

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: MHL036-345	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING: _____	(X3) DATE SURVEY COMPLETED 11/02/2021
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NAME OF PROVIDER OR SUPPLIER COSBY COUNSELING & CONSULTING, PLLC	STREET ADDRESS, CITY, STATE, ZIP CODE 1701 MAXTON AVENUE GASTONIA, NC 28052
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V 000	<p>INITIAL COMMENTS</p> <p>An annual survey was completed on 11/2/21. Deficiencies were cited.</p> <p>This facility is licensed for the following service category: 10A NCAC 27G .1700 Residential Treatment Staff Secure for Children or Adolescents</p>	V 000		
V 118	<p>27G .0209 (C) Medication Requirements</p> <p>10A NCAC 27G .0209 MEDICATION REQUIREMENTS</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> <p>(5) Client requests for medication changes or checks shall be recorded and kept with the MAR file followed up by appointment or consultation</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 with a physician.</p> <p>This Rule is not met as evidenced by: Based on records review, observations and interviews, the facility failed to ensure medications were administered on the written order of a person authorized by law to prescribe drugs affecting 1 of 1 client(#1). The findings are:</p> <p>Review on 11/2/21 of client #1's record revealed: -admission date of 10/27/21; -diagnoses of Attention Deficit Hyperactivity Disorder and Oppositional Defiant Disorder; -no physicians' orders were present in the record; -crisis plan dated 12/21/20 with the last update on 9/23/21 listed client #1's medications as follows: Clonidine 0.1mg twice daily and Adderall 20mg twice daily.</p> <p>Observation on 11/1/21 at 2:40pm of client #1's medications revealed: -Clonidine 0.1mg 1-2 at bed dispensed on 10/18/21; -Adderall 20mg two tablets in the am dispensed on 10/20/21.</p> <p>Review on 11/1/21 of client #1's MARs from 10/28/21 until present revealed: -Clonidine 0.1mg 1-2 at bed documented as administered from 10/27-10/31 at 7pm; -Adderall 20mg two tablets in the am documented as administered from 10/28-11/1 at 7am.</p> <p>Interview on 11/1/21 with client #1 revealed:</p>	V 118		

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V 118	<p>Continued From page 2</p> <ul style="list-style-type: none"> -takes his medicines Adderall and Clonidine; -was taking them all in the am but got here and staff looked at bottles and saw supposed to take one in am and one in pm so that is what he is doing now; -gets medicines every day like the bottle says. <p>Interview on 11/1/21 with the Licensee revealed:</p> <ul style="list-style-type: none"> -do not have the physicians' orders for client #1's medications yet; -waiting on client #1 to be seen by medication management provider. <p>Interview on 11/2/21 with the Qualified Professional revealed:</p> <ul style="list-style-type: none"> -her duties include creating the MARs, make sure the medicines are called in and make sure clients do not miss doses; -medication orders do not have the initial ones; -get PCP(Person Centered Plan) lists the clients' medications on the crisis plans and create the MARs, -look at the bottles also to have most accurate account for the clients' medications; -within seven days clients have a medication management appointment with a local provider; -try to set up the appointment before clients even arrive to ensure medicines do not run out. 	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 3</p> <p>This Rule is not met as evidenced by: Based on records review and interviews, the facility failed to ensure the HCPR was accessed prior to hire for 2 of 3 staff(staff #1 and the Associate Professional/AP). The findings are:</p> <p>Review on 11/2/21 of personnel records revealed: -the AP was hired on 10/9/20 and the HCPR was accessed on 2/28/21; -staff #1 was hired on 9/3/21 and the HCPR was accessed on 9/5/21.</p> <p>Interview on 11/1/21 with the AP revealed: -been here for one year; -work all shifts; -fill in for staff also; -usually work 12pm-8pm.</p> <p>Interview on 11/1/21 with staff #1 revealed: -been working here for 2 months; -work 2nd shift 3pm-9pm/3pm-11pm.</p> <p>Interview on 11/2/21 with the Licensee revealed: -lost the initial HCPR on the AP; -was in the process of moving documents from one electronic medical records system to another.</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</p>	V 133		

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V 133	<p>Continued From page 4</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 5</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 6</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 7</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 8</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 ensure a criminal records check history was requested within five business days of making the conditional offer of employment for 1 of 3 staff(the Associate Professional/AP). The findings are:</p> <p>Review on 11/2/21 of personnel records revealed the AP was hired on 10/9/20 and the criminal records check was requested on 3/1/21.</p> <p>Interview on 11/1/21 with the AP revealed: -been here for one year; -work all shifts; -fill in for staff also;</p>	V 133		

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V 133	Continued From page 9 -usually work 12pm-8pm. Interview on 11/2/21 with the Licensee revealed: -lost the initial HCPR on the AP; -was in the process of moving documents from one electronic medical records system to another.	V 133		
V 367	27G .0604 Incident Reporting Requirements 10A NCAC 27G .0604 INCIDENT REPORTING REQUIREMENTS FOR CATEGORY A AND B PROVIDERS (a) Category A and B providers shall report all level II incidents, except deaths, that occur during the provision of billable services or while the consumer is on the providers premises or level III incidents and level II deaths involving the clients to whom the provider rendered any service within 90 days prior to the incident to the LME responsible for the catchment area where services are provided within 72 hours of becoming aware of the incident. The report shall be submitted on a form provided by the Secretary. The report may be submitted via mail, in person, facsimile or encrypted electronic means. The report shall include the following information: (1) reporting provider contact and identification information; (2) client identification information; (3) type of incident; (4) description of incident; (5) status of the effort to determine the cause of the incident; and (6) other individuals or authorities notified or responding. (b) Category A and B providers shall explain any missing or incomplete information. The provider	V 367		

