



January 15, 2020

Kim Goff
Mental Health and Licensure and Certification Section
NC Division of Health Service Regulation
2718 Mail Service Center
Raleigh, NC 27699-2718

RE: Annual Survey Completed January 6, 2020
LIFESPAN Graham, 601 N Graham St., Charlotte, NC 28202
MHL# 060-1360

Dear Ms. Goff,

Attached, please find the Plan of Correction for LIFESPAN Graham Street location. If you have any questions or need further information, please feel free to contact me at 704-944-5100 ext. 5114 or at jboles@lifespanservices.org.

Regards,

Jessica Boles
Compliance Specialist
LIFESPAN
704-944-5100 ext. 514
jboles@lifespanservices.org

DHSR - Mental Health

JAN 22 2020

Lic. & Cert. Section

1511 Shopton Road, Suite A • Charlotte, NC 28217-3240 | 704.944.5100 • 704.944.5102

lifespanservices.org

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Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: MHL060-643	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING: _____	(X3) DATE SURVEY COMPLETED R 01/06/2020
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NAME OF PROVIDER OR SUPPLIER LIFESPAN GRAHAM	STREET ADDRESS, CITY, STATE, ZIP CODE 601 NORTH GRAHAM STREET CHARLOTTE, NC 28202
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V 000	INITIAL COMMENTS An annual, complaint and follow up survey was completed on 1/6/2020. The complaint was unsubstantiated (intake #NC00158124). Deficiencies were cited. This facility is licensed for the following service category: 10A NCAC 27G .5400 Day Activity for Individuals of All Disability Groups.	V 000	DHSR - Mental Health JAN 22 2020 Lic. & Cert. Section	
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 section. Except as otherwise provided in this	V 133	HR will randomly select personnel files to coincide with our current random schedule to verify that a statewide criminal check was processed within the randomly selected employee dates of employment. These random checks will occur during the months of January 2020; April 2020; July 2020 and October 2020. If it is discovered at that time that a statewide criminal check had not been processed due to their date of hire, a statewide check will be processed immediately. This statewide audit will be completed by November 1, 2020. This process will be monitored by the Chief Human Resources Officer quarterly through November 2020.	Implemented by January 31 and will be ongoing through November 2020

Division of Health Service Regulation
LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE

[Signature] BSN, QP

TITLE

Compliance Specialist

(X6) DATE

1/15/20

STATE FORM

6899

84NW11

If continuation sheet 1 of 8

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V 133	Continued From page 1 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 (c) of this section. For purposes of this	V 133		

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V 133	<p>Continued From page 2</p> <p>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 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"> (1) The failure of the provider to employ an individual on the basis of information provided in 	V 133		

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V 133	Continued From page 3 the criminal history record check of the individual. (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. (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, Protection of the Family; Article 59, Public	V 133		

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V 133	<p>Continued From page 4</p> <p>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 review and interviews, the facility failed to request the required criminal</p>	V 133			

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V 133	Continued From page 5 history record check within five business days of making the conditional offer of employment for 1 of 6 staff (#5). The findings are: Review on 12/27/19 of Staff #5's personnel record revealed: - date of hire: 9/12/97; - job title: Community Enrichment Specialist; - documentation of local County arrest history from 1997; - no documentation of the required criminal records check present in the record. Interview on 12/27/19 of Staff #5 revealed she has been employed with the facility for the last 23 years. Interview on 12/27/19 with the Chief Human Resource Officer revealed: - no State Criminal Records Check was completed on Staff #5; - Staff #5 was never included in Lifespan's random criminal record checks; - there was an updated Motor Vehicle Registration check.	V 133		
V 752	27G .0304(b)(4) Hot Water Temperatures 10A NCAC 27G .0304 FACILITY DESIGN AND EQUIPMENT (b) Safety: Each facility shall be designed, constructed and equipped in a manner that ensures the physical safety of clients, staff and visitors. (4) In areas of the facility where clients are exposed to hot water, the temperature of the water shall be maintained between 100-116 degrees Fahrenheit.	V 752	The hot water heater will be repaired no later than January 31, 2020. Moving forward program management at the Graham Street location will check the water temperatures monthly utilizing the newly implemented Water Temperature Log. Program Management will ensure that the water temperature remains in the 100 degree to 116 degree range. If at any time the water is outside of the required range, a work order will be submitted for repair. The Compliance Specialist will check the Hot Water Log quarterly to ensure that this is being implemented correctly.	This will be implemented by January 31 and will be ongoing.

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V 752	<p>Continued From page 6</p> <p>This Rule is not met as evidenced by: Based on interviews and observations, the facility failed to ensure in areas of the facility where clients were exposed to hot water, the temperature of the water was maintained between 100-116 degrees Fahrenheit. The findings are:</p> <p>Observation on 12/27/19 at 1:05pm revealed:</p> <ul style="list-style-type: none"> - temperature of water from sink outside of bathroom located in classroom #1 was 70 degrees; - temperature of water from sink outside bathroom located in classroom #2 was 60 degrees; - temperature of water from sink outside bathroom located in classroom #3 was 50 degrees; - temperature of water from sink outside bathroom located in classroom #4 was 50 degrees; - temperature of water from sink outside bathroom located in classroom #5 was 58 degrees; - temperature of water from sink outside bathroom located in classroom #6 was 58 degrees; - temperature of water from sink outside bathroom located in classroom #7 was 58 degrees; - containers of hand sanitizer were located in each classroom. <p>Interview 12/27/19 and 1/6/20 with Program Coordinator #2 revealed:</p> <ul style="list-style-type: none"> - the water temperatures are "kept at luke warm"; - she was unaware of the required hot water temperature regulation; - the maintenance man has ordered a part to 	V 752			

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NAME OF PROVIDER OR SUPPLIER

STREET ADDRESS, CITY, STATE, ZIP CODE

LIFESPAN GRAHAM

**601 NORTH GRAHAM STREET
CHARLOTTE, NC 28202**

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V 752	Continued From page 7 replace the regulator that has burnt out; - "will add hot water temperature checks to the Health and Safety monthly check."	V 752		