

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: MHL092-958	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED C 06/22/2020
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NAME OF PROVIDER OR SUPPLIER DIVINE SUPPORTIVE HOMES	STREET ADDRESS, CITY, STATE, ZIP CODE 3905 MARSH CREEK ROAD RALEIGH, NC 27604
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V 000	<p>INITIAL COMMENTS</p> <p>A complaint survey was completed on 06-22-20. The complaint was unsubstantiated Intake #NC00165932. Deficiencies were cited.</p> <p>This facility is licensed for the following service category: 10A NCAC 27 G.5600A Supervised Living for Adults with Mental Illness.</p>	V 000		
V 132	<p>G.S. 131E-256(G) HCPR-Notification, Allegations, & Protection</p> <p>G.S. §131E-256 HEALTH CARE PERSONNEL REGISTRY (g) Health care facilities shall ensure that the Department is notified of all allegations against health care personnel, including injuries of unknown source, which appear to be related to any act listed in subdivision (a)(1) of this section. (which includes:</p> <p>a. Neglect or abuse of a resident in a healthcare facility or a person to whom home care services as defined by G.S. 131E-136 or hospice services as defined by G.S. 131E-201 are being provided.</p> <p>b. Misappropriation of the property of a resident in a health care facility, as defined in subsection (b) of this section including places where home care services as defined by G.S. 131E-136 or hospice services as defined by G.S. 131E-201 are being provided.</p> <p>c. Misappropriation of the property of a healthcare facility.</p> <p>d. Diversion of drugs belonging to a health care facility or to a patient or client.</p> <p>e. Fraud against a health care facility or against a patient or client for whom the employee is providing services).</p> <p>Facilities must have evidence that all alleged acts are investigated and must make every effort to protect residents from harm while the</p>	V 132		

Division of Health Service Regulation
LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE _____ TITLE _____ (X6) DATE _____

Division of Health Service Regulation

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V 132	<p>Continued From page 1</p> <p>investigation is in progress. The results of all investigations must be reported to the Department within five working days of the initial notification to the Department.</p> <p>This Rule is not met as evidenced by: Based on record review and interview the facility failed to notify the Health Care Personnel Registry of allegations of abuse for one of one staff (staff #1). The findings are:</p> <p>Review on 6/17/20 of the North Carolina Incident Response Improvement System (IRIS) revealed there was no level II incident report completed regarding an allegation of abuse by staff #1.</p> <p>During interview on 6/17/20 client #1's Guardian stated: -He had been contacted in early June by Adult Protective Services (APS) worker. -The worker stated she was completing an investigation regarding client #1 stating that staff #1 had "choked" him. -The licensee was not aware of the allegations prior to the APS worker arriving to the home.</p> <p>During interview on 6/17/20 The Licensee stated: -He as at the home one afternoon when an APS worker showed up to investigate a</p>	V 132		

Division of Health Service Regulation

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V 132	<p>Continued From page 2</p> <p>complaint.</p> <ul style="list-style-type: none"> -The APS worker stated they had received a complaint that staff #1 had "choked" client #1. -He cooperated with the APS worker while she conducted her interviews and provided her with all requested paperwork. -He contacted his Qualified Professional (QP) to inform him of the allegations and request guidance on moving forward. -The QP told him to do an investigation that included interviewing all clients and staff. -The QP told him to document the investigation. -He stated he interviewed all clients and staff and did not find the allegations to be true. -He did not complete the IRIS report or notify HCPR of the allegation. -"I was not aware the report needed to be done." <p>Review on 6/18/20 of Fax received from the Licensee dated 5/29/20 revealed documentation of his interviews with clients and staff.</p> <p>During interview on 6/18/20 The QP stated:</p> <ul style="list-style-type: none"> -The Licensee had contacted him a few weeks ago to inform him of APS out to investigate allegations of abuse regarding staff #1. -Instructed the licensee to complete an investigation and document it. -He also went out and interviewed the clients and staff. -They determined the allegations were false and did not occur. -Did not complete IRIS report or notify HCPR. -Not aware that had to be done since the allegations were not true. 	V 132		

Division of Health Service Regulation

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V 364	Continued From page 3	V 364		
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 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</p>	V 364		

Division of Health Service Regulation

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V 364	<p>Continued From page 4</p> <p>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; 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</p>	V 364		

Division of Health Service Regulation

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V 364	<p>Continued From page 5</p> <p>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> <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</p>	V 364		

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V 364	<p>Continued From page 6</p> <p>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 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</p>	V 364		

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V 364	<p>Continued From page 7</p> <p>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 interviews the facility failed to ensure one of six clients (#1) was able to make phone calls. The findings are:</p> <p>During interview on 6/17/20 Client #1 stated: -He is not allowed to call his brother. -His brother/pastor can call him. -Staff #1 will not let him make phone calls to his brother or pastor when he wants.</p> <p>During interview on 6/17/20 Staff #1 stated: -Client #1 is allowed to receive telephone calls from his brother/pastor but not allowed to call them. -Client #1's mother told him to not allow client #1 to call his brother/pastor. -Client #1 will act out after he speaks with his</p>	V 364		

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V 364	<p>Continued From page 8</p> <p>brother/pastor because he wants to move to another state to live with his brother.</p> <ul style="list-style-type: none"> -Client #1's guardian is supposed to speak with the brother and encourage him to stop calling him. <p>During interview on 6/17/20 Client #1's Guardian stated:</p> <ul style="list-style-type: none"> -Had been having issues for several months with client #1 wanting to move to Virginia with his brother. -Client #1's brother can not be a placement resource due to his recent criminal behavior/history. -Client #1 had petitioned the court by himself to be his own guardian. -Felt client #1 was pushed to do so by his brother so he could move in with him. -The judge denied the guardianship and now client #1 is really upset. -Had planned to contact the brother and pastor to speak with them about getting client #1 upset when they call. -Was going to take this situation before their client rights committee to see if they could stop the phone calls to and from the brother/pastor due to increasing behaviors that occur from it. -Aware that client #1 is still making and receiving telephone calls to brother/pastor. <p>During interview on 6/17/20 The Licensee stated:</p> <ul style="list-style-type: none"> -All clients can make and receive telephone calls. -Client #1 has been receiving phone calls from a brother and pastor who are suggesting he leave the facility. -After client #1 speaks with his brother/pastor he exhibits behaviors as a result of not being able to move with them. -Client #1's mother had requested they 	V 364		

Division of Health Service Regulation

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V 364	Continued From page 9 prohibit client #1 from speaking with his brother/pastor. -Client #1's legal guardian had also suggested contacting the brother/pastor to let them know to limit their contact or not at all. -Never prohibited client #1 from making or receiving phone calls.	V 364		