

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: MHL092-941	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED 07/19/2019
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NAME OF PROVIDER OR SUPPLIER ABSOLUTE HOME-WILSHIRE DRIVE	STREET ADDRESS, CITY, STATE, ZIP CODE 1002 WILSHIRE DRIVE CARY, NC 27511
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V 000	<p>INITIAL COMMENTS</p> <p>An Annual and Complaint Survey was completed on 07/19/19. The complaint was unsubstantiated (Intake #NC00152505). 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 110	<p>27G .0204 Training/Supervision Paraprofessionals</p> <p>10A NCAC 27G .0204 COMPETENCIES AND SUPERVISION OF PARAPROFESSIONALS</p> <p>(a) There shall be no privileging requirements for paraprofessionals.</p> <p>(b) Paraprofessionals shall be supervised by an associate professional or by a qualified professional as specified in Rule .0104 of this Subchapter.</p> <p>(c) Paraprofessionals shall demonstrate knowledge, skills and abilities required by the population served.</p> <p>(d) At such time as a competency-based employment system is established by rulemaking, then qualified professionals and associate professionals shall demonstrate competence.</p> <p>(e) Competence shall be demonstrated by exhibiting core skills including:</p> <ol style="list-style-type: none"> (1) technical knowledge; (2) cultural awareness; (3) analytical skills; (4) decision-making; (5) interpersonal skills; (6) communication skills; and (7) clinical skills. <p>(f) The governing body for each facility shall develop and implement policies and procedures for the initiation of the individualized supervision plan upon hiring each paraprofessional.</p>	V 110		

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

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V 110	<p>Continued From page 1</p> <p>This Rule is not met as evidenced by: Based on observation, record review and interview, one of two audited paraprofessional staff (#1) failed to demonstrate knowledge skills and abilities required by the population served. The findings are:</p> <p>Review on 07/19/19 of staff #1's record revealed: -Rehired: February 2019</p> <p>Observation on 06/28/19 between 12:30-3:38 PM revealed: -No staff at the group home. -Client #4 and client #5 where at home.</p> <p>During interview on 06/28/19, client #4 reported staff #1: -Was on duty and had taken other clients to appointments -Had been gone an estimated hour prior to the Division of Health Service Regulation (DHSR) arrival -Left a phone number with client #5...</p> <p>Note: The phone number left by Staff #1 was provided to DHSR. Initially the phone was answered by a person who provided another number for staff #1. Several unsuccessful attempts were made to contact staff #1 via the second contact number.</p> <p>During interview on 06/28/19, staff #1 reported she was:</p>	V 110		

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V 110	<p>Continued From page 2</p> <ul style="list-style-type: none"> -At medical appointment with other clients. She left the group home around 11:15 AM -Not able to accept incoming calls on her phone. Her phone did accept text messages -In the process of getting the phone matter resolved with the phone company <p>During interview on 07/03/19, the Qualified Professional reported she:</p> <ul style="list-style-type: none"> -Wondered why the clients did not contact her directly when no one could obtain a response from staff #1 -Was not aware of issues with staff #1's phone related to incoming calls -Staff should have provided accurate phone contact for clients or at least made management aware of the issue with the telephone <p>Note: Several unsuccessful attempts via phone and text messages were made to contact the Licensee and Qualified Professional between 12:30-2:00 PM. After 2:00 PM, the Qualified Professional responded she was unavaliable but returned the call within a 30 minute time frame.</p>	V 110		
V 118	<p>27G .0209 (C) Medication Requirements</p> <p>10A NCAC 27G .0209 MEDICATION REQUIREMENTS</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</p>	V 118		

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V 118	<p>Continued From page 3</p> <p>unlicensed persons trained by a registered nurse, pharmacist or other legally qualified person and privileged to prepare and administer medications. (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: (A) client's name; (B) name, strength, and quantity of the drug; (C) instructions for administering the drug; (D) date and time the drug is administered; and (E) name or initials of person administering the drug. (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> <p>This Rule is not met as evidenced by: Based on observation, record review and interview, the facility failed to assure medications were administered as prescribed by the physician, medications were self-administered on written authorization of physician and the MAR was current. This affected two of three clients (#4 and #6). The findings are:</p> <p>I. Review on 07/03/19 of client #4's record revealed: -Admitted prior to October 2018 -Diagnoses included Schizophrenia, Hypertension, Anxiety and Hyperthyroidism -Physician's order dated 04/12/19 listed Methimazole 10 mg (used to treat Hyperthyroidism) one tablet three times a day</p>	V 118		

