

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: MHL006-001	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED 01/26/2022
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NAME OF PROVIDER OR SUPPLIER YELLOW MOUNTAIN ENTERPRISES	STREET ADDRESS, CITY, STATE, ZIP CODE 255 ESTATOA AVENUE NEWLAND, NC 28657
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(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY MUST BE PRECEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION)	ID PREFIX TAG	PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY)	(X5) COMPLETE DATE
V 000	<p>INITIAL COMMENTS</p> <p>An annual and complaint survey was completed on January 26, 2022. The complaint was unsubstantiated (Intake #NC183624). Deficiencies were cited.</p> <p>The facility is licensed for the following service category: 10A NCAC 27G .2300 Adult Developmental and Vocational Programs for Individuals with Developmental Disabilities.</p> <p>The survey sample consisted of audits of 3 current clients.</p>	V 000		
V 106	<p>27G .0201 (A) (8-18) (B) GOVERNING BODY POLICIES</p> <p>10A NCAC 27G .0201 GOVERNING BODY POLICIES</p> <p>(a) The governing body responsible for each facility or service shall develop and implement written policies for the following:</p> <p>(8) use of medications by clients in accordance with the rules in this Section;</p> <p>(9) reporting of any incident, unusual occurrence or medication error;</p> <p>(10) voluntary non-compensated work performed by a client;</p> <p>(11) client fee assessment and collection practices;</p> <p>(12) medical preparedness plan to be utilized in a medical emergency;</p> <p>(13) authorization for and follow up of lab tests;</p> <p>(14) transportation, including the accessibility of emergency information for a client;</p> <p>(15) services of volunteers, including supervision and requirements for maintaining client confidentiality;</p> <p>(16) areas in which staff, including nonprofessional staff, receive training and</p>	V 106		

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LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE _____ TITLE _____ (X6) DATE _____

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V 106	<p>Continued From page 1</p> <p>continuing education; (17) safety precautions and requirements for facility areas including special client activity areas; and (18) client grievance policy, including procedures for review and disposition of client grievances. (b) Minutes of the governing body shall be permanently maintained.</p> <p>This Rule is not met as evidenced by: Based on record review and interview, the facility failed to develop and implement written policy regarding transportation for 3 of 3 audited clients (Clients #1, #2, and #3) The findings are:</p> <p>Review on 1/12/22 of Client #1's record revealed: Admission date: 6/1/21; Diagnoses: Spina Bifida, Cerebral Palsy, Moderate Intellectual Developmental Disability (IDD), and Speech Impairment</p> <p>Review on 1/12/22 of Client #2's record revealed: Admission date: 6/2/95; Diagnoses: Moderate Intellectual Developmental Disability, Rheumatoid Arthritis, Osteoporosis, and Myelodysplastic Anemia</p> <p>Review on 1/12/22 of Client #3's record revealed: Admission date: 2/12/20; Diagnoses: Mild Intellectual Developmental Disability, Depressive Disorder, Hypertension, and Diabetes</p> <p>Review on 1/12/22 of facility incident reports from August 2021 to January 2022 revealed:</p>	V 106		

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V 106	<p>Continued From page 2</p> <p>- on 9/30/21 at 12:30pm, "the driver of the transportation van was rolling [Client #1's] wheelchair down the ramp, lost balance, fell, pulling [Client #1] over as well; -[Client #1] landed on his back and his forehead was bleeding; -Emergency Medical Services (EMS) was called and [Client #1] was transported to local hospital."</p> <p>Interview on 1/14/22 and 1/21/22 with Local County Director of Transportation revealed: -they are a "curb to curb service" meaning their responsibility for wheelchair clients starts and ends at the sidewalk from the van or "to the door;" -they do not have any written policies with the facility about who is responsible for what.</p> <p>Review on 1/20/22 of email from Executive Director dated 1/20/22 to Surveyor revealed: -"there are not transportation policies at this time."</p> <p>Interview from 1/12/22 to 1/26/22 with Executive Director revealed: -they contracted with a local transportation authority for transportation for clients to and from the day program; -he will be working on getting a policy in place regarding transportation.</p>	V 106		
V 744	<p>27G .0304(b) Safety</p> <p>10A NCAC 27G .0304 FACILITY DESIGN AND EQUIPMENT (b) Safety: Each facility shall be designed, constructed and equipped in a manner that ensures the physical safety of clients, staff and visitors.</p>	V 744		

