

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: MHL092-878	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED C 09/09/2021
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NAME OF PROVIDER OR SUPPLIER ABSOLUTE HOME #5	STREET ADDRESS, CITY, STATE, ZIP CODE 201 RAND MILL ROAD GARNER, NC 27529
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V 000	<p>INITIAL COMMENTS</p> <p>A complaint survey was completed on 09/09/21. The complaint was substantiated Intake # NC00179674. 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 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> <p>This Rule is not met as evidenced by: Based on record review and interview the facility failed to access the North Carolina Health Care Personnel Registry (HCPR) prior to hiring one of one audited staff (#1). The findings are:</p> <p>Review on 09/09/21 of staff #1's personnel records revealed: -Hired 08/12/21 -No evidence HCPR check had been completed</p> <p>Interview on 09/09/21, the Qualified Professional stated: -Licensee was responsible for personnel records</p>	V 131		

Division of Health Service Regulation LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE	TITLE	(X6) DATE
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V 131	Continued From page 1 -Licensee attempted to save the HCPR check, didn't realize that the request could not be saved and the printer was not working. This deficiency constitutes a re-cited deficiency and must be corrected within 30 days.	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 subsection, within five business days of making the conditional offer of employment, a provider	V 133		

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V 133	Continued From page 2 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 subsection, the term "private entity" means a business regularly engaged in conducting	V 133		

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V 133	<p>Continued From page 3</p> <p>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. (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 filled. (6) The prison, jail, probation, parole, rehabilitation, and employment records of the person since the date the crime was committed. (7) The subsequent commission by the person of a relevant offense. <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"> (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. (2) Failure to check an employee's history of 	V 133		

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V 133	Continued From page 4 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 Intoxication; and Article 60, Computer-Related Crime. These crimes also include possession or	V 133		

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V 133	<p>Continued From page 5</p> <p>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 record review and interview the facility failed to ensure the state criminal record check was ordered within five business days of making the conditional offer of employment for 1 of 1</p>	V 133		

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V 133	Continued From page 6 audited staff (#1). The findings are: Review on 9/09/21 of staff #1's personnel record revealed: - Hire date: 8/12/21 - No evidence of a criminal record check had been requested Interview on 9/09/21 with the Qualified Professional (QP) stated: - The licensee had ordered the criminal record check and it had not come in yet This deficiency constitutes a re-cited deficiency and must be corrected within 30 days.	V 133		
V 512	27D .0304 Client Rights - Harm, Abuse, Neglect 10A NCAC 27D .0304 PROTECTION FROM HARM, ABUSE, NEGLECT OR EXPLOITATION (a) Employees shall protect clients from harm, abuse, neglect and exploitation in accordance with G.S. 122C-66. (b) Employees shall not subject a client to any sort of abuse or neglect, as defined in 10A NCAC 27C .0102 of this Chapter. (c) Goods or services shall not be sold to or purchased from a client except through established governing body policy. (d) Employees shall use only that degree of force necessary to repel or secure a violent and aggressive client and which is permitted by governing body policy. The degree of force that is necessary depends upon the individual characteristics of the client (such as age, size and physical and mental health) and the degree of aggressiveness displayed by the client. Use of intervention procedures shall be compliance with Subchapter 10A NCAC 27E of this Chapter.	V 512		

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V 512	<p>Continued From page 7</p> <p>(e) Any violation by an employee of Paragraphs (a) through (d) of this Rule shall be grounds for dismissal of the employee.</p> <p>This Rule is not met as evidenced by: Based on interview and record review one of one audited staff (#1) abused one of three audited clients (#1). The findings are:</p> <p>Review on 9/09/21 of staff #1's personnel record revealed the following: -Date of hire 8/12/21 -Live in staff</p> <p>Review on 9/08/21 of client #1's record revealed: -Admitted: 12/24/15 -Diagnoses: Schizoaffective Disorder, Bipolar Mood Disorder, Personality Disorder</p> <p>Review on 9/08/21 of client #2's record revealed: -Admitted: 3/07/19 -Diagnoses: Impulse Control, Intellectual Developmental Disorder, Conduct Disorder</p> <p>Review on 9/08/21 of client #3's record revealed: -Admitted 10/15/16 -Diagnosis: Schizoaffective Disorder</p> <p>Interview on 9/08/21 staff #1 stated: -Client #1 was agitated and aggressive with client #2 on 9/07/21 -Attempted to deescalate the situation, but client #1 would not talk with him -Client #1 threw the television remote control against the wall and shattered it -Client #1 attempted to "intimidate me" -He told client #1 " I will f**k him up" -He did not call and report the incident to the</p>	V 512		

