

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: MHL032-389	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED R 05/27/2021
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NAME OF PROVIDER OR SUPPLIER DESTINY HOME, INC	STREET ADDRESS, CITY, STATE, ZIP CODE 630 RIPPLING STREAM ROAD DURHAM, NC 27704
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V 000	<p>INITIAL COMMENTS</p> <p>An annual, complaint and follow-up survey was completed on May 27, 2021. The complaint was substantiated (intake #NC00177282). Deficiencies were 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 107	<p>27G .0202 (A-E) Personnel Requirements</p> <p>10A NCAC 27G .0202 PERSONNEL REQUIREMENTS</p> <p>(a) All facilities shall have a written job description for the director and each staff position which:</p> <ul style="list-style-type: none"> (1) specifies the minimum level of education, competency, work experience and other qualifications for the position; (2) specifies the duties and responsibilities of the position; (3) is signed by the staff member and the supervisor; and (4) is retained in the staff member's file. <p>(b) All facilities shall ensure that the director, each staff member or any other person who provides care or services to clients on behalf of the facility:</p> <ul style="list-style-type: none"> (1) is at least 18 years of age; (2) is able to read, write, understand and follow directions; (3) meets the minimum level of education, competency, work experience, skills and other qualifications for the position; and (4) has no substantiated findings of abuse or neglect listed on the North Carolina Health Care Personnel Registry. <p>(c) All facilities or services shall require that all applicants for employment disclose any criminal</p>	V 107		

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

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V 107	<p>Continued From page 1</p> <p>conviction. The impact of this information on a decision regarding employment shall be based upon the offense in relationship to the job for which the applicant is applying.</p> <p>(d) Staff of a facility or a service shall be currently licensed, registered or certified in accordance with applicable state laws for the services provided.</p> <p>(e) A file shall be maintained for each individual employed indicating the training, experience and other qualifications for the position, including verification of licensure, registration or certification.</p> <p>This Rule is not met as evidenced by: Based on records review and interview, the facility failed to have a complete personnel record affecting three of three audited staff (Staff #1, Staff #2 and Former Staff#3). The findings are:</p> <p>Review on 5/26/21 of Staff #1's Personnel Record revealed: -He had a hire date of 3/4/18. -There was no documentation of a written and signed job description for Staff #1.</p> <p>Review on 5/26/21 of Staff #2's Personnel Record revealed: -She had a hire date of 2/18/21. -She was hired as a Habilitation Technician I. -There was no proof of education for Staff #3.</p>	V 107		

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V 107	<p>Continued From page 2</p> <p>Review on 5/26/21 of Former Staff #3's Personnel Record revealed: -He had a hire date of 5/10/21. -He was terminated on 5/17/21. -There was no documentation of a written and signed job description for Former Staff #3. -There was no proof of education for Former Staff #3.</p> <p>Interviews on 5/26/21 and 5/27/21 with the Qualified Professional and the Owner revealed: -Some of the staff documents may had been taken out from their file due to a recent investigation by Protective Services. -Former Staff #3 had been hired to work temporarily as a Habilitation Technician. -Qualified Professional knew Former Staff #3 from working with him at other places and recommended him to work at the home. -Former Staff #3 was to work at the home to relieve Staff #1 for a week. -Group home needed a staff to relieve Staff #1 because the other person had suffered a stroke and was unable to work. -They confirmed that Staff #1 and Former Staff #3 did not have documentation of a written and signed job description. -They confirmed that Staff #2 and Former Staff #3 did not have proof of their education in their file.</p> <p>This deficiency constitutes a re-cited deficiency and must be corrected within 30 days.</p>	V 107		
V 110	<p>27G .0204 Training/Supervision Paraprofessionals</p> <p>10A NCAC 27G .0204 COMPETENCIES AND SUPERVISION OF PARAPROFESSIONALS</p>	V 110		