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V 744	<p>Continued From page 3</p> <p>This Rule is not met as evidenced by: Based on record review, observation, and interviews, the facility failed to ensure that the ramp was constructed and equipped in a manner that ensured the physical safety of 1 of 3 audited clients (#1). The findings are:</p> <p>Review on 1/12/22 of Client #1's record revealed: Admission date: 6/1/21; Diagnoses: Spina Bifida, Cerebral Palsy, Moderate Intellectual Developmental Disability (IDD), and Speech Impairment; Admission history included: history of Seizure Disorder and utilizes a wheelchair for mobility.</p> <p>Interview on 1/21/22 and 1/24/22 with the local building inspector revealed: -he went and looked at the ramp at the facility; -he discussed verbally the recommendations with the Executive Director and that the ramp was not (ADA) compliant for wheelchairs; -it is compliant for a pedestrian ramp and "can't tear it down since it can be used for emergency egress;" -he advised that the facility needed to look at their Standard Operating Procedures and sent a letter;</p> <p>Review on 1/24/22 of a letter from the local building inspector dated 9/30/21 addressed to the licensee revealed: -subject was listed as local county inspection department evaluation of ramp serving rear of facility building; -"the evaluation was prompted by a call to the facility on September 30, 2021 for a wheelchair client falling on the ramp;" -the letter states that "the ramp does not meet</p>	V 744		

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V 744	<p>Continued From page 4</p> <p>Americans with Disabilities Act (ADA) requirements" and deficiencies were noted to include: slope of the ramp, landing at the bottom of the ramp and handrails not being complaint, and floor surface of ramp not meeting the required rise.</p> <p>-the ramp was listed as meeting requirements for a pedestrian ramp;</p> <p>-recommendations were made that until new structure ingress and egresses could be addressed that two paid facility staff assist individuals into the building and that the front entrance be utilized for client access.</p> <p>Review on 1/12/22 of facility incident reports dated August 2021 to January 2022 revealed:</p> <p>- on 9/30/21 at 12:30pm, "the driver of the transportation van was rolling [Client #1's] wheelchair down the ramp, lost balance, fell, pulling [Client #1] over as well ...;</p> <p>-[Client #1] landed on his back and his forehead was bleeding ...;</p> <p>-Emergency Medical Services (EMS) was called and [Client #1] was transported to local hospital."</p> <p>Review on 1/12/22 and 1/19/22 of facility video footage from 9/30/21 at approximately 12:21PM revealed:</p> <p>- 4 video clips, totaling 15 minutes and 1 second in length;</p> <p>- video footage shows the back of the facility, ramp, and road through to facility from a viewpoint of the rear of the facility (from building behind day program);</p> <p>-12:21:21 PM: local county transportation van parked in front of the ramp with wheelchair lift on ground, driver's side door on van open;</p> <p>-local county transportation staff (transportation staff) begins walking up ramp to the back of facility;</p>	V 744		

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V 744	<p>Continued From page 5</p> <p>-12:21:37 PM: transportation staff reaching the top of the ramp to back door of facility;</p> <p>-12:21:42 PM: transportation staff going inside the facility;</p> <p>-12:23:30 PM: transportation staff coming out the back door of the facility, bringing Client #1 out on to ramp in wheelchair;</p> <p>-12:23:43 PM: transportation staff going to close door after bringing Client #1 out, both are at the top of facility ramp;</p> <p>-12:24:03 PM: transportation staff pushing Client #1 in wheelchair down ramp;</p> <p>-12:24:24 PM: transportation staff reaching first landing with Client #1 and turning Client #1's wheelchair to go down second portion of ramp;</p> <p>-12:24:30 PM: transportation staff pushing Client #1 down second portion of ramp;</p> <p>-12:24:36 PM: transportation staff starting to bend forward and appearing to look like she is losing control of Client #1's wheelchair as it speeds up;</p> <p>-12:24:39 PM: transportation staff falling forward and pushing wheelchair at the same time;</p> <p>-Client #1's wheelchair flips backwards to the ground and transportation staff falls to the pavement on her knees and then to her side;</p> <p>-12:24:44 PM: movement from transportation staff from ground;</p> <p>-12:24:48 PM: what appears to be transportation staff talking to Client #1;</p> <p>-12:25:03 PM: transportation staff trying to get up;</p> <p>-12:25:33 PM: transportation staff walking up facility ramp and then same staff turns around before reaching first landing;</p> <p>-transportation staff then walks down past Client #1 and behind transportation van out of camera view;</p> <p>-12:25:52 PM: transportation staff walking back up ramp to the top where door is located;</p> <p>-12:26:06 PM: transportation staff going back inside facility, Client #1 is still at bottom of ramp;</p>	V 744		