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V 512	<p>Continued From page 8</p> <p>Qualified Professional (QP) or the Licensee</p> <p>Interview on 9/08/21 client #1 stated: -He and client #2 started arguing on 9-07-21, client #2 went to his room -Staff #1 came out of his room and started yelling, client #2 came back out of his room -He threw the remote control and broke it and walked outside on the porch -Staff #1 told him "I will f**k you up" and to "get your a*s back in the house" -"I could take him (staff #1) if I had to" -He had not reported the incident to the QP</p> <p>Interview on 9/08/21 client #2 stated: -Client #1 started screaming at him -He walked off from client #1 and went to his room when he heard staff #1 come out of his room -He went to tell staff #1 his side of what had happened -Client #1 then threw the remote control against the wall and broke it -Staff #1 told client #1 to calm down, and that he would "f**k him up"</p> <p>Interview on 9/08/21 client #3 stated: -He had heard staff #1 tell client #1 that he was going to "f**k him up"</p> <p>Interview on 9/08/21 the QP stated: -Was unaware of any incident that happened between staff #1 and client #1 -Staff should report all incidents immediately to the QP or the Licensee -Staff #1 had trainings before starting this job and had years of experience with this population</p> <p>This deficiency was cited 1 time on 5/12/21</p>	V 512		

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V 512	<p>Continued From page 9</p> <p>Review on 9/08/21 of the facility's Plan of Protection dated 9/08/21 submitted and written by the QP revealed: What immediate action will the facility take to ensure the safety of consumers in your care? "The staff person will be relieved of responsibilities immediately. QP contacted the Evidence Based Protective Interventions (EBPI) Trainer. He will provide training on de-escalation techniques, alternatives to managing confrontational behaviors and client rights. Should the team (QP, administrator and trainer) determine that this staff is not capable of demonstrating competency in the areas of client rights, the staff will be terminated. The QP will address the client's behavioral concerns with the administrator, guardian and the client. The client's crisis plan will be updated to reflect the reoccurrence of this behavior." Describe your plans to make sure the above happens. "The clients in this home, particularly this client, call the QP quite frequently. QP met with the clients today and reviewed reporting protocols and discussed issues that should be reported immediately. The QP will continue to follow up weekly to discuss issues, concerns and client rights. The administrator will check in weekly with residents and staff as well."</p> <p>Three clients (#1-#3) resided at the group with diagnoses that ranged from Schizophrenia, Bipolar mood disorder, Personality disorder, Impulse control and Conduct disorder.</p> <p>Staff #1 worked at the facility for approximately 3 weeks. Staff #1 admitted cursing at client #1. Clients #1-#3 reported that they heard staff #1 curse at client #1. This incident was not reported to the Qualified Professional or the Licensee. This</p>	V 512		

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V 512	Continued From page 10 deficiency constitutes a Type A1 rule violation for serious abuse and must be corrected within 23 days. An administrative penalty of \$2000.00 is imposed. If the violation is not corrected within 23 days, an additional administrative penalty of \$500.00 per day will be imposed for each day the facility is out of compliance beyond the 23rd day.	V 512		
V 736	27G .0303(c) Facility and Grounds Maintenance 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. This Rule is not met as evidenced by: Based on observation and interview the facility grounds was not maintained in a safe and attractive manner. The findings are: Observation on 9/08/21 at 10:45am revealed: The right front corner of the backyard was: -2 white broken patio chairs -1 broken walker -2 round black pillow cushions with holes and stuffing exposed -1 disregarded bedside toilet -Other trash in bags and broken objects in a pile Interview on 9/08/21 the Qualified Professional (QP) stated: -Doesn't know how long the trash and broken	V 736		

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V 736	Continued From page 11 items have been in the backyard -Had advised the Licensee to dispose of the broken items	V 736		