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V 110	<p>Continued From page 3</p> <p>(a) There shall be no privileging requirements for paraprofessionals.</p> <p>(b) Paraprofessionals shall be supervised by an associate professional or by a qualified professional as specified in Rule .0104 of this Subchapter.</p> <p>(c) Paraprofessionals shall demonstrate knowledge, skills and abilities required by the population served.</p> <p>(d) At such time as a competency-based employment system is established by rulemaking, then qualified professionals and associate professionals shall demonstrate competence.</p> <p>(e) 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; (6) communication skills; and (7) clinical skills. <p>(f) The governing body for each facility shall develop and implement policies and procedures for the initiation of the individualized supervision plan upon hiring each paraprofessional.</p> <p>This Rule is not met as evidenced by: Based on record review and interview, the facility failed to assure 1 of 3 audited staff (Former Staff #1) demonstrated knowledge, skills and abilities required by the population served.</p> <p>Review on 5/26/21 of Client #3's record revealed:</p>	V 110		

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V 110	<p>Continued From page 4</p> <ul style="list-style-type: none"> -Admission date of 3/13/08. -Diagnoses Epilepsy; Major Depressive Disorder. -He was his own guardian. <p>Review on 5/26/21 of Former Staff #3's Personnel Record revealed:</p> <ul style="list-style-type: none"> -He had a hire date of 5/10/21. -There was no job signed job description on his record. -He received training on special populations on 12/11/20 by the Qualified Professional. -He was terminated on 5/17/21. <p>Review on 5/26/21 of an Internal Investigation revealed:</p> <ul style="list-style-type: none"> -The facility's Qualified Professional investigated an allegation of abuse against Former Staff #3. The investigation was concluded on 5/18/21. Client #3 accused Former Staff #3 of having a physical and verbal altercation with him. -The facility was informed of the allegation on 5/13/21 by the local social services investigator. Report took several days to conclude due to alleged victim being away from the facility for several days. -Qualified Professional interviewed residents at the facility. -Client #3 reported that he and Former Staff #3 had been getting into all day on May 7th because he was jealous of how smart he was and how much he can do for himself and the group home. -He indicated that he didn't like the staff because he was trying to tell him what to do and he did not need direction from someone because he had been at the group home for many years and knew more than anyone else. -He stated that during breakfast Former Staff #3 asked them to wash their plates (a standard expectation in supervised living). This is something that Client #3 is accustomed to doing 	V 110		

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V 110	<p>Continued From page 5</p> <p>but didn't want to do it because he didn't like the staff member's tone and how he was treating him like he wasn't different from the other clients.</p> <p>-When he told Former Staff #3 that he wasn't going to wash all the plates, Former Staff #3 allegedly called him soft and said "you think you're different special". Client #3 indicated that he walked away from the staff at this point.</p> <p>-Later in the day during lunch Client #3 alleged that he wanted to eat some strawberries. According to him because he had made noise while putting away the dishes Former Staff #3 became upset and called him weak or soft. To this Client #3 responded "how do you know what I am? You don't even know me." He then went to his room.</p> <p>-Later in the evening Client #3 alleged that they got into it again. According to him, he ordered some food and the delivery person passed by the house. Client #3 stated that at that point he went outside and flagged the delivery drivers (2 females) down.</p> <p>-He was then talking with the delivery team and stated to them that "N-word don't look out for each other". He stated that after the delivery team departed the staff approached him and said "when you said "N-word you were talking about me". He said they exchanged words and the client went to his room.</p> <p>-According to Client #3, he said that Former Staff #3 kicked his door, separating the bottom hinge from the door frame. He said that Former Staff #3 entered his room and started yelling at him that he thought he was a tough guy. Client #3 said that he responded that he wasn't trying to be tough and then pushed Former Staff #3's hand away from him.</p> <p>-Former Staff #3 had not made contact. According to Client #3, Client #5 came and removed the staff from the room.</p>	V 110		

