

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: MHL092-563	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED 09/20/2019
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NAME OF PROVIDER OR SUPPLIER NEW BEGINNINGS HEALTH CARE	STREET ADDRESS, CITY, STATE, ZIP CODE 5309 KYLE DRIVE RALEIGH, NC 27616
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V 000	<p>INITIAL COMMENTS</p> <p>An Annual and Complaint Survey was completed 09/20/19. One complaint was substantiated (Intake #NC00154836); the second complaint (Intake #NC00155608) was unsubstantiated . Deficiencies were cited.</p> <p>This facility is licensed for the following service category: 10A NCAC 27G .1700 Residential Treatment Level III for Adolescents</p> <p>This Statement of Deficiencies was amended on 8/19/20 20 due to a final decision from a contested case. Rule 10A NCAC 27D .0304 Protection from Harm, Abuse, Neglect or Exploitation (V512) was amended from a Type A1 to a Standard.</p>	V 000		
V 109	<p>27G .0203 Privileging/Training Professionals</p> <p>10A NCAC 27G .0203 COMPETENCIES OF QUALIFIED PROFESSIONALS AND ASSOCIATE PROFESSIONALS</p> <p>(a) There shall be no privileging requirements for qualified professionals or associate professionals.</p> <p>(b) Qualified professionals and associate professionals shall demonstrate knowledge, skills and abilities required by the population served.</p> <p>(c) At such time as a competency-based employment system is established by rulemaking, then qualified professionals and associate professionals shall demonstrate competence.</p> <p>(d) 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; 	V 109		

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

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V 109	<p>Continued From page 1</p> <p>(6) communication skills; and (7) clinical skills. (e) Qualified professionals as specified in 10A NCAC 27G .0104 (18)(a) are deemed to have met the requirements of the competency-based employment system in the State Plan for MH/DD/SAS. (f) The governing body for each facility shall develop and implement policies and procedures for the initiation of an individualized supervision plan upon hiring each associate professional. (g) The associate professional shall be supervised by a qualified professional with the population served for the period of time as specified in Rule .0104 of this Subchapter.</p> <p>This Rule is not met as evidenced by: Based on record review, video review and interview, one of two Qualified Professionals (Director/Qualified Professional #1) failed to demonstrate knowledge, skills and abilities required by the population served. The findings are:</p> <p>Review on 08/26/19 of Director/Qualified Professional (QP) #1's record revealed: -The company was established in 2004 -2018 she received a masters degree in health services administration</p> <p>Review on 08/19/19 of a "Complaint Intake and Health Care Personnel Investigations Investigation Report" dated 08/11/19 completed by the Director/QP #1 revealed:</p>	V 109		

Division of Health Service Regulation

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V 109	<p>Continued From page 2</p> <p>- On 08/06/19 around 4:12 PM, an allegation of abuse was made by client #2 against staff #12</p> <p>-Client #2 told the police that the staff (#12) pulled her by her hair, beat her up and has done this in the past."</p> <p>-Witness statements were by clients and a restrictive intervention assessment signed by staff.</p> <p>-Written statement provided by a peer from a sister facility disclosed "I recorded [Director/QP #1] conversation with [Client #2] stating that [staff #12] did not mean to pull [client #2]'s hair. And that what [client #2] had stated about [staff #12] was also wrong and it was a lie to get people to get [Client #2] out of the group home. [Client #2] has also stated that she lied countless of other times just to leave the group home to go to a hospital."</p> <p>Review on 08/19/19 of a videotape shown by the Director/QP #1 to Division of Health Service Regulation revealed:</p> <p>-Client #2 looked in the direction of a recording device. The Director/QP #1 was seated behind client #2. Client #2 noted to look upward and to the left during the recording.</p> <p>-Client #2 disclosed she was not truthful on numerous occasions including the allegation made against staff #12</p> <p>-Director/QP #1 asked client #2 questions inclusive of the following (1) from who did she learn to make false allegations, (2) why was she upset (3) what was the goal for making the false allegations</p> <p>-Director/QP #1 explained to client #2 her behaviors were patterns.</p> <p>During interview on 08/21/19, peer from the sister facility reported:</p> <p>-She videotaped client #2 using the cell phone of</p>	V 109		