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V 118	<p>Continued From page 4</p> <ul style="list-style-type: none"> -June 28, 2019 MAR Methimazole initialed by staff #1 as given at 2:00 PM -No documentation of physician's order for client #4 to self administer medications <p>A. Observation on 06/28/19 between 12:30-3:38 PM revealed:</p> <ul style="list-style-type: none"> -No staff at the group home. -Client #4 and a peer where at home. <p>During interview on 06/28/19, client #4 indicated it was 2:00 PM and she needed to excuse herself and take her medication. She indicated she took her thyroid medication and two antacid pills. Staff left the medication inside a dispenser on the counter.</p> <p>B. Observation 07/15/19 at 1:30PM of client #4 at her day program. In her pant pocket was three pills inside a dispenser.</p> <p>During interview on 07/15/19, client #4 reported:</p> <ul style="list-style-type: none"> -The medication in her pocket was given to her by staff #1 because staff would not be home when she arrived from the day program due to appointments for peers -The medication was for her Thyroid and she had surgery in May 2019. <p>During interview on 07/16/19, staff #1 reported:</p> <ul style="list-style-type: none"> -None of the clients self administered medications except client #6 -Client #4 was given medication when staff would not be at home to administer the medication. -She was not aware clients needed a physician's order to self administer medications <p>During interview on 07/19/19, the Qualified Professional reported:</p>	V 118		

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V 118	<p>Continued From page 5</p> <ul style="list-style-type: none"> -Prior to this interview, she was not aware client #4 self administered medications <p>II. Review on 06/28/19 of client #6's record revealed:</p> <ul style="list-style-type: none"> -Admitted 04/06/19 from another group home managed by the company -Diagnoses included Depression, Brain Injury, Hyperlipidemia, Depression and Memory Impairment -May and June 2019 MAR listed a multivitamin once a day initialed by the group home staff -No physician's order for the multivitamin <p>Observation on 07/03/19 at 2:00 PM of facility's medications revealed no medications for client #6 and no July 2019 MAR</p> <p>During interview on 07/01/19, staff #1 reported client #6:</p> <ul style="list-style-type: none"> -Volunteered daily at a local hospital and utilized public transportation, therefore she left the group home early in the morning and returned after 6 PM -Kept her medications in her bedroom as she self administered medications <p>A. During interview on 07/03/19, staff #1 reported:</p> <ul style="list-style-type: none"> -Client #6 did not have a July 2019 MAR because staff forgot to make copies of the MAR from the previous group home when client #6 transferred in April. <p>During interview on 07/19/19, the Qualified Professional reported:</p> <ul style="list-style-type: none"> -She was not aware client #6 did not have a July 2019 MAR that indicated medications had been administered -All clients should have a MAR that's initialed 	V 118		

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V 118	Continued From page 6 when medications were administered B. During interview on 07/03/19, staff #1 reported: -Client #6 self administered medications -She was not sure where to locate client #6's physician orders During interview on 07/19/19, the Qualified Professional reported: -Client #6 had self administered her medications for years. -The physician's orders to self administer could not be located in client #6's record. - The physician would need to sign another authorization for client #6 to self administrator medication.	V 118		
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 7 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 8</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 9</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 10</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 11</p> <p>This Rule is not met as evidenced by: Based on record review and interview, the facility failed to complete a statewide criminal background check within seven days of employment for one of two staff (#1) The findings are:</p> <p>Review on 07/17/19 of staff #1's personnel record revealed: -Rehired date: February 2019</p> <p>During interview on 07/17/19, the Qualified Professional reported: -She was not aware until recently, a criminal record check was not completed when staff #1 was rehired</p>	V 133		