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V 110	<p>Continued From page 6</p> <ul style="list-style-type: none"> -Client #5 denied this. -Client #3 said that he then contacted the administrator and told her that he didn't want this guy to return but denied any physical contact between them. -The administrator talked with him for a while and he didn't feel like it was necessary to tell her anything further. Because he had complained about other staff that don't let him do as he pleases and the fact that he denied any physical abuse the administrator talked with him and Former Staff #3 and neither shared that this was anything major. -At the conclusion of the investigation there were some inconsistencies and statements of eye witnesses don't corroborate or align with statements made by the victim. -A physical altercation could not be established but at least one client heard the staff person and the client arguing. Another thought he heard something but could not remember. -All of the clients indicated that they didn't have an issue with the staff person and some said he was "pretty cool". All of the clients outside of the victim deny feeling unsafe because of this staff person. -It was important to note that the victim rarely took responsibility for things he had done and had a history of not being truthful, condescending and demonstrating superiority to others. He did not like to be reminded of anything that he may not have done correctly. He believed that he knew what's best for him and was quite difficult to redirect. -While it could not be established that a physical altercation took place, it was believed that Former Staff #3 used inappropriate language when attempting to redirect Client #3. -Client #3 may have been inconsistent with other parts of the story and may have embellished 	V 110		

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V 110	<p>Continued From page 7</p> <p>some parts to appear to be superior in his decision making. However, the verbal abuse has been substantiated.</p> <p>-Former Staff #3 was recently hired and worked one week in this home.</p> <p>-He was terminated on Monday, May 10th, prior to the initiation of the investigation, based on the victim telling the administrator about the staff was arguing with him.</p> <p>-Efforts to reach Former Staff #3 were unsuccessful. A letter was sent to advise him that he was not to return to the premises for any reason.</p> <p>Interview on 5/26/21 with Client #1 revealed:</p> <p>-Reported that he had been at the house for several years. He liked the house and staff.</p> <p>-He got along with others; although he reported an incident that happened with Client #3 and him. He reported that one time, Client #3 pushed him to the ground. He was unable to say when it happened.</p> <p>-He also reported that he liked all staff that had been at the home. Had no complaint about staff that came to relieve Staff #1</p> <p>-He had no issues with anyone at the home.</p> <p>-When asked about him witnessing any fights or arguments between Client #1 and Former Staff #3, he denied knowing anything about it. He did not see anything. Did not hear anything.</p> <p>-Former Staff #3 was good to them. He had no issues with Former Staff #3.</p> <p>Interview on 5/26/21 with Client #2 revealed:</p> <p>-Liked the staff and other residents. Had no issues with anyone.</p> <p>-Regarding issue with Client #3 and Former Staff #3, he reported that he did not see them fight, but did argue. He could not remember what each other may had said.</p>	V 110		

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V 110	<p>Continued From page 8</p> <p>-Seemed like they did not get along well.</p> <p>Interview on 5/26/21 with Client #3 revealed: -He did not like Former Client #3.. Reported that "he acted like a father. He bossed them around, telling them what to do and stuff." -On one event, during the time of medication, he started telling people that no one could use the bathroom where he was going to use. "There is no rule that clients couldn't use a certain bathroom." -Clients were to use the bathroom located inside other resident's room. -He confronted the staff about the bathroom and went to wash the dishes. Former Staff #3 got frustrated with him. He started saying that as long as he was at the house, things were only going to be his way! -One time, while he was eating, staff told him that he made a lot of noise and told him to get the "F" out of the kitchen. Former Staff #3 then started pushing him around. He told him to leave him alone. -On another time, his girlfriend had ordered some food for him. When the food arrived, Former Staff #3 did not want the food to go inside the home. They started arguing again. Former Staff 3 told him if he wanted to go to the backyard to fight? He did not go. -Later that night, after he took his medicine. Former Staff #3 was following to his room and was arguing with him. He went to his room and Former Staff #3 got inside his room and was threatening to want to fight him. -On another occasion, he was talking with his girlfriend on the phone and Former Staff #3 threatened him that he was going to break his neck and took the phone away. -Former Staff #3 started fighting him. Another resident (Client #5), pulled the staff away from</p>	V 110		

