

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: MHL097-073	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED R 04/15/2021
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NAME OF PROVIDER OR SUPPLIER AFL - ESPENSHADE	STREET ADDRESS, CITY, STATE, ZIP CODE 330 DARNELL LANE WILKESBORO, NC 28697
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V 000	INITIAL COMMENTS An annual, complaint and follow up survey was completed on 4/15/21. The complaint was unsubstantiated (intake #NC00174954). Deficiencies were cited. This facility is licensed for the following service category: 10A NCAC 27G .5600F Supervised Living for Alternative Family Living.	V 000		
V 364	G.S. 122C- 62 Additional Rights in 24 Hour Facilities § 122C-62. Additional Rights in 24-Hour Facilities. (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: (1) Send and receive sealed mail and have access to writing material, postage, and staff assistance when necessary; (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 (3) Contact and consult with a client advocate if there is a client advocate. 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. (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: (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;	V 364	Letter was received, after requesting information, on May 4, 2021 via email from Sheri Spicer. The rule was not met, due to the fact that a written statement was not placed in the client's record detailing the reason for restriction of the right to keep and use personal possessions, documenting the evaluation of the ongoing restriction every seven days and documenting the notification to the guardian. The client had several rights restriction and a behavior support plan. The rights restrictions that were listed were in compliance with rule G.S. 122C- 62 . However the team had worked to remove all rights restrictions prior to the DHSR review and the client does not currently have any rights restrictions. The AFL had in fact had the client remove the possessions and this was discussed during a treatment team meeting that had been held via zoom. The guardian was aware of the removal of items. However, this particular rights restriction was not listed or reviewed and was not in compliance with rule G.S. 122C- 62. The QP has made the AFL aware that the consumers personal belongings can not be removed unless she has consent from the Treatment team, the guardian, and Omni Visions Client Rights Restrictions committee. Any rights restrictions would have to go through this process and then follow all guidelines as set in G.S. 122C- 62. Currently client has all possessions and no rights restrictions.	

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LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE  TITLE Regional Director (X6) DATE May 6, 2021

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V 364	<p>Continued From page 1</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;</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>	V 364		

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V 364	<p>Continued From page 2</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> <p>(d) Except as provided in subsections (e) and (h)</p>	V 364		

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V 364	<p>Continued From page 3</p> <p>of this section, each minor client who is receiving treatment or habilitation in a 24-hour facility has the right to:</p> <ol style="list-style-type: none"> (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; (2) Send and receive mail and have access to writing materials, postage, and staff assistance when necessary; (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; (4) Receive special education and vocational training in accordance with federal and State law; (5) Be out of doors daily and participate in play, recreation, and physical exercise on a regular basis in accordance with his needs; (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; (7) Participate in religious worship; (8) Have access to individual storage space for the safekeeping of personal belongings; (9) Have access to and spend a reasonable sum of his own money; and (10) Retain a driver's license, unless otherwise prohibited by Chapter 20 of the General Statutes. <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</p>	V 364		

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V 364	<p>Continued From page 4</p> <p>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 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 possessions, 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 2 clients</p>	V 364		
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V 364	<p>Continued From page 5</p> <p>(client #1). The findings are:</p> <p>Review on 4/13/21 of client #1's record revealed: -An admission date of 5/1/14; -An age of 26 years old; -Diagnoses included Attention Deficit Hyperactivity Disorder, Schizophrenia, mild Intellectual Developmental Disability, Post Traumatic Stress Disorder, history of sexual abuse, and history of seizures; -Client #1 had been declared incompetent and a Guardian had been appointed; -No documentation detailing the reason for restriction of the right to keep and use personal possessions, the evaluation of the ongoing restriction every seven days, or notification made to the Guardian of the restriction.</p> <p>Interview on 4/13/21 with client #1 revealed: -The Provider had her remove all her belongings from her room when she exhibited aggression; -She was not able to remember the last time she was asked to remove her belongings but knew it had been within the current calendar year (January 2021 - April 2021); -The Provider had instructed her to remove her belongings from her room several times, but she was unable to provide an exact number.</p> <p>Interview on 4/13/21 with client #1's Guardian Representative revealed: -During an annual treatment team meeting in February 2021, the Provider had indicated she had taken client #1's personal items out of her room when she exhibited inappropriate behavior; -Since the meeting in March, she and client #1's Care Coordinator had attempted to explain that removing the client's belongings without notifying the Guardian was not appropriate.</p>	V 364		

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V 364	<p>Continued From page 6</p> <p>Interview on 4/14/21 with client #1's Care Coordinator revealed: -She had been client #1's Care Coordinator since 2018; -"When we were having [client #1's] annual plan meeting in February (2021), the Provider revealed she had removed all of [client #1's] belongings from her room;" -"I addressed it immediately in the phone call;" -"It sounded like it had happened before;" -"I'm not sure how frequently;" -"They (Provider) had these restrictions and they weren't able to give us documentation that they were being reviewed."</p> <p>Interview on 4/13/21 with the Provider revealed: -She had removed belongings from client #1's room when she was exhibiting aggressive behavior; -Client #1 earned items back by calming down and remaining calm; -She didn't understand why the Guardian and Care Coordinator didn't want her to remove client #1's belongings; -She was not aware of the documentation that was required when she removed client #1's personal belongings.</p> <p>Interviews on 4/13/21 and 4/15/21 with the Qualified Professional revealed: -She was aware of the documentation that was required when a client's personal belongings were taken from them; -The Provider had informed the team during a meeting in February 2021 that she had removed client #1's belongings from her room except her clothing; -She was not sure how many times the Provider had taken personal belongings from client #1 but didn't think she had done it on a regular basis;</p>	V 364		

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V 364	Continued From page 7 -She would ensure that the Provider was aware that she was not allowed to remove belongings from any client without it being discussed and approved in advance.	V 364		