Division of Health Service Regulation

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V 109	<p>Continued From page 3</p> <p>the Director/QP #1</p> <p>-The recording occurred in the TV room (converted garage area). She could not recall if other clients were in the room but recalled the House Manager being in and out of the area during the recording.</p> <p>-The recording took several tapings to assure the sound and quality of the video (her hands were not always steady)</p> <p>-At the end of the taping, she and the Director/QP #1 viewed the video</p> <p>During interview on 08/21/19, the Director/QP #1 reported:</p> <p>-"We let folks know that we record. I ask the girls if they okay with being recorded. Who does the recordings is not specific. Different staff have done recordings in the past....It could've been any other client or staff that did the recording. She didn't consider client #2 processing what happened on the video and a peer recording an issue, because Client #2 said the same thing during the first audio recording of a group session with 17 other people present.</p> <p>-She did not want it to be just her and client #2 present for the video recording.</p> <p>-The peer selected to video the discussion was selected at random to record.</p> <p>-The Home Manager was back and forth in the room during the recording.</p> <p>-She did not see any difference with client taking pictures of an activity during an outing and the video recording.</p>	V 109		
V 512	<p>27D .0304 Client Rights - Harm, Abuse, Neglect</p> <p>10A NCAC 27D .0304 PROTECTION FROM HARM, ABUSE, NEGLECT OR EXPLOITATION</p> <p>(a) Employees shall protect clients from harm,</p>	V 512		

Division of Health Service Regulation

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V 512	<p>Continued From page 4</p> <p>abuse, neglect and exploitation in accordance with G.S. 122C-66.</p> <p>(b) Employees shall not subject a client to any sort of abuse or neglect, as defined in 10A NCAC 27C .0102 of this Chapter.</p> <p>(c) Goods or services shall not be sold to or purchased from a client except through established governing body policy.</p> <p>(d) Employees shall use only that degree of force necessary to repel or secure a violent and aggressive client and which is permitted by governing body policy. The degree of force that is necessary depends upon the individual characteristics of the client (such as age, size and physical and mental health) and the degree of aggressiveness displayed by the client. Use of intervention procedures shall be compliance with Subchapter 10A NCAC 27E of this Chapter.</p> <p>(e) Any violation by an employee of Paragraphs (a) through (d) of this Rule shall be grounds for dismissal of the employee.</p> <p>This Rule is not met as evidenced by: Based on record review, video review and interview, one of five audited employees (staff #12) subjected one of four audited clients (#2) to abuse. The findings are:</p> <p>Review on 08/19/19 of staff #12's personnel record revealed: -Hired: 11/15/17 -Training in Restrictive Intervention dated 06/05/19 in Crisis Prevention Intervention -Physician's note dated 07/31/19 "absence is physician advised due to illness or injury. This certified that they have been under my medical care for this problem. Please excuse [staff #12] from work on 07/31/19 until 08/04/19. She may</p>	V 512		

Division of Health Service Regulation

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V 512	<p>Continued From page 5</p> <p>return to work on 08/05/19."</p> <p>Review on 08/19/19 of client #2's record revealed: -Admitted: 02/04/19 -Diagnoses included: Bipolar, Attention Deficient Hyperactivity Disorder, Oppositional Defiant Disorder and Post Traumatic Stress Disorder</p> <p>Review on 08/19/19 of a "Complaint Intake and Health Care Personnel Investigations Investigation Report" dated 08/11/19 completed by the Director/Qualified Professional #1 (QP#1) revealed: -On 08/06/19 around 4:12 PM, an allegation of abuse was made by client #2 against staff #12 -Client #2 told the police that the staff #12 pulled her by her hair, beat her up and has done this in the past." -Witness statements provided by clients present on 08/06/19 described that client #2 was upset because she could not go on an outing and because police were on site for another client, client #2 tried to run away -A statement written and signed by client #2 on 08/06/19 read, "I tried to run out the door because I wanted to leave with the police. When I ran out the door [staff #12] grabbed my hair to try and protect me the best way she can and I tried to harm myself with a comb." -Statements written by other clients did not reflect the other clients actually observed staff #12 pull client #2's hair or mistreat her</p> <p>Review on 08/19/19 and 08/26/19 of a video/audio tape shown by the Director/QP#1 to Division of Health Service Regulation revealed: -Client #2 looked in the direction of a recording device. The Director/QP #1 was seated behind client #2. Client #2 noted to look upward and to</p>	V 512		