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V 110	<p>Continued From page 9</p> <p>him. He reported that Client #5 saved him and does not know what would have happened if he had not pulled Former Staff #3 away. -He called his family and they came to pick him up at 1:00 AM. Family waited to get his medicines, but Former Staff #3 never gave them to them. He did not want his sister involved, but she did and she called the state. -Family then got medicines in the morning. -He called the Administrator and told her about Former Staff #3. She told him that he was not going to return to the home again. -He liked all the other staff that worked at the house. He liked to help around the house. He had been at the house for many years.</p> <p>Interview on 5/26/21 with Client #5 revealed: -He liked the home, staff and other residents. Had no issues with anyone. -He liked to read the bible and be friendly and happy with everyone. - -Regarding issue with Client #3 and Former Staff #3, he reported that he never saw them fighting. He kind of remembered them arguing. -Never separated them from fighting.</p> <p>Interview on 5/26/21 with the Qualified Professional revealed: -She learned about the incident with Former Staff #3 and Client #3 when a staff from local county's department of social services arrived at the facility to investigate complaint. Client #3 never informed her of anything that happened between him and Former Staff #3. -Former Staff #3 only worked the week of 5/3/21-5/10/21. -Local county department of social services was at the house on 5/13/21. -Qualified Professional knew Former Staff #3 from working with him at another group home.</p>	V 110		

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V 110	<p>Continued From page 10</p> <p>She had never received any complaints about the staff before regarding any kind of abuse.</p> <ul style="list-style-type: none"> -She had recommended him to cover for another staff that had suffered a stroke and was not able to relieve Staff #1 for his leave. -Former Staff #3 was a very experienced and knowledgeable staff. She was surprised to learn about the allegation. -She conducted her own internal investigation. -She believed that something may had happened such as an argument, but there was no physical altercation. She believed that it was more of a "personality crash." -She interviewed all the clients at the house. None stated that they had seen Former Staff #3 and Client #3 fighting. -She also asked them about arguing with each other. None admitted it at first, but later said that they may had heard them say something to each other, but continued to deny seeing them fight. -She interviewed Client #5. He stated that he was a person that loved people. He denied ever separating Former Staff #3 and Client #3 from a fight. Denied seeing them fight. Acknowledged hearing them arguing about something. -She could not substantiate the allegation. -She had tried to call the staff, but had not been successful in communicating with him. -She could not validate any physical action, she believed there was enough for a verbal interaction between the staff and client. -Staff may had say something to the client that may not had been appropriate. Verbal abuse was substantiated. Client #3 was not in any danger. No harm was done on client. -Client #3 had been at the house for many years. She had gotten to know him well. Client #3 had a way of embellishing the truth and his family had also a history of covering things up for him. -Client #3 helped a lot around the house. He 	V 110		

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V 110	<p>Continued From page 11</p> <p>helps the house staff a lot. He also felt that he may be a part of running the house. He may had not liked that Former Staff #3 may had told him that he was the staff at the house and not him. He did not like people that may pose a thread to him. He also did not like people that are taller than him. It's like a power issue. He liked to have some power over others. Client #3 also frequently felt that others may be jealous of him.</p> <p>-Former Staff #3 was already relieved and would not be returning to the house.</p> <p>-Because of the incident, report was made on IRIS. Former Staff #3's name was also reported to the Health Care Personnel Registry.</p> <p>-She validated verbal abuse due to interview with Client #3 and the rest of the other clients at the house.</p> <p>-Other clients acknowledged some arguing between Former Staff #3 and Client #3. She did not know what may had been said. Staff should not had been arguing with resident.</p> <p>-She had also not been able to talk to Former Staff #3. She stated that he may be trying to avoid her questions. She had left him messages. So, because staff had not returned her calls and because of interviews with clients, she only validated verbal abuse from staff to client.</p> <p>Interview on 5/26/21 with the Owner revealed:</p> <p>-Client #3 had called her and had said that he did not like the staff and that the other residents did not like him either.</p> <p>-Client #3 did not tell her about him fighting with him.</p> <p>-She asked Former Staff #3 not to return to work at the house again. She had to go with what Client #3 told her about not liking him. It was important for residents to like the staff that was to be at the house.</p> <p>-After the incident. She had been in close contact</p>	V 110		

