

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: MHL034-324	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED 12/03/2021
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NAME OF PROVIDER OR SUPPLIER SHARPE AND WILLIAMS #3	STREET ADDRESS, CITY, STATE, ZIP CODE 4419 CANAAN PLACE WINSTON-SALEM, NC 27105
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V 000	<p>INITIAL COMMENTS</p> <p>An annual survey was completed on 12/3/2021. 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> <p>The survey sample consisted of audits of 3 of 6 current clients.</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 HCPR prior to hire affecting 1 of 3 audited staff (#2). The findings are:</p> <p>Review on 9/22/2021 of Staff #2's employee file revealed: - Hire date: 11/19/2020 - The HCPR was not accessed until 6/30/2021</p> <p>Interview on 11/29/2021 with the Assistant to the Qualified Professional revealed:</p>	V 131		

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE	TITLE	(X6) DATE
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V 131	Continued From page 1 - He had previously worked as the Human Resources Director. - He had accessed Staff #2's HCPR check when he had been made aware of late checks during a survey at a sister facility.	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 shall submit a request to the Department of	V 133		

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V 133	<p>Continued From page 2</p> <p>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 criminal history record checks utilizing public</p>	V 133		

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V 133	<p>Continued From page 3</p> <p>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 criminal offenses if the employee's criminal 	V 133		

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V 133	Continued From page 4 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 sale of drugs in violation of the North Carolina	V 133		

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V 133	<p>Continued From page 5</p> <p>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 request the criminal background record check within 5 days of making the conditional offer of hire affecting 1 of 3 audited staff (#2). The findings are:</p>	V 133		

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V 133	Continued From page 6 Review on 9/22/2021 of Staff #2's employee file revealed: - Hire date: 11/19/2020 - The criminal history record check was not requested until 6/30/2021 Interview on 11/29/2021 with the Assistant to the Qualified Professional revealed: - He had previously worked as the Human Resources Director. - He had requested Staff #2's criminal history record check when he had been made aware of late checks during a survey at a sister facility.	V 133		
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 observations and interview, the facility was not maintained in a safe, clean, and orderly manner. The findings are: Observation of the facility's interior at approximately 3:30 PM on 11/29/2021 revealed: - Kitchen: - - The closet was missing the door handle. - Master bathroom: - - the veneer on the vanity splash guard was	V 736		

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V 736	<p>Continued From page 7</p> <p>peeled away from the wall only side, and loose from the wall at the back.</p> <ul style="list-style-type: none"> -- A ceiling vent cover was rusted. -- The tub had stains on the bottom and the cover missing from the overflow pipe. -- The toilet paper holder was missing from the wall, and holes were in the sheetrock where the holder had previously been mounted. -- There were black stains along the floor trim near the tub. - Bedroom #1: <ul style="list-style-type: none"> -- Dust and cobwebs were present on the window. -- Clients personal items in clothing or stored in bags and totes on the floor. - Bedroom #2: <ul style="list-style-type: none"> -- Dust was present on the windowsill. - Bedroom #3: <ul style="list-style-type: none"> -- Personal items and clothing were stored in plastic crates and bags on the floor. -- There was peeling veneer on the side of a storage cabinet. -- There was a heavy layer of dust present on the windowsills. - Hallway bathroom: <ul style="list-style-type: none"> -- The shower rod was rusted. -- Mildew like stains were present along the floor trim near the tub. -- The towel rod was missing from its brackets. -- A shower chair was sitting near the wall with scraped paint on the drywall approximately 2 1/2 feet long at the height of the shower chair's seat bolts. -- One of three bulbs in an over vanity light fixture were burned out and the fixture had rust on the facing -- The cover for the ceiling light fixture was missing. <p>Observation of the facility's exterior at</p>	V 736		

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V 736	<p>Continued From page 8</p> <p>approximately 10:15 AM on 11/30/2021 revealed</p> <ul style="list-style-type: none"> - Mildew was present on the siding on all sides of the facility. - A pine tree had fallen into the backyard. - Lint was hanging from the dryer vent outlet on the side of the house. <p>Interview on 11/29/2021 with Client #1 revealed:</p> <ul style="list-style-type: none"> - She did not know if any house repairs needed to be made. - She did want not want to make any changes in her bedroom. <p>Interview on 11/29/2021 with Client #2 revealed:</p> <ul style="list-style-type: none"> - All appliances in the house worked as far as she knew. - the only repair that she was aware of was that the bathroom in a back bedroom had a leak around the toilet. <p>Interview attempt on 11/29/2021 with Client #3 revealed:</p> <ul style="list-style-type: none"> - She was unable to answer questions regarding the condition of the home. <p>Interview on 11/29/2021 with Staff #1 revealed:</p> <ul style="list-style-type: none"> - Client #1 did not want anyone to go into her bedroom or anything moved. - It would be a full out war in order to get client #1 to remove the couch from her bedroom. - There had already been some repairs made in the home, including new cabinets in the kitchen, lights in the kitchen, and flooring in the living room had been repaired. <p>Interview on 12/2/2021 with Staff #2 revealed:</p> <ul style="list-style-type: none"> - Clients were supposed to complete household chores, but if they did not do so, facility staff were supposed to clean up behind them. - Facility staff were supposed to ensure that 	V 736		

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V 736	<p>Continued From page 9</p> <p>cleaning was completed correctly.</p> <ul style="list-style-type: none"> - Facility staff tried to get clients to keep their personal items off the floor. - If repairs were needed at the home, facility staff were supposed to call the Qualified Professional (QP). <p>Interview on 12/3/2021 with the QP revealed:</p> <ul style="list-style-type: none"> - Facility staff and clients were supposed to clean the facility. - New furniture was ordered to replace the broken items. <p>Interview on 12/2/2021 with the Director revealed:</p> <ul style="list-style-type: none"> - Some repairs had already been made at the facility. - Additional work was planned. 	V 736		