

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  <b>MHL055062</b>	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____  B. WING _____	(X3) DATE SURVEY COMPLETED  <b>C</b> <b>07/28/2021</b>
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NAME OF PROVIDER OR SUPPLIER  <b>TURNER 3</b>	STREET ADDRESS, CITY, STATE, ZIP CODE <b>311 TURNER STREET LINCOLNTON, NC 28092</b>
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V 000	<p><b>INITIAL COMMENTS</b></p> <p>An annual and complaint survey was completed 7/28/21. The complaints were substantiated. (Intake # 177625, 177920). Deficiencies were 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 131	<p><b>G.S. 131E-256 (D2) HCPR - Prior Employment Verification</b></p> <p><b>G.S. §131E-256 HEALTH CARE PERSONNEL REGISTRY</b> (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> <p>This Rule is not met as evidenced by: Based on record review and interviews, the facility failed to ensure each staff member had no substantiated findings of abuse or neglect listed on the North Carolina Health Care Personnel Registry (HCPR) prior to hire for 1 of 3 audited staff (Qualified Professional (QP)). The findings are:</p> <p>Review on 7/23/21 of the QP's personnel record revealed: -Hire Date: 11/18/20.</p>	V 131		

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

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V 131	Continued From page 1  -HCPR check dated 5/6/21.  Interview on 7/28/21 with the Regional Administrator revealed: -Their corporate Human Resources (HR) was responsible for completing these hiring background checks. -HR must have missed that.	V 131		
V 133	G.S. 122C-80 Criminal History Record Check  G.S. §122C-80 CRIMINAL HISTORY RECORD CHECK REQUIRED FOR CERTAIN APPLICANTS FOR EMPLOYMENT. (a) Definition. - As used in this section, the term "provider" applies to an area authority/county program and any provider of mental health, developmental disability, and substance abuse services that is licensable under Article 2 of this Chapter. (b) Requirement. - An offer of employment by a provider licensed under this Chapter to an applicant to fill a position that does not require the applicant to have an occupational license is conditioned on consent to a State and national criminal history record check of the applicant. If the applicant has been a resident of this State for less than five years, then the offer of employment is conditioned on consent to a State and national criminal history record check of the applicant. The national criminal history record check shall include a check of the applicant's fingerprints. If the applicant has been a resident of this State for five years or more, then the offer is conditioned on consent to a State criminal history record check of the applicant. A provider shall not employ an applicant who refuses to consent to a criminal history record check required by this section. Except as otherwise provided in this	V 133		

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V 133	<p>Continued From page 2</p> <p>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 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</p>	V 133		

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V 133	<p>Continued From page 3</p> <p>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"> <li>(1) The level and seriousness of the crime.</li> <li>(2) The date of the crime.</li> <li>(3) The age of the person at the time of the conviction.</li> <li>(4) The circumstances surrounding the commission of the crime, if known.</li> <li>(5) The nexus between the criminal conduct of the person and the job duties of the position to be filled.</li> <li>(6) The prison, jail, probation, parole, rehabilitation, and employment records of the person since the date the crime was committed.</li> <li>(7) The subsequent commission by the person of a relevant offense.</li> </ol> <p>The fact of conviction of a relevant offense alone shall not be a bar to employment; however, the listed factors shall be considered by the provider. If the provider disqualifies an applicant after consideration of the relevant factors, then the provider may disclose information contained in the criminal history record check that is relevant to the disqualification, but may not provide a copy of the criminal history record check to the applicant.</p> <p>(d) Limited Immunity. - A provider and an officer or employee of a provider that, in good faith, complies with this section shall be immune from civil liability for:</p> <ol style="list-style-type: none"> <li>(1) The failure of the provider to employ an individual on the basis of information provided in</li> </ol>	V 133		

