

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: MHL024-011	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED 01/14/2022
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NAME OF PROVIDER OR SUPPLIER WHITEVILLE GROUP HOME	STREET ADDRESS, CITY, STATE, ZIP CODE 168 SWEET FARM ROAD WHITEVILLE, NC 28472
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V 000	<p>INITIAL COMMENTS</p> <p>An annual and complaint survey was completed on January 14, 2022. The complaint was substantiated (intake #NC00183833). Deficiencies were cited.</p> <p>This facility is licensed for the following service categories: 10A NCAC 27G .5100 Community Respite Services for Individuals of All Disability Groups and 10 A NCAC 27G .5600 Supervised Living for Adults with Mental Illness.</p> <p>The survey sample consisted of audits of 3 current clients and 1 former client.</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 reviews and interviews, the facility failed to ensure the Health Care Personnel Registry (HCPR) was accessed prior to employment affecting 1 of 4 audited staff (#4). The findings are:</p> <p>Review on 01/12/22 of staff #4's personnel record</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	<p>Continued From page 1</p> <p>revealed:</p> <ul style="list-style-type: none"> - Date of hire: 06/27/17. - No documentation of a current HCPR check or a HCPR check prior to hire. <p>Interview on 01/12/22 and 01/14/22 the House Manager stated she had contacted the office for staff #4's HCPR check.</p> <p>Interview on 01/12/22 the Regional Director stated the HCPR check for staff #4 would be sent for review.</p> <p>No HCPR record check was provided.</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.</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</p>	V 133		

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V 133	Continued From page 2 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 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	V 133		

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V 133	<p>Continued From page 3</p> <p>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. (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>	V 133		
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V 133	<p>Continued From page 4</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, 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;</p>	V 133		

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V 133	<p>Continued From page 5</p> <p>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 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>	V 133		

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V 133	<p>Continued From page 6</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 4 audited staff (#4). The findings are:</p> <p>Review on 01/12/22 of staff #4's personnel record revealed: - Date of hire: 06/27/17. - No documentation of a statewide record check.</p> <p>Interview on 01/12/22 and 01/14/22 the House Manager stated she had contacted the office for staff #4's criminal check.</p> <p>Interview on 01/12/22 the Regional Director stated the criminal record check for staff #4 would be sent for review.</p> <p>No statewide criminal record check was provided.</p>	V 133		
V 291	<p>27G .5603 Supervised Living - Operations</p> <p>10A NCAC 27G .5603 OPERATIONS (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. (b) Service Coordination. Coordination shall be maintained between the facility operator and the qualified professionals who are responsible for</p>	V 291		

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V 291	<p>Continued From page 7</p> <p>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 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 reviews and interviews, the facility failed to maintain coordination and participation between the facility operator and family who are responsible for the client's treatment, affecting one of one former clients (FC #5). The findings are:</p> <p>Review on 01/12/22 of FC #5's record revealed:</p> <ul style="list-style-type: none"> - 53 year old male. - Admission date of 08/30/07. - Diagnoses of Moderate Intellectual Developmental Disability and Chronic Schizophrenia. - Discharge to the hospital after 11/17/21. - Was transferred to a higher level of care from the hospital. - No letter of appointment of guardian for FC #5. 	V 291		

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V 291	<p>Continued From page 8</p> <ul style="list-style-type: none"> - No documentation FC #5's family was notified of hospital stay or emergency room visits. <p>Review on 01/12/22 of FC #5's Individual Service Plan dated 08/01/21 revealed:</p> <ul style="list-style-type: none"> - Important People: FC #5's sister. - Instructions to notify FC #5's sister for emergencies. <p>Review on 01/12/22 of FC #5's hospital stay and emergency room (ER) visits revealed:</p> <ul style="list-style-type: none"> - Hospital stay from 11/09/21 thru 11/15/21. - ER 11/16/21. - ER 10/27/21. - ER 10/28/21. - ER 10/18/21. <p>Interview on 01/12/22 FC #5's Care Coordinator stated:</p> <ul style="list-style-type: none"> - She was made aware the facility had not contacted FC #5's sister for hospital stay and visits. - FC #5 had behaviors and was transferred to another facility. <p>Interview on 01/12/22 FC #5's sister stated:</p> <ul style="list-style-type: none"> - She had not been made aware FC #5 had been to the emergency room or had a hospital stay in 2021. - She was FC #5's guardian "verbally." - She was told FC #5 was transferred to another facility. - She was told the facility would contact her about FC #5's current address and phone number but she was not notified of the information. <p>Interview on 01/12/22 the Regional Director stated:</p> <ul style="list-style-type: none"> - The facility should have notified FC #5's sister of FC #5's hospital and emergency room visits. 	V 291		

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V 291	Continued From page 9 - FC #5 was transferred to a higher level of care within her agency. - She had contacted FC #5's sister and a certified letter was sent with relevant information. - She spoke with FC #5's sister again today to resend the information on FC #5's current location.	V 291		
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 was not maintained in a safe, clean, attractive and orderly manner. The findings are: Observation on 01/12/22 at approximately 9:25am revealed: - The 5 dining room chairs had soiled surfaces on the fabric. - The back door had scuff marks on surface. - Client #2's bedroom wall had the paint rubbed off near the head of bed. - The bathroom adjacent to client #1 and client #2's bathroom had black mildew near the ceiling of the shower. The shower/tub had dark substance in the seams. - The living room ceiling fan had a layer of dust on the blades.	V 736		

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V 736	<p>Continued From page 10</p> <ul style="list-style-type: none"> - Client #3's bedroom walls had the paint peeled off the walls. - Client #4's bedroom ceiling fan had 1 of 4 light bulbs that worked. <p>Interview on 01/12/22 the Regional Director stated:</p> <ul style="list-style-type: none"> - She understood the interior items discussed at exit conference. - She would ensure identified issues were corrected. 	V 736		