

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: MHL031-038	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED R 01/14/2022
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NAME OF PROVIDER OR SUPPLIER MAGNOLIA GROUP HOME	STREET ADDRESS, CITY, STATE, ZIP CODE 240 NORTH PETERSON STREET MAGNOLIA, NC 28453
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V 000	<p>INITIAL COMMENTS</p> <p>An annual and follow up survey was completed on January 14, 2022. Deficiencies were cited.</p> <p>This facility is licensed for the following service: 10A NCAC 27G .5600C Supervised Living for Adults with Developmental Disability.</p> <p>The survey sample consisted of audits of 3 current clients.</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</p>	V 118		

Division of Health Service Regulation
LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE _____ TITLE _____ (X6) DATE _____

Division of Health Service Regulation

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V 118	<p>Continued From page 1</p> <p>checks shall be recorded and kept with the MAR file followed up by appointment or consultation with a physician.</p> <p>This Rule is not met as evidenced by: Based on observation, record review and interview, the facility failed to ensure medications were administered on the written order of a physician, recorded immediately after administration, and MARs were kept current for 2 of 3 audited clients (#4 & #5). The findings are:</p> <p>Finding #1: Review on 1/13/22 of client #4's record revealed: -Admitted: 4/23/2001 -Diagnoses: Impulse Control Disorder, Mild Mental Retardation, Psychological Disorder Not Otherwise Specified (NOS), and Mood Disorder NOS -No order for Risperidone .5 milligrams (mg) PRN (as needed) 1 tablet every 12 hours (hrs) (agitation). -Discontinued order for Risperidone .5 mg PRN 1 tablet every 12 hrs dated 1/13/22. -Order dated 12/13/21 for Benztropine .5 mg twice daily (anti-tremor).</p> <p>Review on 1/13/22 of client #4's November 2021-January 2022 MARs revealed: -No staff initials on 12/31/21 for Benztropine .5 mg AM dose. -Transcribed order for Risperidone .5 mg PRN 1 tablet every 12 hrs on MAR but no physician order.</p>	V 118		

Division of Health Service Regulation

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V 118	<p>Continued From page 2</p> <p>Interview on 1/13/22 client #4 reported: -He received his medications daily. -Staff had never missed giving him his medications.</p> <p>Finding #2: Review on 1/13/22 of client #5's record revealed: -25 year old male admitted 6/1/21. -Diagnoses included Autism Spectrum Disorder, Moderate Intellectual Developmental Disability, and history of Colitis.</p> <p>Review on 1/13/22 of client #5's medication orders and the corresponding order dates revealed: -10/21/21 and 11/18/21: Risperidone 3 mg twice daily in am and 6 pm. -9/23/21 and 11/18/21: Oxcarbazepine 300 mg, 2 tablets, twice daily in am and 7 pm. (anxiety) -10/4/21 and 11/18/21: Benztropine 1 mg 3 times daily. -9/23/21 and 11/18/21: Propranolol 10 mg 3 times daily. (anxiety, off label use) -9/23/21 and 11/18/21: Lorazepam 1 mg daily as needed for anxiety.</p> <p>Review on 1/13/22 of client #5's MARs 10/1/21 - 1/12/22 revealed: -Risperidone 3 mg was scheduled and documented as administered daily at 8 am and 6 pm. -Oxcarbazepine 300 mg, 2 tablets, was scheduled and documented as administered daily at 8 am and 7 pm. -Benztropine 1 mg had not been documented for the following scheduled doses: 1/7/22 at 2 pm; 11/5/21 at 2 pm; 10/29/21 at 3 pm. -Propranolol 10 mg had not been documented for the following scheduled doses: 11/5/21 at 3 pm;</p>	V 118		

Division of Health Service Regulation

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V 118	<p>Continued From page 3</p> <p>10/29/21 at 3 pm.</p> <p>-No doses of Lorazepam 1 mg were documented on 12/16/21 or 1/12/22 for anxiety.</p> <p>-A handwritten sticky note was attached to the November 2021 MAR which read, "[Staff #6] Please sign 2 pm Benztropine 1 mg and 3 pm Propranolol 10 mg."</p> <p>Review on 1/13/22 of client #5's controlled drug sign out log for December 2021 and January 2022 revealed Lorazepam 1 mg was signed out on 12/16/21 and 1/12/22; no times had been documented.</p> <p>Observations on 1/13/22 between 11 am and 12 pm of client #5's medications on hand revealed:</p> <p>- "8 PM" was handwritten on the bubble pack card of Risperidone 3 mg, labeled, "PM." The label read to administer the medication at 8am and 6 pm.</p> <p>- "8 PM" was handwritten on the bubble pack card of Oxcarbazepine 300 mg, labeled, "PM." The label read to administer 2 tablets in am and 7 pm.</p> <p>Interview on 1/13/22 client #5 reported:</p> <p>- Staff administered his medications on time.</p> <p>- The facility was never out of his medications.</p> <p>Interview on 1/13/22 the Group Home Manager stated:</p> <p>- The evening doses of client #2's Risperidone and Oxcarbazepine were both administered at 8 pm because the Executive Director/Qualified Professional (ED/QP) had written "8 pm" on the bubble packs.</p> <p>- She had given client #5 his 2 pm Benztropine on 1/7/22 and had forgotten to sign the MAR.</p> <p>- She had given client #5 his Lorazepam on 1/12/22 around 5 pm and had forgotten to sign the MAR.</p>	V 118		