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V 133	Continued From page 4  the criminal history record check of the individual. (2) Failure to check an employee's history of criminal offenses if the employee's criminal history record check is requested and received in compliance with this section. (e) Relevant Offense. - As used in this section, "relevant offense" means a county, state, or federal criminal history of conviction or pending indictment of a crime, whether a misdemeanor or felony, that bears upon an individual's fitness to have responsibility for the safety and well-being of persons needing mental health, developmental disabilities, or substance abuse services. These crimes include the criminal offenses set forth in any of the following Articles of Chapter 14 of the General Statutes: Article 5, Counterfeiting and Issuing Monetary Substitutes; Article 5A, Endangering Executive and Legislative Officers; Article 6, Homicide; Article 7A, Rape and Other Sex Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device or Material; Article 14, Burglary and Other Housebreakings; Article 15, Arson and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article 18, Embezzlement; Article 19, False Pretenses and Cheats; Article 19A, Obtaining Property or Services by False or Fraudulent Use of Credit Device or Other Means; Article 19B, Financial Transaction Card Crime Act; Article 20, Frauds; Article 21, Forgery; Article 26, Offenses Against Public Morality and Decency; Article 26A, Adult Establishments; Article 27, Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses Against the Public Peace; Article 36A, Riots and Civil Disorders; Article 39, Protection of Minors; Article 40, Protection of the Family; Article 59, Public	V 133		

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V 133	<p>Continued From page 5</p> <p>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 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 personnel record review and staff interviews, the facility failed to request a state or</p>	V 133		

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V 133	<p>Continued From page 6</p> <p>national criminal background check within 5 days of making the conditional offer of employment for 1 of 3 audited staff (Qualified Professional (QP)). The findings are:</p> <p>Review on 7/23/21 of the QP's personnel record revealed: -Hire Date: 11/18/20. -Lived in New York prior to being hired by Licensee. -Criminal Background check ordered on 10/12/20 did not include SBI check.</p> <p>Interview on 7/28/21 with the Regional Administrator revealed: -Their corporate Human Resources (HR) was responsible for completing these hiring background checks. -HR must have missed that.</p>	V 133		
V 291	<p>27G .5603 Supervised Living - Operations</p> <p>10A NCAC 27G .5603 OPERATIONS</p> <p>(a) Capacity. A facility shall serve no more than six clients when the clients have mental illness or developmental disabilities. Any facility licensed on June 15, 2001, and providing services to more than six clients at that time, may continue to provide services at no more than the facility's licensed capacity.</p> <p>(b) Service Coordination. Coordination shall be maintained between the facility operator and the qualified professionals who are responsible for treatment/habilitation or case management.</p> <p>(c) Participation of the Family or Legally Responsible Person. Each client shall be provided the opportunity to maintain an ongoing relationship with her or his family through such means as visits to the facility and visits outside</p>	V 291		

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V 291	<p>Continued From page 7</p> <p>the facility. Reports shall be submitted at least annually to the parent of a minor resident, or the legally responsible person of an adult resident. Reports may be in writing or take the form of a conference and shall focus on the client's progress toward meeting individual goals.</p> <p>(d) Program Activities. Each client shall have activity opportunities based on her/his choices, needs and the treatment/habilitation plan. Activities shall be designed to foster community inclusion. Choices may be limited when the court or legal system is involved or when health or safety issues become a primary concern.</p> <p>This Rule is not met as evidenced by: Based on record review and interviews, the facility failed to coordinate with the legal guardian in the care and treatment for 1 of 3 audited clients (Client #1). The findings are:</p> <p>Record review on 7/21/21 for Client #1 revealed: -Date of admission-3/6/20 with diagnoses of Type II diabetes, cortical blindness, hyperlipidemia, chronic kidney disease, hypothyroidism, constipation, urinary incontinence, Gastro Esophageal Reflux Disorder, unspecified convulsions, bipolar disorder, schizoaffective disorder, mild Intellectual Disability, Post Traumatic Stress Disorder, major depressive disorder, Generalized Anxiety Disorder and history of TBI. -consent for medication for psychiatric symptoms signed 4/12/21 by guardian for Clozapine dosage range 100-400 milligrams (mg).</p> <p>Review on 7/21/21 of May-July 2021 MARs revealed: -physician ordered Clozapine (antipsychotic)</p>	V 291		



