

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
CENTERS FOR MEDICARE & MEDICAID SERVICES

PRINTED: 01/19/2022  
FORM APPROVED  
OMB NO. 0938-0391

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  <b>34G310</b>	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____  B. WING _____		(X3) DATE SURVEY COMPLETED  <b>C</b> <b>01/13/2022</b>
NAME OF PROVIDER OR SUPPLIER  <b>LIFE, INC CHEROKEE TRAIL GROUP HOME</b>			STREET ADDRESS, CITY, STATE, ZIP CODE <b>105 CHEROKEE TRAIL WILMINGTON, NC 28409</b>		
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W 000	INITIAL COMMENTS	W 000			
W 122	A complaint survey was completed on 1/13/22 for Intake #NC00183969. Deficiencies were cited. <b>CLIENT PROTECTIONS</b> CFR(s): 483.420(a)  The facility must ensure the rights of all clients. Therefore the facility must This <b>CONDITION</b> is not met as evidenced by: The facility failed to: ensure client are not subjected to mistreatment, neglect and abuse (W127); and implement written policies and procedures that prohibit mistreatment, neglect and abuse of a client (W149).  The cumulative effect of these systemic practices resulted in the facility's failures to provide statutorily mandated services of client protections to its clients.	W 122			
W 127	<b>PROTECTION OF CLIENTS RIGHTS</b> CFR(s): 483.420(a)(5)  The facility must ensure the rights of all clients. Therefore, the facility must ensure that clients are not subjected to physical, verbal, sexual or psychological abuse or punishment. This <b>STANDARD</b> is not met as evidenced by: Based on record reviews and interviews, the facility failed to ensure 1 of 6 clients (#1) residing in the home was not subject to physical, verbal and psychological abuse or punishment. The finding is:  Review on 1/13/22 of the facility's investigation initiated 12/6/21 revealed that on 12/5/21, client #1 was displaying continuous behaviors, including making threats of harm to himself and others, and using profanity and calling staff derogatory	W 127			

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE

TITLE

(X6) DATE

Any deficiency statement ending with an asterisk (\*) denotes a deficiency which the institution may be excused from correcting providing it is determined that other safeguards provide sufficient protection to the patients. (See instructions.) Except for nursing homes, the findings stated above are disclosable 90 days following the date of survey whether or not a plan of correction is provided. For nursing homes, the above findings and plans of correction are disclosable 14 days following the date these documents are made available to the facility. If deficiencies are cited, an approved plan of correction is requisite to continued program participation.

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W 127	<p>Continued From page 1</p> <p>names. Staff A was being investigated for possible verbal abuse. Staff A was suspended from employment on 12/6/21 until the conclusion of the investigation. The facility substantiated a clients rights issue and improper conduct against Staff A. Staff A received a written warning and was brought back to work on 12/10/21.</p> <p>Review on 1/13/22 of the facility's video surveillance camera and audio recordings dated 12/5/21 revealed client #1 and Staff A walking into the home from the carport. Staff A was observed to say "I know you didn't just f**king throw that s**t at me." Client #1 responded, "I kicked it." Staff A was then stated, "Like the dog you think I am, I'm not a f**king animal. You want to sit up here and be disrespectful, you don't want nobody talking to you like that, you won't talk to me like that."</p> <p>Review on 1/13/22 of Staff A's written statement dated 12/8/21 revealed that client #1 was being verbally aggressive, using profanity and making threats of harm to himself and others. Staff A stated that client #1 flipped her off and called her a "f***ing n***a." Staff A stated she turned around and walked back into the house and thought client #1 threw something at her. Staff A stated she said to her coworkers "I know he didn't just throw that at me like I was a f***ing dog" and client #1 stated, "No I kicked it at you, you f***ing dog." Staff A stated that was the last straw for her. Staff A stated she could not remember her exact words but she told client #1 "How would you like it if I called you a f***ing dog?" and "I don't f***ing talk to you like that, and you're not going to f***ing talk to me like that."</p> <p>Interview on 1/13/22 with the Qualified Intellectual</p>	W 127			

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W 127	<p>Continued From page 2</p> <p>Disabilities Professional II (QIDP II) and Director of ICF Services (Director) revealed the facility did not terminate Staff A as they feel she is a good employee and this was an isolated incident. The QIDP II and Director revealed Staff A has worked for the facility for 8 years and has never had any previous issues, and is always good to calm and re-direct the clients in the home. The QIDP II and Director also revealed that in the weeks leading up to the incident, client #1 had been making racial slurs at the African American staff in the home.</p> <p>Review on 1/13/21 of the facility's Consumer Rights Policy dated 5/14, revised 6/4/20, revealed a section entitled Promotion of Consumer Well Being and Abuse Prevention describes Emotional Abuse as "expressing attitudes or behaviors toward a consumer that creates or can create psychological damage. Examples include but are not limited to: verbal threats, demeaning comments, profanity and harsh/loud negative tone of voice." In addition, all alleged incidents of rights violations and crimes will be investigated and documented with appropriate corrective actions taken based on findings. Additional review of the Consumer Rights Policy revealed "Based on findings during the alleged rights violation investigation, appropriate disciplinary action will be taken, including possible termination, as specified in other policies approved and/or adapted by the facility.</p> <p>The facility was notified by the surveyor on 1/13/22 that an immediate jeopardy existed in the facility based on review of staff statements, review of camera footage and the facility bringing the staff back to work which is against their policy.</p>	W 127			