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V 512	<p>Continued From page 6</p> <p>the left during the recording.</p> <ul style="list-style-type: none"> -Client #2 disclosed she was not truthful on numerous occasions including the allegation made against staff #12 -Client #2 stated she tried to get out of the house so she "wouldn't be here anymore" -Client #2 explained she was upset because she did not go on an outing -Client #2 reported she falsely told police staff had punched her and choked her in the past and she had made false allegations 3 - 4 times in an effort to leave the facility -Client #2 reported she wrote a letter of apology to staff #12 and staff #12 apologized to her <p>During interviews on 08/20/19 and 08/21/19, client #2 reported:</p> <ul style="list-style-type: none"> -She had been at the facility since February 2019 -She would like to return to a previous group home -Earlier in the month, the police came to the facility for another client -She (client #2) decided the police should take her away because she didn't want to be at the facility -While the police were in the living room talking to another client, client #2 ran upstairs and out the door but Qualified Professional #2 (QP #2) and another staff member followed her and the QP #2 caught her and brought her back inside -She tried to run a second time from the TV room -Staff #12 said "[client #2] stop!" and tried to grab her but got her hand caught in client #2's hair -Client #2 reported she was not pushed -Staff #12 did not mean to pull her hair, "she was trying to keep me safe" <p>During interviews on 08/20/19 and 08/21/19, staff #12 reported:</p> <ul style="list-style-type: none"> -She had worked at the facility about two years on 	V 512		

Division of Health Service Regulation

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V 512	<p>Continued From page 7</p> <p>various shifts</p> <ul style="list-style-type: none"> -She did most of the cooking -On "the chaos day", the group was downstairs when the Director/ QP#1 explained to the clients why everyone couldn't go on a particular outing -One client became upset and ran upstairs, another client spilled coffee on herself and client #2 ran upstairs and out the door but two other staff members went after her and brought her back inside -Later in the day, a client became upset and was physically aggressive with staff #12 and the police were called -While the police were still present, client #2 became agitated again and tried to run again from the TV room -She (staff #12) had back and foot problems but tried to keep client #2 from getting out of the door -Staff #12 tried to grab client #2's shirt but got her hair instead -Director/ QP#1 met with her, debriefed the incidents of the "chaos day", discussed what could have been done differently and suggested staff #12 allow a co-worker to intervene if a similar incident occurred <p>During an interview on 08/19/19, local Police Officer #1 (PO#1) reported:</p> <ul style="list-style-type: none"> -He responded to a call from the facility and spoke to a consumer to explain the process of hospitalization -While speaking with the consumer, he noticed client #2 was grabbed and turned around by a staff member -He found the interaction odd so he reviewed his body camera footage when he returned to the station -He looked at the video while he spoke with surveyors 	V 512		

Division of Health Service Regulation

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V 512	<p>Continued From page 8</p> <p>During continued interview on 8/19/19, PO#1's description of what he observed on the body camera footage revealed:</p> <ul style="list-style-type: none"> -The video showed client #2 entered the room PO#1 was in from the left -PO#1 was talking with the initial consumer and a staff member; client #2 stood and looked toward PO#1 -Staff #12 entered the room from the right, grabbed client #2 by the back of the neck or hair and shoved her toward the "movie room" back to the right and said "To the movie room, child" -Staff #12 grabbed client #2 with her left hand and pointed with her right hand; staff #12's hand was clenched -It did not appear to PO#1 that staff #12 tried to grab client #2's shoulders -Client #2 did not lose her balance but was forcefully pushed toward the kitchen, back to the right -There was a distinct "Yank" of client #2's hair, then she was shoved <p>During an interview on 08/28/19 PO#2 reported:</p> <ul style="list-style-type: none"> -He and PO#3 had completed training for Crisis Intervention Team -He had been in group homes on numerous occasions and knew staff were trained to redirect and restrain clients -He went to the facility twice on 08/06/19 -The first call involved a client who locked themselves in a bathroom -PO#1 arrived on site first and while speaking with the first client, he saw staff #12 pull client #2's hair -PO#1's body camera footage captured the incident between client #2 and staff #12 -He (PO#2) observed the camera footage the next day after it was uploaded to the server -Staff #12 was issued a citation for simple assault 	V 512		