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V 291	<p>Continued From page 8</p> <p>changed from 100 mg in AM, 150mg at bedtime to 150mg twice daily on 6/8/21.</p> <p>-on 6/15/21 physician changed dosage back to 100mg in AM 150mg at bedtime due to increased lethargy.</p> <p>-no evidence the guardian was informed of the increase or decrease of psychotropic medication.</p> <p>Review on 7/23/21 of nursing notes of dental visits since admission revealed Client #1 was seen on:</p> <ul style="list-style-type: none"> <li>-7/28/20 -front upper tooth removal (#8)</li> <li>-1/25/21-dental cleaning</li> <li>-2/2/21- front tooth removed (#30)</li> </ul> <p>-No evidence the guardian was made aware of the dental/oral surgery appointments.</p> <p>Review on 7/23/21 of nursing notes of medical appointments from January - July 2021 revealed:</p> <ul style="list-style-type: none"> <li>-Medical appointments included nephrologist (x2), psychiatric clinic (x4), podiatrist (x2), orthopedic consult (x4), nephrologist (x2), gastroenterologist, and foot/ankle specialist.</li> <li>-In addition to consultations/exams Client #1 had an annual eye exam, upper endoscopy, pap smear and colonoscopy.</li> <li>-She was seen in the local emergency department twice and urgent care once for which guardian was notified.</li> <li>-No additional notification to guardian was documented for any other medical appointments.</li> </ul> <p>Interview on 7/21/21 with Client #1 revealed:</p> <ul style="list-style-type: none"> <li>-Yes she was happy there.</li> <li>-Staff treat her good.</li> <li>-She gets her medication. Staff never forget.</li> <li>-She had never fallen in the shower. She had fallen at her other placement.</li> <li>-She can use the phone anytime but "my Sister has changed her number and don't have her new</li> </ul>	V 291		

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V 291	<p>Continued From page 9</p> <p>number. I can't remember how long it's been since I've talked to her." -Only once a previous staff "wouldn't let me call my sister cause I was gonna tell something on her." -Her shower chair broke but she sits on another chair in tub and showers herself.</p> <p>Interview on 7/26/21 with Client #1's guardian revealed: -"Staff are under stress; working 12 hour shifts. They are burned out. They are not trained." -"The administrator is not listening to me". [The administrator] is going thru a lot. She tells me she's got a 30 year background." -"None of the staff can talk to me." -"[The Registered Nurse (RN)] called. I wanted medical records but she only sent doctors' appointments not medical records." -She doesn't have a good relationship with staff. "There's a lot of miscommunication. So many manipulative things have gone on." -She wants a call every time Client #1 goes to the doctor. -(Client #1) "went to dentist and had a tooth pulled. No one ever called to ask about it." -"I'm scared. I can't get her medical records out of my scope of care. I have not scheduled a visit because I don't know about restrictions. It's been a long time since I've seen my sister. I have been dealing with an administrator who doesn't care." -"No one (staff) is allowed to talk to me. [The nurse] said she can't send medical information; I have to get it from [the Managed Care Organization]." -"I can't speak to [the administrator] after [Client #1] broke her toes. I just talked to [Client #1] on Saturday for 34 minutes. Her caregiver said I would have to talk to [the administrator]." -"I had a very unprofessional conversation with</p>	V 291		

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V 291	<p>Continued From page 10</p> <p>[the Administrator] and [the nurse]." -"As guardian, I'm allowed to call in concerns as I see them."</p> <p>Interview on 7/28/21 with the Registered Nurse revealed: -Any new medications or medication increases required a guardian's consent. -A new LPN (licensed practical nurse) for that facility just started mid-April although she had previously worked as direct care. She may not document in the nurses notes every time she contacts the guardian. -This LPN was currently on vacation. -The previous LPN had a good relationship with this guardian but she has retired. -Client #1's guardian gave consent and was witnessed for Clozaril. Administration of the Clozaril stayed within the consent. -She did not know if Client #1's guardian had been made aware of the doctor's appointments or medication changes.</p> <p>Interview on 7/23/21 with the Administrator revealed: -Client #1 was with another provider where there were lots of accusations. Talking with sister (guardian) after Client #1 moved in and began roller coaster. Now will only talk to sister with a witness. -"Two weeks ago [Client #1's guardian] called [the LPN] and complained staff wouldn't let [Client #1] talk on the phone, doesn't have any clothes, no outings and broke her shower chair." -"[The RN] sent her dates of medical appointments" -"[Client #1's guardian] complained that [Client #1] needs access to phone at all times and staff don't answer phone. -Client #1's guardian was condescending with the</p>	V 291		

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V 291	Continued From page 11  administrator, Qualified Professional and staff. The house phone is working and has voice mail. -The guardian needed to approve any medication changes and wanted to sign consents. -Communication with this guardian had become increasingly difficult. Due to the concerns of misinterpretation by the guardian, she always had a witness on the phone with her.	V 291		