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V 110	Continued From page 12 with the Qualified Professional about the investigation. -The Qualified Professional conducted internal investigation. She interviewed residents. No physical abuse validated. Qualified Professional validated possible verbal abuse. Incident report made. They had not been able to interview the staff. -Former Staff #3's name was listed on the Health Care Registry. She also believed that there was no physical abuse. She did not believe that staff had gotten into a fight with client. Client would had mention it earlier. He only had called her to say that he did not like the staff. -Former Staff #3 would not be returning to the house. -Corrective action she and the Qualified Professional made was to remind residents that they could contact them anytime they felt it was needed. Their contact information was given to them again. They were reassured that they could call them anytime!	V 110		
V 112	27G .0205 (C-D) Assessment/Treatment/Habilitation Plan 10A NCAC 27G .0205 ASSESSMENT AND TREATMENT/HABILITATION OR SERVICE PLAN (c) The plan shall be developed based on the assessment, and in partnership with the client or legally responsible person or both, within 30 days of admission for clients who are expected to receive services beyond 30 days. (d) The plan shall include: (1) client outcome(s) that are anticipated to be achieved by provision of the service and a projected date of achievement; (2) strategies;	V 112		

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V 112	<p>Continued From page 13</p> <p>(3) staff responsible; (4) a schedule for review of the plan at least annually in consultation with the client or legally responsible person or both; (5) basis for evaluation or assessment of outcome achievement; and (6) written consent or agreement by the client or responsible party, or a written statement by the provider stating why such consent could not be obtained.</p> <p>This Rule is not met as evidenced by: Based on record reviews and interviews, the facility failed to have a Person Centered Plan with written consent or agreement by the client or responsible party, or a written statement by the provider stating why such consent could not be obtained affecting two of three clients (#2 and #3). The findings are:</p> <p>Review on 5/26/21 of Client #2's record revealed: -Admission date of 5/6/19. -Diagnoses Schizoaffective Disorder, Bipolar Type. -He was his own guardian. -Client #2's Person Centered Plan had no current written consent or agreement by the client.</p> <p>Review on 5/26/21 of Client #3's record revealed: -Admission date of 3/13/08. -Diagnoses Epilepsy; Major Depressive Disorder. -He was his own guardian.</p>	V 112		

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V 112	Continued From page 14 -Client #3's Person Centered Plan had no current written consent or agreement by the client. Interview on 5/26/21 and 5/27/21 with the Qualified Professional revealed: -She was responsible for completing the Person Center Plans. -Person Center Plan for Clients #2 and #3 were recently completed. -She did not know why updated plans for Clients #2 and #3 were not signed by the clients. -She confirmed that the Person Centered Plans for Clients #2 and #3 had no written consent or agreement by the client.	V 112		
V 118	27G .0209 (C) Medication Requirements 10A NCAC 27G .0209 MEDICATION REQUIREMENTS (c) Medication administration: (1) Prescription or non-prescription drugs shall only be administered to a client on the written order of a person authorized by law to prescribe drugs. (2) Medications shall be self-administered by clients only when authorized in writing by the client's physician. (3) Medications, including injections, shall be administered only by licensed persons, or by unlicensed persons trained by a registered nurse, pharmacist or other legally qualified person and privileged to prepare and administer medications. (4) A Medication Administration Record (MAR) of all drugs administered to each client must be kept current. Medications administered shall be recorded immediately after administration. The MAR is to include the following: (A) client's name; (B) name, strength, and quantity of the drug;	V 118		

