

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: MHL047-131	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED 01/15/2020
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NAME OF PROVIDER OR SUPPLIER HOPE GARDENS TREATMENT CENTER	STREET ADDRESS, CITY, STATE, ZIP CODE 1958 TURNPIKE ROAD RAEFORD, NC 28376
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V 000	<p>INITIAL COMMENTS</p> <p>An annual, complaint and follow-up survey was completed on January 15, 2020. The complaint was substantiated (intake #NC00159041). Deficiencies were cited.</p> <p>This facility is licensed for the following service category: 10A NCAC 27G .1900 Psychiatric Residential Treatment for Children and Adolescents.</p>	V 000		
V 364	<p>G.S. 122C- 62 Additional Rights in 24 Hour Facilities</p> <p>§ 122C-62. Additional Rights in 24-Hour Facilities.</p> <p>(a) In addition to the rights enumerated in G.S. 122C-51 through G.S. 122C-61, each adult client who is receiving treatment or habilitation in a 24-hour facility keeps the right to:</p> <p>(1) Send and receive sealed mail and have access to writing material, postage, and staff assistance when necessary;</p> <p>(2) Contact and consult with, at his own expense and at no cost to the facility, legal counsel, private physicians, and private mental health, developmental disabilities, or substance abuse professionals of his choice; and</p> <p>(3) Contact and consult with a client advocate if there is a client advocate.</p> <p>The rights specified in this subsection may not be restricted by the facility and each adult client may exercise these rights at all reasonable times.</p> <p>(b) Except as provided in subsections (e) and (h) of this section, each adult client who is receiving treatment or habilitation in a 24-hour facility at all times keeps the right to:</p> <p>(1) Make and receive confidential telephone calls. All long distance calls shall be paid for by the client at the time of making the call or made</p>	V 364		

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

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V 364	<p>Continued From page 1</p> <p>collect to the receiving party;</p> <p>(2) Receive visitors between the hours of 8:00 a.m. and 9:00 p.m. for a period of at least six hours daily, two hours of which shall be after 6:00 p.m.; however visiting shall not take precedence over therapies;</p> <p>(3) Communicate and meet under appropriate supervision with individuals of his own choice upon the consent of the individuals;</p> <p>(4) Make visits outside the custody of the facility unless:</p> <p>a. Commitment proceedings were initiated as the result of the client's being charged with a violent crime, including a crime involving an assault with a deadly weapon, and the respondent was found not guilty by reason of insanity or incapable of proceeding;</p> <p>b. The client was voluntarily admitted or committed to the facility while under order of commitment to a correctional facility of the Division of Adult Correction of the Department of Public Safety; or</p> <p>c. The client is being held to determine capacity to proceed pursuant to G.S. 15A-1002; A court order may expressly authorize visits otherwise prohibited by the existence of the conditions prescribed by this subdivision;</p> <p>(5) Be out of doors daily and have access to facilities and equipment for physical exercise several times a week;</p> <p>(6) Except as prohibited by law, keep and use personal clothing and possessions, unless the client is being held to determine capacity to proceed pursuant to G.S. 15A-1002;</p> <p>(7) Participate in religious worship;</p> <p>(8) Keep and spend a reasonable sum of his own money;</p> <p>(9) Retain a driver's license, unless otherwise prohibited by Chapter 20 of the General Statutes;</p>	V 364		

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V 364	<p>Continued From page 2</p> <p>and</p> <p>(10) Have access to individual storage space for his private use.</p> <p>(c) In addition to the rights enumerated in G.S. 122C-51 through G.S. 122C-57 and G.S. 122C-59 through G.S. 122C-61, each minor client who is receiving treatment or habilitation in a 24-hour facility has the right to have access to proper adult supervision and guidance. In recognition of the minor's status as a developing individual, the minor shall be provided opportunities to enable him to mature physically, emotionally, intellectually, socially, and vocationally. In view of the physical, emotional, and intellectual immaturity of the minor, the 24-hour facility shall provide appropriate structure, supervision and control consistent with the rights given to the minor pursuant to this Part. The facility shall also, where practical, make reasonable efforts to ensure that each minor client receives treatment apart and separate from adult clients unless the treatment needs of the minor client dictate otherwise.</p> <p>Each minor client who is receiving treatment or habilitation from a 24-hour facility has the right to:</p> <p>(1) Communicate and consult with his parents or guardian or the agency or individual having legal custody of him;</p> <p>(2) Contact and consult with, at his own expense or that of his legally responsible person and at no cost to the facility, legal counsel, private physicians, private mental health, developmental disabilities, or substance abuse professionals, of his or his legally responsible person's choice; and</p> <p>(3) Contact and consult with a client advocate, if there is a client advocate.</p> <p>The rights specified in this subsection may not be restricted by the facility and each minor client may exercise these rights at all reasonable times.</p>	V 364		

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V 364	<p>Continued From page 3</p> <p>(d) Except as provided in subsections (e) and (h) of this section, each minor client who is receiving treatment or habilitation in a 24-hour facility has the right to:</p> <p>(1) Make and receive telephone calls. All long distance calls shall be paid for by the client at the time of making the call or made collect to the receiving party;</p> <p>(2) Send and receive mail and have access to writing materials, postage, and staff assistance when necessary;</p> <p>(3) Under appropriate supervision, receive visitors between the hours of 8:00 a.m. and 9:00 p.m. for a period of at least six hours daily, two hours of which shall be after 6:00 p.m.; however visiting shall not take precedence over school or therapies;</p> <p>(4) Receive special education and vocational training in accordance with federal and State law;</p> <p>(5) Be out of doors daily and participate in play, recreation, and physical exercise on a regular basis in accordance with his needs;</p> <p>(6) Except as prohibited by law, keep and use personal clothing and possessions under appropriate supervision, unless the client is being held to determine capacity to proceed pursuant to G.S. 15A-1002;</p> <p>(7) Participate in religious worship;</p> <p>(8) Have access to individual storage space for the safekeeping of personal belongings;</p> <p>(9) Have access to and spend a reasonable sum of his own money; and</p> <p>(10) Retain a driver's license, unless otherwise prohibited by Chapter 20 of the General Statutes.</p> <p>(e) No right enumerated in subsections (b) or (d) of this section may be limited or restricted except by the qualified professional responsible for the formulation of the client's treatment or habilitation plan. A written statement shall be placed in the</p>	V 364		