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V 367	<p>Continued From page 10</p> <p>shall submit an updated report to all required report recipients by the end of the next business day whenever:</p> <p>(1) the provider has reason to believe that information provided in the report may be erroneous, misleading or otherwise unreliable; or</p> <p>(2) the provider obtains information required on the incident form that was previously unavailable.</p> <p>(c) Category A and B providers shall submit, upon request by the LME, other information obtained regarding the incident, including:</p> <p>(1) hospital records including confidential information;</p> <p>(2) reports by other authorities; and</p> <p>(3) the provider's response to the incident.</p> <p>(d) Category A and B providers shall send a copy of all level III incident reports to the Division of Mental Health, Developmental Disabilities and Substance Abuse Services within 72 hours of becoming aware of the incident. Category A providers shall send a copy of all level III incidents involving a client death to the Division of Health Service Regulation within 72 hours of becoming aware of the incident. In cases of client death within seven days of use of seclusion or restraint, the provider shall report the death immediately, as required by 10A NCAC 26C .0300 and 10A NCAC 27E .0104(e)(18).</p> <p>(e) Category A and B providers shall send a report quarterly to the LME responsible for the catchment area where services are provided. The report shall be submitted on a form provided by the Secretary via electronic means and shall include summary information as follows:</p> <p>(1) medication errors that do not meet the definition of a level II or level III incident;</p> <p>(2) restrictive interventions that do not meet the definition of a level II or level III incident;</p>	V 367		

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V 367	<p>Continued From page 11</p> <p>(3) searches of a client or his living area; (4) seizures of client property or property in the possession of a client; (5) the total number of level II and level III incidents that occurred; and (6) a statement indicating that there have been no reportable incidents whenever no incidents have occurred during the quarter that meet any of the criteria as set forth in Paragraphs (a) and (d) of this Rule and Subparagraphs (1) through (4) of this Paragraph.</p> <p>This Rule is not met as evidenced by: Based on records review and interviews, the facility failed to ensure to report all level II incidents to the LME responsible for the catchment area where services are provided within 72 hours of becoming aware of the incident. The findings are:</p> <p>Interview on 11/1/21 with staff #1 revealed: -only had one incident involving former client #3(FC#3); -FC#3 got aggressive and had to escort him to his room; -did not do a restraint but had to call police; -FC#3 was making verbal threats and being aggressive.</p> <p>Interview on 11/1/21 with the Associate Professional(AP) revealed: -FC#2 ran away a few times; -police came when FC#2 ran away;</p>	V 367		

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V 367	<p>Continued From page 12</p> <p>-called police on FC#3 due to aggression.</p> <p>Interview on 11/2/21 with the Qualified Professional(QP) revealed: -FC#2 ran away two times; -police brought FC#2 back; -police found FC#2 when he went to the police station on his own; -second time FC#2 ran, went to the hospital and did not return; -FC#3 had behaviors; -had to call police on FC#3; -last time the police were called, took several policemen and EMS(Emergency Medical Services) personnel to get FC#3 to the ground on a stretcher; -FC#3 went to inpatient psychiatric.</p> <p>Review on 11/1/21 of IRIS(Incident Response Improvement System) revealed no incident reports regarding the incidents with FC#2 or FC#3.</p> <p>Interview on 11/2/21 with the Licensee revealed: -have no incident reports; -lost all of her incident reports when she moved documents from one electronic medical records system to another.</p>	V 367		
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		

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: MHL036-345	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED 11/02/2021
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NAME OF PROVIDER OR SUPPLIER COSBY COUNSELING & CONSULTING, PLLC	STREET ADDRESS, CITY, STATE, ZIP CODE 1701 MAXTON AVENUE GASTONIA, NC 28052
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V 736	<p>Continued From page 13</p> <p>This Rule is not met as evidenced by: Based on observations and interviews, the facility was not maintained in a safe, clean, attractive and orderly manner. The findings are:</p> <p>Observations on 11/1/21 at 3:13pm revealed: -light switch over bathroom counter loose from wall and pulled out; -window over couch on left side of living room double paned, inner panes were intact, outside upper pane cracked and broken, lower outside pane intact, screen over outside window panes, no glass on ground outside, glass not accessible from outside.</p> <p>Interview on 11/1/21 with staff #1 revealed: -think the broken window is from a rock thrown at the window from mowing yard; -no clients broke any windows; -no clients have cutting issues or self-injurious behaviors.</p> <p>Interview on 11/1/21 with the Licensee revealed: -did not notice the broken window in the living room; -just saw it today; -first time noticed it; -don't know who broke it; -have no clients with any self-harm, cutting issues or history of self-injurious behaviors.</p>	V 736		