 through social media</li> <li>- client #3 said he walked to a friend's house 2</li> </ul>	V 290		

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V 290	<p>Continued From page 8</p> <p>blocks away</p> <ul style="list-style-type: none"> <li>- the friend took him to his mother's home</li> <li>- the highway in front of the restaurant was dangerous due to traffic</li> <li>- he was aware of client #3's criminal history...there was no problems with him at the facility</li> <li>- this was the first time he had eloped</li> <li>- until all clients have been reassessed, clients will be supervised by staff at all times</li> </ul> <p>Review on 3/20/19 of a Plan of Protection written by Licensee #2 revealed: "accessments for all consumers will be reevaluated immediately. Until accessments are complete consumers shall not be permitted to be in the home or community without staff supervision. [Chief Financial Officer] shall ensure that the above policy is followed"</p> <p>Client #3 was admitted to the facility in 2016 with diagnoses of Mild Intellectual Disability; Schizophrenia &amp; Hearing Disability. Based on a physician's note client #3 has repeatedly refused a hearing evaluation due to "hearing deficit limits." Prior to being admitted to the facility he was incarcerated 11 years for robbery with a dangerous weapon. On 1/11/19 Licensee #2 had a taste for some food at a restaurant approximately 58 minutes from the facility. Licensee #1 &amp; #2 took clients from 2 different facilities (approximately 8 - 10 clients) with them to get the food. The restaurant was located on a busy 6 lane highway and in the hometown of client #3. A police report revealed the group split-up as they often do and allowed the males to attend the restaurants of their choice. However, the Licensees' reported all clients remained on the van, while they (Licensee #1 &amp; #2) went into the restaurant to get them (Licensee #1 &amp; #2) some food and use the bathroom. It was not the</p>	V 290		

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V 290	Continued From page 9  first of the month so the clients did not have any money to purchase any food. The clients went just for the ride. Based on the Licensees' only 2 of the 10 clients had unsupervised time in the community which did not include client #3. When they returned client #3 was not on the van. Client #3 said he walked to his mother's home to visit her. He had one 40 ounce beer while he was there. Bing maps revealed walking distance from the restaurant to client #3's mother's home was approximately 16 minutes. The Licensees' reported client #3 had to cross a busy 6 lane highway to get to his mother's home. A silver alert was put in place and client #3 was located the next day (1/12/19). This deficiency constitutes a Type B rule violation which is detrimental to the health, safety or welfare of the clients. If the violation is not corrected within 45 days, an administrative penalty of \$200.00 per day will be imposed for each day the facility is out of compliance beyond the 45th day.	V 290		