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W 127	Continued From page 3  The facility responded with the following plan of protection actions: 1. The accused staff will be suspended from all client related interactions effective immediately. 2. The team will explore non-client related employment opportunities within the company. If no options are deemed appropriate, the staff will be terminated. 3. All staff will be re-trained within the next 48 hours or prior to their next shift.	W 127			
W 149	STAFF TREATMENT OF CLIENTS CFR(s): 483.420(d)(1)  The facility must develop and implement written policies and procedures that prohibit mistreatment, neglect or abuse of the client. This STANDARD is not met as evidenced by: Based on record reviews and interview, the facility neglected to assure its policies and procedures that prohibit emotional and verbal abuse were implemented to protect 6 of 6 clients in the home (#1, #2, #3, #4, #5, and #6). The finding is:  Review on 1/13/22 of the facility's investigation initiated 12/6/21 revealed that on 12/5/21, client #1 was displaying continuous behaviors, including making threats of harm to himself and others, and using profanity and calling staff derogatory names. Staff A was being investigated for possible verbal abuse. Staff A was suspended from employment on 12/6/21 until the conclusion of the investigation. The facility substantiated a	W 149			

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W 149	<p>Continued From page 4</p> <p>clients rights issue and improper conduct against Staff. Staff A received a written warning and was brought back to work on 12/10/21.</p> <p>Review on 1/12/22 of the facility's video surveillance camera and audio recordings revealed client #1 and Staff A walking into the home from the carport. Staff A was observed to say "I know you didn't just f***ing throw that s**t at me." Client #1 responded, "I kicked it." Staff A was then observed to state, "Like the dog you think I am, I'm not a f***ing animal. You want to sit up here and be disrespectful, you don't want nobody talking to you like that, you won't talk to me like that."</p> <p>Review on 1/13/22 of Staff A's written statement dated 12/8/21 revealed that client #1 was being verbally aggressive, using profanity and making threats of harm to himself and others. Staff A stated that client #1 flipped her off and called her a "f***ing n***a." Staff A stated she turned around and walked back into the house and thought client #1 threw something at her. Staff A stated she said to her coworkers "I know he didn't just throw that at me like I was a f***ing dog" and client #1 stated, "No I kicked it at you, you f**king dog." Staff A stated that was the last straw for her. Staff A stated she could not remember her exact words but she told client #1 "How would you like it if I called you a f***ing dog?" and "I don't f**king talk to you like that, and you're not going to f**king talk to me like that."</p> <p>Review on 1/13/21 of the facility's Consumer Rights Policy dated 5/14, revised 6/4/20, revealed a section entitled Promotion of Consumer Well Being and Abuse Prevention describes Emotional Abuse as "expressing attitudes or behaviors</p>	W 149			

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W 149	<p>Continued From page 5</p> <p>toward a consumer that creates or can create psychological damage. Examples include but are not limited to: verbal threats, demeaning comments, profanity and harsh/loud negative tone of voice." In addition, all alleged incidents of rights violations and crimes will be investigated and documented with appropriate corrective actions taken based on findings. Any employee who intentionally abuses a consumer or exploits a consumer's property is guilty of a class 1 misdemeanor. Additional review of the Consumer Rights Policy revealed "Based on findings during the alleged rights violation investigation, appropriate disciplinary action will be taken, including possible termination, as specified in other policies approved and/or adapted by the facility.</p> <p>The facility's Consumer Rights Policy defines neglect as "serious disregard of consumer's supervision, care, or treatment. It is any action by an employee that results in harm/injury or could potentially result in harm/injury to a consumer." Based on review of the facilities investigation dated 12/9/21, review of the facility's Consumer Rights Policy dated 5/2014, revised 6/4/20, and interview with the QIDP II and Director on 1/13/22, the facility was neglectful by allowing Staff A, who exhibited emotional and verbal abuse against a client, to return to work and continue to work in direct contact with all clients living in the facility.</p> <p>Interview on 1/13/22 with the Qualified Intellectual Disabilities Professional II (QIDP II) and Director of ICF Services (Director) revealed the facility did not terminate Staff A as they feel she is a good employee and this was an isolated incident. The QIDP II and Director revealed Staff A has worked</p>	W 149			

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W 149	Continued From page 6 for the facility for 8 years and has never had any previous issues, and is always good to calm and re-direct the clients in the home. The QIDP II and Director also revealed that in the weeks leading up to the incident, client #1 had been making racial slurs at the African American staff in the home.  Further interview with the QIDP II and Director revealed staff in the home was provided additional training and facility management completed additional observations via video surveillance review.	W 149			