

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  <b>MHL0411095</b>	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____  B. WING _____	(X3) DATE SURVEY COMPLETED  <b>C</b> <b>02/11/2021</b>
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NAME OF PROVIDER OR SUPPLIER  <b>PALM HOUSE</b>	STREET ADDRESS, CITY, STATE, ZIP CODE <b>3212 PRESLEY WAY GREENSBORO, NC 27405</b>
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V 000	<p><b>INITIAL COMMENTS</b></p> <p>A complaint survey was completed on 2/11/2021. The complaint was unsubstantiated (intake #NC174094). A deficiency was cited.</p> <p>This facility is licensed for the following service category: 10A NCAC 27G .5600C Supervised Living for Adults with Developmental Disability.</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 collect to the receiving party;</p> <p>(2) Receive visitors between the hours of 8:00</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>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;</p> <p>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</p>	V 364		

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V 364	<p>Continued From page 2</p> <p>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> <p>(d) Except as provided in subsections (e) and (h) of this section, each minor client who is receiving</p>	V 364		

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V 364	<p>Continued From page 3</p> <p>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 client's record that indicates the detailed reason for the restriction. The restriction shall be</p>	V 364		

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V 364	<p>Continued From page 4</p> <p>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 record reviews and interviews, the facility failed to ensure a written statement was placed in the client's record detailing the reason for restriction of the right to keep and use personal clothing, document the evaluation of the ongoing restriction every seven days, and document the notification made to the Guardian of the restriction or renewal affecting 1 of 1 former clients (FC #3). The findings are:</p>	V 364		

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V 364	<p>Continued From page 5</p> <p>Reviews on 2/8/2021, 2/9/2021 and 2/10/2021 of FC #3's record revealed:</p> <ul style="list-style-type: none"> <li>- Admission date: 8/19/2014</li> <li>- Discharge date: 1/8/2021</li> <li>- Diagnoses: Schizoaffective Disorder; Intermittent Explosive Disorder; and Moderate Intellectual Disability;</li> <li>- A treatment plan originally dated 3/1/2020 with review dates on the 1st of each month, and with the most recent review having been on 11/1/2020;</li> <li>- The treatment plan revealed goals related to: <ul style="list-style-type: none"> <li>- "[FC #3] will learn to ask for assistance when he needs it, including verbalizing thoughts and feelings, nutritional and hygiene needs, to avoid acting out behaviors triggered by unmet needs ..."</li> <li>- "[FC #3] will learn! Demonstrate how to think for himself and decisions based on facts he is provided with based on his personal knowledge and not relying on other people to make decisions for him ..."</li> <li>- "[FC #3] will refrain from sexual behaviors and the need for instant gratification over the next 30 consecutive days as evidenced by: participation in individual therapy at least twice per week .and clinical groups at least three times each week, learning about healthy sexual boundaries and ..."</li> </ul> </li> <li>- The Progress toward goals section in the treatment plan addressed increased elopement since the 7/1/2020 review;</li> <li>- Documentation of "QP (Qualified Professional) Monthly Progress Note" forms revealed: <ul style="list-style-type: none"> <li>- FC #3 ran away from the facility 4 times during November 2020;</li> <li>- When he returned to the facility, FC #3 would "appear to be drunk and smelling like smoke";</li> <li>- During December 2020, FC #3 ran away from the facility " ... at least 15 to 20 times and each time he would leave the home staff would call 911. The police would come out look for him and</li> </ul> </li> </ul>	V 364		

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V 364	<p>Continued From page 6</p> <p>if they find him they would bring him back ..."</p> <ul style="list-style-type: none"> <li>- There were occasions during December that FC #3 ran away from his transportation service when he was returned to the facility from his day program;</li> <li>- There was no documentation of the reason for taking FC #3's shoes from him;</li> <li>- There was no documentation of the date the rights restrictions began or the review of the rights restrictions every seven days</li> <li>- There was no documentation of the notification given to FC #3's Guardian regarding the rights restrictions or renewals of the restriction.</li> </ul> <p>Interview on 2/10/2021 with FC #3 revealed:</p> <ul style="list-style-type: none"> <li>- Facility staff had taken his shoes away from him;</li> <li>- He was unable to remember when or how often staff took his shoes;</li> <li>- He did not believe that facility staff discussed taking his shoes with his Guardian.</li> </ul> <p>Attempts were made on 2/9/2021 and 2/10/2021 to reach FC #3's Guardian for an interview. The Guardian did not respond to voicemail requests for return calls by the time of exit.</p> <p>Interview on 2/9/2021 with staff #2 revealed:</p> <ul style="list-style-type: none"> <li>- FC #3 had run away from the facility multiple times, had been assaultive towards facility staff, and had been found at a local alcoholic beverage control (ABC) store with "hookers."</li> </ul> <p>Interviews on 2/8/2021 and 2/10/2021 with the QP revealed:</p> <ul style="list-style-type: none"> <li>- FC #3's behaviors had worsened to the point that local Police had to be called multiple times when he ran away;</li> <li>- FC #3 had returned to the facility intoxicated following elopement at times;</li> </ul>	V 364		

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V 364	<p>Continued From page 7</p> <ul style="list-style-type: none"> <li>- FC #3's shoes had been taken away from him to try to prevent him from running away;</li> <li>- The Owner/Chief Executive Officer (O/CEO) had spoken with FC #3's Guardian about his behaviors and received approval to take FC #3's shoes away;</li> <li>- The QP had at least three conversations with FC #3's Guardian about his running away behaviors;</li> <li>- When FC #3's shoes were taken away from him, the QP had been most concerned about his health and safety rather than about client rights restrictions;</li> <li>- FC #3's Guardian had said that as long as the facility was trying to keep him safe, they could take FC #3's shoes away from him to discourage running away;</li> <li>- Facility staff had been taking FC #3's shoes away from him prior to the QP's start date in November of 2020;</li> <li>- He had not completed 7-day reviews of the client rights restrictions or documented reasons for taking FC #3's shoes in the record.</li> </ul> <p>Interviews on 2/5/2021, 2/10/2021 and 2/11/20212 with the O/CEO revealed:</p> <ul style="list-style-type: none"> <li>- FC #'s behaviors had escalated to the point that he was running away almost every day;</li> <li>- FC #3's shoes were taken away from him in order to discourage him from running away;</li> <li>- She could not recall when the facility started taking FC #3's shoes away;</li> <li>- FC #3 would jump out windows to run away;</li> <li>- When FC #3 returned to the facility, he would have shoes that someone in the community had given him;</li> <li>- She had talked with FC #3's Guardian on multiple occasions to discuss FC #3's behaviors;</li> <li>- FC #3's Guardian had given permission to take his shoes;</li> </ul>	V 364		



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V 364	Continued From page 8  - The O/CEO did not know that additional documentation had to be completed every 7 days to review the client rights restrictions; - She would work on revising the facility's policies and procedures to be in compliance with regulations related to client rights restrictions.	V 364		