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V 364	<p>Continued From page 4</p> <p>client's record that indicates the detailed reason for the restriction. The restriction shall be reasonable and related to the client's treatment or habilitation needs. A restriction is effective for a period not to exceed 30 days. An evaluation of each restriction shall be conducted by the qualified professional at least every seven days, at which time the restriction may be removed. Each evaluation of a restriction shall be documented in the client's record. Restrictions on rights may be renewed only by a written statement entered by the qualified professional in the client's record that states the reason for the renewal of the restriction. In the case of an adult client who has not been adjudicated incompetent, in each instance of an initial restriction or renewal of a restriction of rights, an individual designated by the client shall, upon the consent of the client, be notified of the restriction and of the reason for it. In the case of a minor client or an incompetent adult client, the legally responsible person shall be notified of each instance of an initial restriction or renewal of a restriction of rights and of the reason for it. Notification of the designated individual or legally responsible person shall be documented in writing in the client's record.</p> <p>This Rule is not met as evidenced by: Based on interview, and observation, the facility failed to: a) Ensure clients were allowed to keep and use personal clothing under appropriate supervision affecting 3 of 3 clients (Clients #1, #2, and #3) and b). Ensure that clients have the opportunity to make and receive confidential telephone calls affecting 3 of 3 clients (Clients #1, #2, and #3). The findings are:</p>	V 364		
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V 364	<p>Continued From page 5</p> <p>Review on 1/15/20 of Client #1's record revealed: -Admission date of 4/26/19. -Diagnoses of Unspecified Bipolar and Related Disorder; Conduct Disorder, Childhood Onset Type; Attention Deficit Disorder, Combined Presentation (per history). -Current treatment plan dated 12/9/19 does not indicate the removal or refrain from using personal clothing.</p> <p>Review on 1/15/20 of Client #2's record revealed: -Admission date of 11/20/19. -Diagnoses of Conduct Disorder, Childhood Onset Type; Unspecified Bipolar and Related Disorder; Attention Deficit Disorder, Combined; Cannabis Use Disorder; Child Neglect (per history); Post Traumatic Stress Disorder. -Current treatment plan dated 12/3/19 does not indicate the removal or refrain from using personal clothing.</p> <p>Review on 1/15/20 of Client #3's record revealed: -Admission date of 6/11/19. -Diagnoses of Conduct Disorder, Childhood Onset Type; Post Traumatic Stress Disorder; Cannabis Use Disorder, Severe; Alcohol Use Disorder; Child Physical Abuse. -Current treatment plan dated 12/9/19 does not indicate the removal or refrain from using personal clothing.</p> <p>Review on 1/15/20 of the facility's website under the "FAQ" section revealed: -"Q- What items do I need to bring for my child on the day of admission?" -"A -The facility provides uniform clothing, underwear, slippers and hygiene items." -"Q: Are residents allowed to make and receive phone calls?"</p>	V 364		

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V 364	<p>Continued From page 6</p> <p>-"A: Yes. Communication with our residents is encouraged. You will be provided with a phone call schedule shortly after admission to ensure each resident has an opportunity to call loved ones."</p> <p>Interview on 1/15/20 with Client #1 revealed: -He had to wear uniforms during education time. -He was allowed to change into his regular clothes after education time. -He was only able to call his family on certain days of the week and at certain times.</p> <p>Interview on 1/15/20 with Client #2 revealed: -He had to wear uniforms during education time. -He was allowed to change into his regular clothes after education time. -He was only able to call his family on certain days of the week and at certain times.</p> <p>Interview on 1/15/20 with Client #3 revealed: -He had to wear uniforms during education time. -He was only allowed to change into his regular clothes after education time twice a week. -Council had voted for Juniors to be able to use their regular cloths on Mondays and Wednesdays. -Council had voted for Seniors to wear their regular cloths on Tuesdays and Fridays. -Council was made up by the students. -He was only able to call his family on certain days of the week and at certain times. -He believed that it was fair for people to have a set scheduled time to call their families as otherwise, they would be on the phone all the time.</p> <p>Observation on 1/15/20 at approximately 11:40 AM of the facility revealed: -All students were wearing uniforms.</p>	V 364		

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V 364	<p>Continued From page 7</p> <ul style="list-style-type: none"> -All students were wearing a dark green polo shirt with the facility emblem. -All students were wearing khaki pants. <p>Interview on 1/15/20 with the Team Leader revealed:</p> <ul style="list-style-type: none"> -All students worn their uniforms during education time. -Students were able to change into their regular clothes afterwards. -Changes had been made recently at the facility after a person from Disability Rights had come and explained the general statutes regarding client rights in a 24 hour facility. -Some of the students may had still be thinking about the old rules. -Students were able to use their regular clothes for education, but they would not earn points for that day. -If a student really needed to use the phone, they were allowed by the staff at any time. 	V 364		