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V 118	<p>Continued From page 15</p> <p>(C) instructions for administering the drug; (D) date and time the drug is administered; and (E) name or initials of person administering the drug. (5) Client requests for medication changes or checks shall be recorded and kept with the MAR file followed up by appointment or consultation with a physician.</p> <p>This Rule is not met as evidenced by: Based on observation, record reviews and interviews, the facility failed to ensure: A.) Have physician orders for administered medications affecting one of three audited clients (Client #2). and B.) Medications were administered by unlicensed person trained by a registered nurse, pharmacist or legally qualified person and privileged to prepare and administer medications affecting two of three audited staff (Staff #2 and Former Staff #3).</p> <p>A.) Review on 5/26/21 of Client #2's record revealed: -Admission date of 5/6/19. -Diagnosis of Schizo affective Disorder, Bipolar Type.</p> <p>Review on 5/26/21 of Client #2's physician's orders dated 6/3/19 revealed: -Fluticasone 50 microgram (mcg) Spray- Apply one spray in each nostril everyday.</p> <p>Observation on 5/26/21 of Client #2's medications revealed:</p>	V 118		

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V 118	<p>Continued From page 16</p> <p>-Fluticasone 50 mcg Spray was available and last dispensed on 2/15/21.</p> <p>Review on 5/26/21 of Client #2's Medication Administration Record for March 2021 through May 2021 revealed: -Medication had been given daily.</p> <p>B.) Review on 5/26/21 of Staff #2's Personnel Record revealed: -She had a hire date of 2/18/21. -She was hired as a Habilitation Technician I. -There was no documentation that Staff #2 received training on Medication Administration.</p> <p>Review on 5/26/21 of Former Staff #3's Personnel Record revealed: -He had a hire date of 5/10/21. -There was no documentation of a written and signed job description for Former Staff #3. -There was no documentation that Former Staff #3 received training on Medication Administration.</p> <p>Interviews on 5/26/21 and 5/27/21 with the Qualified Professional and the Owner revealed: -They thought all of the client's physician's orders were in their file. -They had the pharmacist fax needed orders. -Some of the staff documents may had been taken out from their file due to a recent investigation by Protective Services. -Former Staff #3 had been hired to work temporarily as a Habilitation Technician. -Qualified Professional knew Former Staff #3 from working with him at other places and recommended him to work at the home. -Former Staff #3 was to work at the home to relieve Staff #1 for a week. -Group home needed a staff to relieve Staff #1 because the other person had suffered a stroke</p>	V 118		

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V 118	Continued From page 17 and was unable to work. -They knew that Staff #2 and Former Staff #3 had received training on Medication Administration. -They would make sure that all staff's training documentation would be placed in their personnel folders. -They confirmed that Client #2's physician's order for the Fluticasone had expired and they did not have a new one. -They confirmed that Staff #2 and Former Staff #3 did not have documentation of training on Medication Administration in their personnel record.	V 118		
V 131	G.S. 131E-256 (D2) HCPR - Prior Employment Verification G.S. §131E-256 HEALTH CARE PERSONNEL REGISTRY (d2) Before hiring health care personnel into a health care facility or service, every employer at a health care facility shall access the Health Care Personnel Registry and shall note each incident of access in the appropriate business files. This Rule is not met as evidenced by: Based on records review and interviews, the facility failed to access the Health Care Personnel Registry (HCPR) prior to employment for two of three audited staff (#2 and Former Staff #3). The findings are: Review on 5/26/21 of Staff #2's Personnel Record	V 131		

