

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: MHL032-423	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED C 09/24/2020
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NAME OF PROVIDER OR SUPPLIER MELODY HOUSE	STREET ADDRESS, CITY, STATE, ZIP CODE 2724 MARLIN DRIVE DURHAM, NC 27703
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V 000	<p>INITIAL COMMENTS</p> <p>A complaint survey was completed on September 24, 2020. The complaint was substantiated (intake #NC00168838). Deficiencies 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 133	<p>G.S. 122C-80 Criminal History Record Check</p> <p>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 subsection, within five business days of making</p>	V 133		

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

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V 133	Continued From page 1 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 subsection, the term "private entity" means a	V 133		

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V 133	<p>Continued From page 2</p> <p>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 the criminal history record check of the individual. 	V 133		

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V 133	Continued From page 3 (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 Intoxication; and Article 60, Computer-Related	V 133		

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V 133	<p>Continued From page 4</p> <p>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 interview, the facility failed to ensure the state criminal record check was ordered within five business days of making</p>	V 133		

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V 133	Continued From page 5 the conditional offer of employment for one of one audited staff (#6). The findings are: Review on 9/24/19 of Staff #6's personnel record revealed: - No Hire Date. - Job title: Habilitation Technician - As needed. - There was no evidence the criminal record check was ordered. Interview on 9/24/20 with the Director revealed: -Confirmed the staff #6 criminal background check was not in the file. -FS #5 was responsible for personnel files and ensuring the criminal background check was conducted prior to employment..	V 133		
V 290	27G .5602 Supervised Living - Staff 10A NCAC 27G .5602 STAFF (a) Staff-client ratios above the minimum numbers specified in Paragraphs (b), (c) and (d) of this Rule shall be determined by the facility to enable staff to respond to individualized client needs. (b) A minimum of one staff member shall be present at all times when any adult client is on the premises, except when the client's treatment or habilitation plan documents that the client is capable of remaining in the home or community without supervision. The plan shall be reviewed as needed but not less than annually to ensure the client continues to be capable of remaining in the home or community without supervision for specified periods of time. (c) Staff shall be present in a facility in the following client-staff ratios when more than one child or adolescent client is present: (1) children or adolescents with substance	V 290		

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V 290	<p>Continued From page 6</p> <p>abuse disorders shall be served with a minimum of one staff present for every five or fewer minor clients present. However, only one staff need be present during sleeping hours if specified by the emergency back-up procedures determined by the governing body; or</p> <p>(2) children or adolescents with developmental disabilities shall be served with one staff present for every one to three clients present and two staff present for every four or more clients present. However, only one staff need be present during sleeping hours if specified by the emergency back-up procedures determined by the governing body.</p> <p>(d) In facilities which serve clients whose primary diagnosis is substance abuse dependency:</p> <p>(1) at least one staff member who is on duty shall be trained in alcohol and other drug withdrawal symptoms and symptoms of secondary complications to alcohol and other drug addiction; and</p> <p>(2) the services of a certified substance abuse counselor shall be available on an as-needed basis for each client.</p> <p>This Rule is not met as evidenced by: Based on record review and interview, the facility failed to assess and document client's capability of having unsupervised time in the home in the treatment or habilitation plan affecting one of three audited clients (#1, #2, and #3). The findings are:</p> <p>Review on 9/22/20 of client #1's record revealed: -Admission date of 8/20/18. -Diagnoses of Schizophrenia Disorder, Bipolar Disorder and Seizure Disorder.</p>	V 290		

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V 290	<p>Continued From page 7</p> <ul style="list-style-type: none"> -Treatment Plan dated 1/2/20. -The unsupervised document did not include a date. -Treatment plan did not include unsupervised time in the home. <p>Review on 9/22/20 of client #2's record revealed:</p> <ul style="list-style-type: none"> -Admission date of 10/15/17. -Diagnosis of Schizophrenia Disorder. -Treatment Plan dated 1/2/20. -The unsupervised document did not include a date. -Treatment plan did not include unsupervised time in the home. <p>Review on 9/22/20 of client #3's record revealed:</p> <ul style="list-style-type: none"> -Admission date of 4/2/18. -Diagnosis of Bipolar II Disorder. -Treatment Plan dated 5/12/20. -The unsupervised document did not include a date. -Treatment plan did not include unsupervised time in the home. <p>Observation on 9/22/20 at 8:50 a.m. revealed:</p> <ul style="list-style-type: none"> -Staff #4 went to the sister facility across the street to administer medication and provide breakfast. -Staff #4 prepared breakfast at the home for both facilities. -Staff #4 was at the sister facility for 10 minutes. -The Director's husband came to the home until the Director arrived. -Staff #4 went to the other facility when the Director's husband arrived. <p>Interview on 9/22/20 with Client #1 revealed:</p> <ul style="list-style-type: none"> -He did not go out alone. -He was not able to stay in the home unsupervised due to his seizures. 	V 290		

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V 290	<p>Continued From page 8</p> <p>Interview on 9/22/20 with Client #2, Client #3 and Client #4 revealed: -They were not allowed to stay in the home unsupervised. -The Director told them they were not allowed unsupervised time in the home. -Staff was always at the home. -They were unsupervised when staff went to the sister facility.</p> <p>Interview on 9/22/20 with Staff #4 revealed: -Worked 7p.m. to 7 a.m. - Monday through Thursday. -All clients had unsupervised time in the community. -No clients were allowed unsupervised time in the home. -She had to do daily temperature checks for both houses. -She prepared meals for both houses. -She had to go across the street to administered medication. -She administered medication at 8.m. and 8 p.m. -She was also the staff for the sister house. -There's a cleaner to clean both homes. -The Director's brother was staying at the house and was not considered staff. -She reported there were three clients living at the sister facility. -Confirmed there was no staff available when she went to the sister facility to administer medication and provide meals.</p> <p>Interview on 9/23/20 with Former Staff #5 revealed: -She was the program coordinator for the home. -Resigned in August 2020. -Staff #4 had to work at both homes. -Staff #4 was responsible for medication</p>	V 290		

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V 290	<p>Continued From page 9</p> <p>administration and preparing meals for both homes.</p> <p>-Staff #4 periodically worked rounds in both homes.</p> <p>-Staff #4 was supposed to inform the Director when relief staff did not show up for both homes.</p> <p>Interview on 9/22/20 and 9/24/20 with the Director revealed:</p> <p>-All clients were allowed unsupervised time in the home except client #1.</p> <p>-Client #1 was not allowed unsupervised time due to seizure disorder.</p> <p>-She and other staff worked at the home after staff #4 left for the day.</p> <p>-She did not like clients staying in the home without supervision.</p> <p>-Staff #4 was responsible for medication administration and preparing meals for the sister facility.</p>	V 290		