

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  <b>MHL016-046</b>	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____  B. WING _____	(X3) DATE SURVEY COMPLETED  <b>R</b> <b>06/16/2021</b>
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NAME OF PROVIDER OR SUPPLIER  <b>MOREHEAD CITY TREATMENT CENTER</b>	STREET ADDRESS, CITY, STATE, ZIP CODE <b>403 NORTH 35TH STREET MOREHEAD CITY, NC 28557</b>
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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 000	<p><b>INITIAL COMMENTS</b></p> <p>An annual, complaint and follow up survey was completed on June 16, 2021. The complaint was substantiated (intake # NC00174673). Deficiencies were cited.</p> <p>This facility is licensed for the following service category: 10A NCAC 27G .3600 Outpatient Opioid Treatment.</p> <p>The census at the time of this survey was 252.</p>	V 000		
V 118	<p><b>27G .0209 (C) Medication Requirements</b></p> <p><b>10A NCAC 27G .0209 MEDICATION REQUIREMENTS</b></p> <p>(c) Medication administration:</p> <p>(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.</p> <p>(2) Medications shall be self-administered by clients only when authorized in writing by the client's physician.</p> <p>(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.</p> <p>(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:</p> <p>(A) client's name;</p> <p>(B) name, strength, and quantity of the drug;</p> <p>(C) instructions for administering the drug;</p> <p>(D) date and time the drug is administered; and</p> <p>(E) name or initials of person administering the drug.</p>	V 118		

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

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V 118	<p>Continued From page 1</p> <p>(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 record reviews and interviews, the facility failed to administer medications as prescribed by the physician affecting 1 of 12 audited clients (#303). The findings are:</p> <p>Review on 6/9/21 and 6/10/21 of client# 303's record revealed: -29 year old female admitted 5/13/21. -Admitting diagnosis, Severe Opioid Use Disorder. -History of Opioid Use Disorder for 16 years. -Order dated 5/13/21 to start Methadone 20 mg (milligrams) today and may increase by 5 mg every other day for COWS (Clinical Opiate Withdrawal Score) greater than 5, up to maximum dose of 80 mg daily. -No order to clarify or to implement the standing order to hold dose increases over the week ends.</p> <p>Review on 6/9/21 and 6/10/21 of client# 303's MAR of Methadone doses administered from 5/13/21 - 6/9/21 revealed: -5/20/21: Client #303 received a dose increase from 20 mg to 25 mg. -Client #303 did not receive another increase until 5/24/21 following 4 consecutive days of receiving 25 mg daily. The dose was increased to 30 mg on 5/24/21.</p>	V 118		

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V 118	<p>Continued From page 2</p> <p>-6/04/21: Client #303's dose was increased from 40 mg to 45 mg. -Client #303 did not receive another increase until 6/7/21 following 3 consecutive days of receiving 45 mg daily. The dose was increased to 50 mg.</p> <p>Review on 6/9/21 of a facility "Standing Order" dated 12/24/18 read, "Patients may not increase their Methadone or Buprenorphine dose during Saturday or Sunday clinic hours..."</p> <p>Review on 6/10/21 of a physician email sent to the Program Director/Registered Nurse (PD/RN) on 6/10/21 at 8 am revealed: -The communication read, "If not already aware, please be advised that pregnant patients are eligible for dose increases on weekends." -The physician requested this be posted in the dosing area.</p> <p>Review on 6/10/21 of case notes dated 6/10/21 revealed: -Client #303 denied being on a therapeutic dose and reported moderate withdrawal symptoms. -The client reported she continued to use illicit drugs, but the amount was less than prior to her admission. -The last drug screen dated 5/19/21 was positive for cocaine, opiates, and Fentanyl.</p> <p>Interview on 6/9/21 client #303 stated: -She had attended the clinic "On and off" since March 2020. -She had recently returned to the client because she learned she was pregnant. -She had been prescribed Methadone. -Her current dose was 55 mg. -Her dose could have been increased 5 mg every other day unless she missed a day. -She had missed some days and her increases</p>	V 118		