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V 131	<p>Continued From page 18</p> <p>revealed:</p> <ul style="list-style-type: none"> -She had a hire date of 2/18/21. -She was hired as a Habilitation Technician I. -There was no evidence of a HCPR check on record. <p>Review on 5/26/21 of Former Staff #3's Personnel Record revealed:</p> <ul style="list-style-type: none"> -He had a hire date of 5/10/21. -There was no documentation of a written and signed job description. -There was no evidence of a HCPR check on record. <p>Interview on 12/18/19 with the Owner revealed:</p> <ul style="list-style-type: none"> -Some of the staff documents may had been taken out from their file due to a recent investigation by Protective Services. -Former Staff #3 had been hired to work temporarily as a Habilitation Technician. -Qualified Professional knew Former Staff #3 from working with him at other places and recommended him to work at the home. -Former Staff #3 was to work at the home to relieve Staff #1 for a week. -Group home needed a staff to relieve Staff #1 because the other person had suffered a stroke and was unable to work. -They knew that Staff #2 and Former Staff #3 had had their HCPR check before. -They confirmed that Staff #2 and Former Staff #3 did not have documentation to show that the agency accessed the Health Care Personnel Registry (HCPR) prior their employment. 	V 131		
V 133	<p>G.S. 122C-80 Criminal History Record Check</p> <p>G.S. §122C-80 CRIMINAL HISTORY RECORD CHECK REQUIRED FOR CERTAIN</p>	V 133		

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V 133	<p>Continued From page 19</p> <p>APPLICANTS FOR EMPLOYMENT.</p> <p>(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.</p> <p>(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 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,</p>	V 133		

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V 133	<p>Continued From page 20</p> <p>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 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. 	V 133		

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V 133	<p>Continued From page 21</p> <p>(4) The circumstances surrounding the commission of the crime, if known.</p> <p>(5) The nexus between the criminal conduct of the person and the job duties of the position to be filled.</p> <p>(6) The prison, jail, probation, parole, rehabilitation, and employment records of the person since the date the crime was committed.</p> <p>(7) The subsequent commission by the person of a relevant offense.</p> <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> <p>(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.</p> <p>(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.</p> <p>(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</p>	V 133		

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V 133	<p>Continued From page 22</p> <p>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 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</p>	V 133		

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V 133	<p>Continued From page 23</p> <p>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 records review and interviews, the facility failed to access the Health Care Personnel Registry (HCPR) prior to employment for two of three audited staff (Staff #2 and Former Staff #3). The findings are:</p> <p>Review on 5/26/21 of Staff #2's Personnel Record revealed: -She had a hire date of 2/18/21. -She was hired as a Habilitation Technician I. -There was no criminal check documentation check on Staff #2's personnel record.</p> <p>Review on 5/26/21 of Former Staff #3's Personnel Record revealed:</p>	V 133		

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V 133	<p>Continued From page 24</p> <ul style="list-style-type: none"> -He had a hire date of 5/10/21. -There was no documentation of a written and signed job description. -There was no criminal check documentation check on Former Staff #3's personnel record. <p>Interview on 12/18/19 with the Owner revealed:</p> <ul style="list-style-type: none"> -Some of the staff documents may had been taken out from their file due to a recent investigation by Protective Services. -Former Staff #3 had been hired to work temporarily as a Habilitation Technician. -Qualified Professional knew Former Staff #3 from working with him at other places and recommended him to work at the home. -Former Staff #3 was to work at the home to relieve Staff #1 for a week. -Group home needed a staff to relieve Staff #1 because the other person had suffered a stroke and was unable to work. -They knew that Staff #2 and Former Staff #3 had had their Criminal Background check before. -They confirmed that the facility failed to have the criminal history record for Staff #2 and Former Staff #3 available. 	V 133		
V 736	<p>27G .0303(c) Facility and Grounds Maintenance</p> <p>10A NCAC 27G .0303 LOCATION AND EXTERIOR REQUIREMENTS (c) Each facility and its grounds shall be maintained in a safe, clean, attractive and orderly manner and shall be kept free from offensive odor.</p>	V 736		