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V 744	<p>Continued From page 6</p> <p>-12:26:38 PM: transportation staff and facility staff coming out of the facility and down ramp to Client #1;</p> <p>-12:26:46 PM: three facility staff coming to assist Client #1;</p> <p>-12:27:02 PM: facility staff on phone;</p> <p>-12:27:25 PM: two more facility staff coming down ramp;</p> <p>-12:27:34 PM: transportation staff out of camera view;</p> <p>-12:30:09 PM: another facility staff coming over to assist Client #1;</p> <p>-12:31:26 PM: transportation staff at rear of van;</p> <p>-12:31:24 PM: fire truck pulling up beside van;</p> <p>-12:32:04 PM: two first responders going to attend to Client #1 who had multiple facility staff with him;</p> <p>-12:32:41 PM: one first responder walking out of camera view;</p> <p>-12:33:20 PM: a facility staff giving another facility staff a chair over the top of the ramp;</p> <p>-12:33:23 PM: first responder appearing to talk to transportation staff;</p> <p>-12:33:28 PM: facility staff bringing over chair for transportation staff;</p> <p>-12:33:34 PM: transportation staff sitting down in chair;</p> <p>-12:34:29 PM: first responder waving to something off camera;</p> <p>-12:34:45 PM: Emergency Medical Services (EMS) vehicle coming on camera;</p> <p>-12:34:56 PM: EMS vehicle pulled up by transportation van;</p> <p>-12:35:12 PM: EMS driver getting out of vehicle to attend to Client #1</p> <p>-12:35:22 PM: video footage ends.</p> <p>Observation on 1/12/22 at 2:45PM of facility wheelchair accessible ramp revealed: -a ramp going out the back of the building;</p>	V 744		

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V 744	<p>Continued From page 7</p> <p>-the ramp had handrails on both sides; -the ramp was constructed of wood and went down to the pavement behind the facility.</p> <p>Interview on 1/12/22 with Client #1 revealed: -his fall occurred while leaving the facility in the afternoon to go home; -"I fell here ...coming from work (facility) ...coming down the ramp ...my chair went backwards and hit my head ...the fire department came;" -"[Local County transportation staff] was the one that fell I was there by myself on the concrete ...I was scared;" - facility staff came to help; "[Qualified Professional #1] called 911 and my [caretaker];" -he didn't stay in the hospital for any injuries and ended up with a scratch on his head like "rug burn"; -this hadn't happened before, and now two facility staff help him get on the van. -he reported that his caretaker wanted to sue the facility for what happened;</p> <p>Attempted interview with Client #1's caretaker revealed: -1/13/22, surveyor contacted Client #1's caretaker, confirmed identification, and caretaker hung up the phone when surveyor identified reason for calling; -Additional voicemail messages were left on 1/13/22 and 1/20/22 requesting call back prior to exit of survey, without success.</p> <p>Interview on 1/13/22 with local first responder #1 revealed: -when he arrived on scene [Client t#1] was on his back," his head was on the concrete; -he didn't pick him up right away because "[Client #1] reported he had a shunt in his head ...so we</p>	V 744		

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V 744	<p>Continued From page 8</p> <p>waited for the paramedics;"</p> <p>-the paramedics came, "nothing was life threatening" and he was taken to the hospital;</p> <p>-he had not responded to the facility before for a client falling on the ramp.</p> <p>Review on 1/19/22 of local hospital records revealed:</p> <p>-Client #1 presented to a local emergency room on 9/30/21 at 1:23pm after falling backwards in his wheelchair and hitting his head;</p> <p>-Client #1 had a history of Hydrocephalus with a shunt;</p> <p>-Client #1 sustained an abrasion on the right side of the head;</p> <p>-Client #1 received a Computerized Tomography (CT) scan and the results did not indicate a significant injury from his fall;</p> <p>-there were findings related to Client #1's physical needs, specifically concerning Chiari malformation, possible worsening Hydrocephalus, and scattered foci of intracranial fat but "correlation with an exam and prior images were recommended;"</p> <p>-Client #1 was discharged the same day.</p> <p>Interview on 1/12/22 and 1/13/22 with the Qualified Professional #1 revealed:</p> <p>-she didn't witness the incident occur;</p> <p>-regarding Client #1's fall, "transportation staff had come to get him and was taking him down the ramp and not sure if transportation staff slipped first or he was getting away ...but his chair flipped, and he hit his head;"</p> <p>-she contacted Client #1's caretaker and he was sent to the emergency room to get checked out;</p> <p>-she followed up with Client #1's caretaker that evening and " he had no a bump, no injuries;"</p> <p>-she was under the impression that the ramp was Americans with Disabilities Act (ADA) compliant;</p>	V 744		