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V 118	<p>Continued From page 3</p> <p>had been delayed.</p> <p>Interviews on 6/9/21 and 6/10/21 the Program Director/Registered Nurse (PD/RN) Stated: -Client #303 had not received dose increases on 5/22/21, 5/23/21, or 6/6/21 because these were week end days. -The clinic had a standing order from the physician that doses were not increased over the week ends due to limited staff. -She received a communication from the physician via email on 6/10/21 that clarified pregnant patients were eligible for dose increases on week ends.</p> <p>Interview on 6/10/21 the Physician stated: -The policy of not increasing dosages over the week end did not apply to pregnant patients. -This policy had been clarified with the PD/RN on 6/9/21 and the correct order was to be posted in the dosing room. -She was not aware doses were not being increased over week ends for pregnant patients.</p>	V 118		
V 131	<p>G.S. 131E-256 (D2) HCPR - Prior Employment Verification</p> <p>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.</p>	V 131		

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V 131	<p>Continued From page 4</p> <p>This Rule is not met as evidenced by: Based on record reviews and interview the facility failed to complete Health Care Personnel Registry (HCPR) checks prior to hire for 2 of 6 audited staff (Certified Alcohol and Drug Counselor - Registered #1 and #2). The findings are:</p> <p>Review on 6/10/21 of Certified Alcohol and Drug Counselor - Registered (CADC-R) #1's personnel record revealed: - Title: Primary Counselor. - Hire date 3/23/20. - HCPR checks completed 4/29/20 and 2/12/21.</p> <p>Review on 6/10/21 of CADC-R #2's personnel record revealed: - Title: Primary Counselor. - Hire date 5/17/21. - HCPR check completed 5/23/21.</p> <p>During interview on 6/10/21 the Registered Nurse/Program Director stated she would ensure HCPR checks were completed prior to hire going forward.</p> <p>This deficiency constitutes a re-cited deficiency and must be corrected within 30 days.</p>	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 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,</p>	V 133		

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V 133	Continued From page 5  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 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	V 133		

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V 133	Continued From page 6  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. (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: (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	V 133		

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V 133	<p>Continued From page 7</p> <p>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 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,</p>	V 133		



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V 133	<p>Continued From page 8</p> <p>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 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</p>	V 133		

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V 133	<p>Continued From page 9</p> <p>obtaining the results of a criminal history record check regarding the applicant if both of the following requirements are met: (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. (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 reviews and interview the facility failed to request criminal background checks within five business days of employment for 2 of 6 audited staff (Certified Alcohol and Drug Counselor-Registered #1 and #2). The findings are:</p> <p>Review on 6/10/21 of Certified Alcohol and Drug Counselor - Registered (CADC-R) #1's personnel record revealed: - Title: Primary Counselor. - Hire date 3/23/20. - Criminal background check dated 5/24/20.</p> <p>Review on 6/10/21 of CADC-R #2's personnel record revealed: - Title: Primary Counselor. - Hire date 5/17/21. - Criminal background check dated 4/30/21.</p>	V 133		

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V 133	Continued From page 10  During interview on 6/10/21 the Registered Nurse/Program Director stated she was responsible for ensuring criminal background checks were completed. She would ensure background checks were requested as required.	V 133		
V 233	27G .3601 Outpt. Opioid Tx. - Scope  10A NCAC 27G .3601 SCOPE (a) An outpatient opioid treatment facility provides periodic services designed to offer the individual an opportunity to effect constructive changes in his lifestyle by using methadone or other medications approved for use in opioid treatment in conjunction with the provision of rehabilitation and medical services. (b) Methadone and other medications approved for use in opioid treatment are also tools in the detoxification and rehabilitation process of an opioid dependent individual. (c) For the purpose of detoxification, methadone and other medications approved for use in opioid treatment shall be administered in decreasing doses for a period not to exceed 180 days. (d) For individuals with a history of being physiologically addicted to an opioid drug for at least one year before admission to the service, methadone and other medications approved for use in opioid treatment may also be used in maintenance treatment. In these cases, methadone and other medications approved for use in opioid treatment may be administered or dispensed in excess of 180 days and shall be administered in stable and clinically established dosage levels.	V 233		