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NAME OF PROVIDER OR SUPPLIER DESTINY HOME, INC	STREET ADDRESS, CITY, STATE, ZIP CODE 630 RIPPLING STREAM ROAD DURHAM, NC 27704
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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 736	<p>Continued From page 25</p> <p>This Rule is not met as evidenced by: Based on observation and interview, the facility failed to ensure facility grounds were maintained in a clean, safe and attractive manner. The findings are:</p> <p>Observation on 5/26/21 at 9:30 AM of the Kitchen area revealed: -The wall behind the dining table was heavily scratched from chairs rubbing against it and in need of repainting. -Paint from the corner of small wall leading from living area to the kitchen was peeling off. -All other walls in the kitchen area were dirty and scratched and in need to be repainted. -Door leading to the staff room was also dirty and scratched. -Water temperature from kitchen sink: First measurement at 9:34 AM was 138 degrees Fahrenheit. Second measurement at 12:00PM was 111 degrees Fahrenheit after temperature was adjusted by staff.</p> <p>Observation on 5/26/21 at 9:40 AM of the Outside of the house and Grounds revealed: -There was an old broken door leaning against the back door of the house. -Paint was peeling/chipping off from the sidings all around the outside of the home. -Wood frames around the windows were rotten/soft. -Black shutters in front of the home had paint chipping/peeling off. -Bushes by the Air Conditioning unit were overgrown and in need to be trimmed. -Black door in the back of the house leading to the laundry room had paint chipping/peeling off.</p> <p>Observation on 5/26/21 at 9:50 AM of the Living area revealed:</p>	V 736		

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STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: MHL032-389	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED R 05/27/2021
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V 736	<p>Continued From page 26</p> <p>-All walls were dirty and had scratches on them.</p> <p>Observation on 5/26/21 9:55 AM of the Bathroom by hall revealed: -One of the light bulbs next to the mirror was burned. -Water Temperature was initially measured at 121 degrees Fahrenheit, but later recorded 111 at 11:50 AM after temperature was lowered by the staff.</p> <p>Observation on 5/26/21 at 10:00 AM of the Bedroom in front of the bathroom by the hall revealed: -Door was dirty and scratched. -A piece the wallpaper at the top was peeling off.</p> <p>Observation on 5/26/21 at 10:03 AM of the Bedroom located at the end of the hall and to the right revealed: -There was a strong offensive odor. -The door was dirty. -Window next to the bathroom was unable to be kept in the up position.</p> <p>Observation on 5/26/21 at 10:07 AM of the Bathroom located inside the bedroom revealed: -There was Mold/Mildew in the corner of the shower. -Walls were dirty and scratched. -Water temperature was 114 degrees Fahrenheit.</p> <p>Observation on 5/26/21 at 10:13 AM of the Bedroom located at the end of the hall and to the left revealed: -Window facing the street was unable to be kept on the up position. -The inside of the door frame was cracked.</p> <p>Observation on 5/26/21 at 10:17 AM of the</p>	V 736		

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V 736	<p>Continued From page 27</p> <p>Bedroom next to the entrance door revealed: -One of the windows was cracked (right side).</p> <p>Observation on 5/26/21 at 10:20 AM of the foyer area revealed: -Walls were dirty and scratched. -Door leading to the front was dirty and had paint chipping/peeling off.</p> <p>Interview on 5/26/21 with the Owner revealed: -Facility was responsible for doing maintenance to the home. -She had a maintenance staff looking at the home and making notes while surveyor's walk-through was taking place. -She would have maintenance staff do necessary repairs. -She confirmed the facility failed to ensure facility grounds were maintained in a safe, clean, attractive and orderly manner.</p>	V 736		