Division of Health Service Regulation

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V 118	<p>Continued From page 4</p> <p>Interview on 1/13/22 the ED/QP stated: -She contacted the pharmacy on 1/13/22 and obtained a physician's order for the Risperidone .5 mg PRN. -She believed the blanks on client #4's MAR to be a documentation error. -The Group Home Manager was working on 12/31/21 and initialed the MAR for all of the rest of client #4's medications. -She had instructed staff to initial each medication on the client's medication pack after medications were administered. -She would ask the Group Home Manager to initial the MAR for client #4's 12/31/21 dose of Benzotropine if they had the previous bubble pack initialed for that dosage. -Client #4's December medication pack had been discarded. -She had left the note for staff #6 to sign the November 2021 MAR. -She reviewed MARs at the end of each month and if there were blanks she would look to see who initialed that dose on the bubble pack and leave a note for that staff to sign off on the MAR. -She had written "8 pm" on client #5's evening bubble packs for Risperidone 3 mg and Oxcarbazepine 300 mg, thinking this would allow time for the medications to be given within an hour of the ordered dosing times. -She would follow up with staff on the ordered dosing times for client #5's Risperidone and Oxcarbazepine.</p> <p>Due to the failure to accurately document medication administration, it could not be determined if clients received their medications as ordered by the physician.</p>	V 118		

Division of Health Service Regulation

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

Division of Health Service Regulation

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V 133	<p>Continued From page 6</p> <p>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 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>	V 133		

Division of Health Service Regulation

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V 133	<p>Continued From page 7</p> <p>(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> <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. (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</p>	V 133		

Division of Health Service Regulation

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V 133	Continued From page 8 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 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.	V 133		

Division of Health Service Regulation

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V 133	<p>Continued From page 9</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 reviews and interviews the facility failed to request state criminal background checks within five business days of employment for 1 of 3 audited staff (Group Home Manger). The findings are:</p> <p>Review on 1/13/22 the Group Home Manager's personnel record revealed: -Title: Group Home Manager -Hire date: 11/7/18 -No criminal background check.</p>	V 133		

Division of Health Service Regulation

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V 133	<p>Continued From page 10</p> <p>-No documentation of a criminal background request.</p> <p>Interview on 1/13/22 the Group Home Manager reported: -She worked Monday-Friday, 24 hour shift from 5 am on Monday to 5 am on Friday. -Some of her responsibilities included administering medications, preparing meals/snacks, and helping clients with their chores.</p> <p>Interview on 1/13/22 the Executive Director/Qualified Professional reported: -She had not followed up on this deficiency from the prior survey completed on 10/17/19. -She had submitted the Group Home Manager's fingerprints to the state prior to 10/17/19 but had never received the criminal background check report. -She would resubmit the criminal background check request.</p> <p>This deficiency constitutes a re-cited deficiency and must be corrected within 30 days.</p>	V 133		
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		

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V 736	<p>Continued From page 11</p> <p>This Rule is not met as evidenced by: Based on observation and interview the facility was not maintained in a safe, clean and attractive manner. The findings are:</p> <p>Observation and tour on 1/13/22 of the facility between 10:00 am-11:00 am revealed: -Laundry room ceiling light was inoperable. -Bathroom with tub: Paint cracked and peeling around the tub and sink. Rust colored areas on the wall between the sink and tub. -Client #5's bedroom: The pedestal feet at the base of the television set placed on the dresser top extended past the edge of the dresser. -Client #2's bedroom: Dresser on the right side of the room had a piece of the 3rd drawer from the top that was missing and the dresser on the left side of the room was missing the 3rd drawer from the top.</p> <p>Interview on 1/13/22 the Group Home Manager reported: -The Executive Director/Qualified Professional (ED/QP) was responsible for coordination of facility repairs. -The laundry room ceiling light was inoperable due to an electrical shortage in the light. -The ED/QP was aware of the inoperable laundry room light and was working to have it repaired.</p> <p>Interview on 1/13/22 the ED/QP reported: -She was aware of the issues in the bathroom on the right side of the hallway. -The property owner coordinated repairs to the home and would designate each year what type of repair would take place. -She would find a solution for client #5's television to make sure it did not fall from his dresser.</p>	V 736		