Division of Health Service Regulation

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V 512	<p>Continued From page 9</p> <p>for yanking client #2's hair and pushing -"The hair pull seemed out of anger not redirection."</p> <p>During continued interview on 8/28/19, PO#2's description of what he observed on the body camera footage revealed: -Client #2 and staff #12 were standing in the living room -Staff #12 grabbed client #2 by her pony tail, pushed her across the chest and back and directed her through the kitchen to the TV room -The hair pull was hard enough to "jerk" client #2's head, "like a yank" -Client #2 did not fall nor change direction</p> <p>During an interview on 08/23/19, PO#3 reported: -She recalled going to the facility around 08/06/19 -Initially PO#1 responded to a call from the facility due to a client locking herself in the bathroom -When PO#3 arrived at the facility, she heard a disturbance through the kitchen; she walked over and observed staff #12 yelling to client #2 to sit down and client #2 said "You pulled my hair! Why did you pull my hair and choke me?" -Things calmed down and officers spoke with the client that had locked herself in the bathroom about communicating her needs to staff -The officers left but were called back because the initial client had assaulted staff #12 -While present, client #2 told an officer staff should not put their hands on her -She, (PO#3), was later able to view body camera footage recorded by PO#1</p> <p>During continued interview on 08/23/19, PO#3's description of what she observed on the body camera footage revealed: -Client #2 and staff #12 were in the living room where an officer was speaking to another client</p>	V 512		

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V 512	<p>Continued From page 10</p> <p>-Client #2 was standing off to the side, kind of facing the officer</p> <p>-Staff #12 who, stood beside client #2, quickly yanked client #2's hair in the direction she wanted her to go; staff #12 released the client's hair and guided her toward the kitchen</p> <p>-Staff #12 said "Downstairs, child"; client #2 did not stumble and she was not resistant</p> <p>-The yank of client #2's hair by staff #12 "was not gentle"</p> <p>During an interview on 08/20/19, Internal Affairs Officer (IAO) reported since surveyors were not in the video footage, it was not likely surveyors would be permitted to view the footage, The IAO explained surveyors could petition the court to view the footage. The IAO did view the footage.</p> <p>During continued interview on 8/20/19 is the IAO's description of what he observed on the body camera footage revealed:</p> <p>-PO#1 was talking to a consumer wanting to leave the facility and to a staff wanting the consumer taken to a crisis facility</p> <p>-In the background, a girl (client #2) was standing in the area where PO#1 and the initial consumer were speaking</p> <p>-A woman (staff #12) came up and told client #2 to move</p> <p>-Client #2 is grabbed by her hair/neck and pushed forward by staff #12</p> <p>-Client #2 did not stumble or fall; client #2 was not resisting</p> <p>During continued interview on 08/20/19, the IAO reported he "would not expect a person in authority to treat anyone like that."</p> <p>During an interview on 08/19/19, local Police Sergeant (PS) reported surveyors would have to</p>	V 512		