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V 233	<p>Continued From page 11</p> <p>This Rule is not met as evidenced by: Based on record reviews and interviews, the facility failed to provides periodic services in coordination with the provision of rehabilitation and medical services affecting 2 of 12 audited clients (#17, #303). The findings are:</p> <p>Finding #1: Review on 6/9/21 of client #13's record revealed: -40 year old female admitted 10/11/18. -Admitting diagnosis: Severe Opioid Use Disorder, Hepatitis C, Bipolar I Disorder, Depressive Disorder, Anxiety and Post Traumatic Stress Disorder. -Clinical Assessment dated 12/31/20 revealed "...Hepatitis C is a current health issue...". "[Client #17] reports having Hepatitis C and needing to get it treated..." -Person Centered Plan (PCP) dated 12/31/20 did not have strategies or goals to address client #17's diagnosis and treatment of Hepatitis C. -Annual physical completed 1/7/21 did not address client #17 diagnosis and treatment of Hepatitis C. -No documented case notes for client #17's current treatment plan year. -Case notes dated 12/31/20 - 6/9/21 did not reveal any discussions or referrals for treatment of Hepatitic C.</p> <p>Review on 6/11/21 of an email from the Program Director/Registered Nurse (PD/RN) read, "...that patient had previously been referred and encouraged to go to the Health Department for treatment. There was a case note in her chart...".</p> <p>Review on 6/14/21 of client #17's case note provided by the PD/RN revealed: -Case note dated 4/7/20 prior to client #17's</p>	V 233		

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V 233	<p>Continued From page 12</p> <p>current treatment plan year.</p> <p>-Client #17 acknowledged Hepatitis C diagnosis and need to seek treatment.</p> <p>-Counselor encouraged client #17 to seek treatment.</p> <p>Interview on 6/10/17 CADC-R #1 stated:</p> <p>-She was aware of client #17's Hepatitis C diagnosis.</p> <p>-She had not discussed the Hepatitis C diagnosis with client #17 since client #17 was dealing with her husband's illness.</p> <p>Interview on 6/10/17 CADC-R #2 stated:</p> <p>-He had not assessd client #17's record yet.</p> <p>No additional documentation of strategies or coordination for client #17's Hepatitis C provided.</p> <p>Finding #2: Review on 6/9/21 and 6/10/21 of client# 303's record revealed:</p> <p>-29 year old female admitted 5/13/21.</p> <p>-Admitting diagnosis, Severe Opioid Use Disorder.</p> <p>-Positive pregnancy test on 5/13/21.</p> <p>-Physician documented on 5/13/21 (admission history and physical) "hx (history) very freq (frequent) absence during prior admits to program. Advised pt (patient) of need for daily dosing to achieve stabilization. Also advised her of need to D/C (discontinue) meth (Methamphetamine) use..."</p> <p>-Treatment Team Meeting summary dated 5/13/21 documented, "303-reintake, pregnant. Call if not in attendance daily."</p> <p>Review on 6/9/21 and 6/10/21 of client# 303's medication record from 5/13/21 - 6/9/21 revealed the client was absent on 5/14/21, 5/16/21,</p>	V 233		

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V 233	<p>Continued From page 13</p> <p>5/17/21, 5/27/21, and 5/30/21.</p> <p>Review 6/9/21 and 6/10/21 of client# 303's case notes between 5/14/21 and 5/30/21 revealed:</p> <ul style="list-style-type: none"> <li>-5/14/21 case note documented client #303 called and reported she lived in another town (approximately 35 miles from the clinic town) and had been unable to find gas, needed to attend the clinic. Client inquired about quest dosing option and informed the clinic in the client's town was closed for the day and it would be have been "unlikely" because she was just admitted.</li> <li>-There were no other case notes to document client #303 had been contacted by the facility when absent.</li> <li>-There was no documentation the physician had been made aware of 5 absences within the first 16 days of treatment.</li> </ul> <p>Interview on 6/9/21 client #303 stated:</p> <ul style="list-style-type: none"> <li>-She had attended the client "On and off" since March 2020.</li> <li>-She had recently returned to the client because she learned she was pregnant.</li> <li>-Her dose could have been increased 5 mg every other day unless she missed a day.</li> <li>-She had missed some days and her increases had been delayed.</li> </ul> <p>Interview on 6/10/21 the Program Director/Registered Nurse (PD/RN) stated:</p> <ul style="list-style-type: none"> <li>-The treatment team note dated 5/13/21 for client #303 was intended to be a call to the physician.</li> <li>-There was no documentation the physician had been notified.</li> <li>-Client #303 had not met with her counselor since her admission date, but had been "flagged" to see her counselor today (6/10/21).</li> </ul> <p>Review on 6/11/21 of an email from the PD/RN</p>	V 233		