Division of Health Service Regulation

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V 512	<p>Continued From page 11</p> <p>submit paperwork to the Internal Affairs division in order to see the body camera video taken by PO #1.</p> <p>Review on 08/19/19 and 08/26/19 of a 4 minute 13 second video Director/QP #1 had made of client #2 revealed the Director/QP #1 explained: -Client #2's behavior was a pattern. -She did not think staff #12 pulled client #2's hair to cause injury or harm.</p> <p>During an interview on 8/26/19, the Director/QP#1 reported measures she put in place on 8/6/19 included: reporting incidents to Health Care Personnel Registry (HCPR) and Department of Social Servces (DSS), attempted to enter information into Incident Reporting Improvement System, debriefed with clients and staff to determine what could have been done differently. During the debriefing, the Director/QP#1 determined client #2 recanted her allegation that staff #12 choked her or did anything to intentionally harm her. The Director/ QP#1 determined the allegation made by client #2 was unsubstantiated.</p> <p>Review on 08/29/19 of a Plan of Protection dated 08/29/19 completed by the Facility's Associate Professional revealed: -1. "What will you immediately do to correct the above rule violations in order to protect clients from further risk or additional harm?" Upon finding out about the allegation by staff the agency held a staff meeting on August 23, 2019. The Staff meeting consisted of a review of the allegations and a mandated refresher course of escalation techniques to utilize when a client is attempting to run away, self harm or in general. The staff participated in different role play scenarios (and developed a code word to use</p>	V 512		

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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 512	Continued From page 12 when one staff may seem to be the trigger. Additional training's shall be held monthly to ensure the safety of all clients and to further promote and educate all staff. The staff was placed on probation until deemed 100% knowledgeable of verbal and physical redirection, holds and restraints. If this plan is not acceptable to the state, the staff will be immediately released. -2. "Describe your plans to make sure the above happens. A mandated staff meeting was held on 8-23-19 that consisted of the above stated trainings to provide additional and ongoing continual de-escalation updates and review of client rights."	V 512		
V 742	27G .0304(a) Privacy 10A NCAC 27G .0304 FACILITY DESIGN AND EQUIPMENT (a) Privacy: Facilities shall be designed and constructed in a manner that will provide clients privacy while bathing, dressing or using toilet facilities. This Rule is not met as evidenced by: Based on observation, record review and interview, the facility failed to assure privacy for one of three audited clients (#5). The findings are: Observation and tour on 08/20/19 at 2:15 PM of the facility revealed: -Posted signs outside the facility to indicate the facility was being monitored by cameras -Client #5's bedroom-Camera in the upper left corner Review on 08/26/19 a letter dated 08/27/19 from	V 742		

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: MHL092-563	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED 09/20/2019
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V 742	<p>Continued From page 13</p> <p>a technical services company revealed: -"As the IT person for equipment located at 5309 Kyle Drive, Raleigh NC 27612, I can certify that the cameras have not worked since early 2016 and were due to be removed, repositioned and replaced with an upgraded unit."</p> <p>During interviews between 08/20/19 and 08/30/19, client #5 reported: -She had not had a roommate in four months</p> <p>Review on 08/19/19 of client #5's record revealed: -Admitted: 02/09/19 -Diagnoses:Conduct and Depressive Disorders -Signed videography consent dated 02/09/19 by the legal guardian indicated permission given for the agency and/or contract agencies to photography, video and/or audio record client. The recordings would be used for staff training, client instruction, client treatment, education and police identification. The consent will be used during participation in the following programs administration, case management, clinical, residential, outpatient and vocational. The consent could be revoked verbally or in writing at any time but that remained valid to the extent that recordings made under consent have already been used for training and/or supervision purposes.</p> <p>During interviews between 08/19/19 and 08/27 19 with three staff and three clients revealed: -All believed the cameras located in the group home worked -One client reported the images captured by the video cameras were erased every 7 days -No staff noted they had seen shown images from the video cameras located throughout the group home</p>	V 742		

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: MHL092-563	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED 09/20/2019
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V 742	<p>Continued From page 14</p> <p>During interview on 08/20/19, DHSR construction surveyor reported: -Cameras either working or not working should not be in client bedroom areas.</p> <p>During interviews between 08/20/19 and 08/30/19, the Director/Qualified Professional #1 reported: -Due to location of the group home being surrounded by trees, the agency previously could not sustain Internet service for the cameras to fully operated -Within the past few weeks, the agency had discussed upgrading the camera/security system to a commercial grade with hopes to minimize the Internet accessibility concerns. -At this time, the cameras inside the group home were inoperable -No clients had mentioned concerns about the camera in the bedroom</p>	V 742		