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V 233	Continued From page 14  on 6/11/21 read, "... the intention of the treatment team (team meeting on 5/13/21) was for the patient (#303) to be called when absent, not the MD (physician). (This is why I said that it is the counselor's responsibility to make those calls, as it is usually the nursing staff who communicate with the MD outside of the treatment team.) It was not explicitly specified on the treatment team notes ..."	V 233		
V 235	27G .3603 (A-C) Outpt. Opiod Tx. - Staff  10A NCAC 27G .3603 STAFF (a) A minimum of one certified drug abuse counselor or certified substance abuse counselor to each 50 clients and increment thereof shall be on the staff of the facility. If the facility falls below this prescribed ratio, and is unable to employ an individual who is certified because of the unavailability of certified persons in the facility's hiring area, then it may employ an uncertified person, provided that this employee meets the certification requirements within a maximum of 26 months from the date of employment. (b) Each facility shall have at least one staff member on duty trained in the following areas: (1) drug abuse withdrawal symptoms; and (2) symptoms of secondary complications to drug addiction. (c) Each direct care staff member shall receive continuing education to include understanding of the following: (1) nature of addiction; (2) the withdrawal syndrome; (3) group and family therapy; and (4) infectious diseases including HIV, sexually transmitted diseases and TB.	V 235		

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V 235	<p>Continued From page 15</p> <p>This Rule is not met as evidenced by: Based on record review and interview the facility failed to ensure a minimum of one certified drug abuse counselor or substance abuse counselor was on staff of the facility to each 50 clients and increments thereof. The findings are:</p> <p>Review on 6/08/21 of "Staff List" provided by the Registered Nurse/Program Director revealed:</p> <ul style="list-style-type: none"> <li>- 1 current Licensed Clinical Addiction Specialist (LCAS).</li> <li>- 1 former LCAS.</li> <li>- 3 current Certified Alcohol and Drug Counselor-Registered (CADC-R).</li> </ul> <p>Review on 6/08/21 of "Patient List by Counselor" provided by the Registered Nurse/Program Director revealed:</p> <ul style="list-style-type: none"> <li>- LCAS#1 had a caseload of 35 clients.</li> <li>- CADC-R #1 had a caseload of 57 clients.</li> <li>- CADC-R #2 had a caseload of 47 clients.</li> <li>- CADC-R #3 had a caseload of 52 clients.</li> <li>- Former LCAS #2 had a caseload of 60 clients.</li> <li>- 1 client was listed as unassigned.</li> </ul> <p>During interviews on 6/08/21 and 6/10/21 CADC-R #1 stated:</p> <ul style="list-style-type: none"> <li>- She had worked at the facility since March 2020.</li> <li>- She had over 50 clients on her caseload since she began working at the facility.</li> <li>- Her large caseload made it difficult for her to see her assigned clients.</li> <li>- She had 89 clients on her caseload when CADC-R #2 was hired.</li> <li>- Until recently 2 counselors worked remotely, so she assumed the responsibility of being the</li> </ul>	V 235		



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V 235	<p>Continued From page 16</p> <p>in-house counselor when a client needed to see a counselor immediately.</p> <ul style="list-style-type: none"> <li>- Having counselors onsite and available to the clients would be better for the clients and the facility.</li> <li>- Her last day of employment was a week away; "It's really stressful and it's easy to get burned out and I want to provide the best services I can to my clients, but it's been non-stop lately."</li> <li>- Clients who were in recovery and still using illicit drugs needed additional support; "They need someone to be there . . . and it needs to be face-to-face."</li> </ul> <p>During interview on 6/10/21 CADC-R #2 stated:</p> <ul style="list-style-type: none"> <li>- He started working at the facility May 17, 2021.</li> <li>- His caseload consisted of "46 or 47; I just got it last week."</li> <li>- He was in the process of meeting his clients.</li> </ul> <p>During interview on 6/10/21 the Registered Nurse/Program Director stated:</p> <ul style="list-style-type: none"> <li>- Former LCAS #2 resigned 4 days prior to the survey; her caseload was not yet re-assigned.</li> <li>- Caseloads would be re-distributed to even out the number of clients assigned to each counselor when new counselors were hired.</li> <li>- A new counselor was hired, but did not show up on their first scheduled day of work.</li> <li>- She offered a position to another counselor who was scheduled to start work soon.</li> </ul> <p>This deficiency constitutes a re-cited deficiency and must be corrected within 30 days.</p>	V 235		