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V 744	<p>Continued From page 9</p> <p>-Client #1's caretaker requested the facility not use the back ramp for Client #1 and since the incident, they have not;</p> <p>-when facility staff have to use the ramp out back, i.e. for fire drills, two staff, one in front and one in the back are used so there is no chance of Client #1 getting away.</p> <p>Interview on 1/14/21 and 1/21/22 with Local County Director of Transportation revealed:</p> <p>-they are a "curb to curb service" meaning their responsibility for wheelchair clients starts and ends at the sidewalk or "to the door" when coming from the van;</p> <p>-they are not supposed to go inside facilities, but sometimes "we help them out" at the facility;</p> <p>-the transportation staff went inside the facility to get Client#1 on 9/30/21;</p> <p>-she reported that the facility was still responsible to get Client#1 to the sidewalk despite transportation staff going in that day;</p> <p>-the transportation driver doesn't work for the company anymore;</p> <p>-she reported that the wheelchair ramp was not in compliance when transportation driver and Client #1 fell.</p> <p>Interviews from 1/12/22 to 1/25/22 with Executive Director revealed:</p> <p>-a new ramp was constructed in September 2021;</p> <p>- just learned that the contractor they hired to do the ramp did not pull the proper permits;</p> <p>-they shut down the ramp immediately, that day when Client#1 had his fall and the local building inspector and fire marshal came;</p> <p>-when asked what the local building inspector told him when he came out, he reported that the building inspector told him the ramp was not compliant because of the tables and chairs at the</p>	V 744		

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V 744	<p>Continued From page 10</p> <p>back of the facility; -facility staff moved them; -he reported that the inspector told him that the pitch on the bottom part is higher than what it should be but that it passed inspection and that his recommendation was to have staff go down with non-ambulatory clients so they didn't fall and that any one in a wheelchair have one staff in the front and one in the back; -since that time, they've been having clients exit and enter the facility from the front entrances which wheelchairs can roll straight in; -they've had two staff assist Client#1 with getting on the van; -he was under the impression that the ramp in the back of the facility was (ADA) compliant; -the local building inspector has not been back to look at the ramp; -he denied receiving a letter or that the licensee received a letter from the local building inspector that indicated the ramp was not ADA compliant;</p> <p>Review on 1/26/22 of Plan of Protection written and signed on 1/26/22 by Executive Director revealed:</p> <p>"What immediate action will the facility take to ensure the safety of the consumers in your care?"</p> <p>Per the conversation had with the local County Building Inspector, [Building Inspector name], and local Fire Marshall [name]; [Building Inspector name] told us that if clients who are non-ambulatory (using canes, walkers) use the ramp located on the back of the building that it would be advisable to have one staff walk with the clients. If a client is in a wheelchair, it was advised that we have two or more staff walk down the ramp with them having one staff in the front and at least one in the back. However, due to our</p>	V 744		

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V 744	<p>Continued From page 11</p> <p>building location, the decision was made to take any clients who are non-ambulatory, regardless of the device they use, out the in and out of the front entrance. This allows easy access to the facility.</p> <p>In addition, following the conversation on 1/25; I have contacted several building contractors to have the ramp issues repaired or replaced.</p> <p>Describe your plans to make sure the above happens:</p> <p>Having clients use the front exit began on October 1st, following the above mentioned conversation.</p> <p>The repairs or replacement of the ramp will take place as soon as possible. I am currently working with building contractors to have this done."</p> <p>Yellow Mountain Enterprises is an Adult Developmental and Vocational Day Program for Individuals with Developmental Disabilities. This program supports adults in increasing self-sufficiency, independence, and maintaining relationships. The program serves adults with a wide range of abilities and needs with diagnoses including Cerebral Palsy, Mood Disorder, Intellectual Disabilities and Autism. Client #1 had a shunt in his head due to a history of Hydrocephalus, Chiari malformation, seizure disorder, and utilized a wheelchair for mobility. Yellow Mountain Enterprises has a ramp out of the back of their facility that was re-built in September 2021 to accommodate non-ambulatory clients. Client #1 sustained a fall in his wheelchair on 9/30/21 while being pushed down the ramp by transportation staff, flipped over backwards and was transported to a local hospital because he hit his head. The facility</p>	V 744		

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STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: MHL006-001	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED 01/26/2022
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NAME OF PROVIDER OR SUPPLIER YELLOW MOUNTAIN ENTERPRISES	STREET ADDRESS, CITY, STATE, ZIP CODE 255 ESTATOA AVENUE NEWLAND, NC 28657
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(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY MUST BE PRECEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION)	ID PREFIX TAG	PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY)	(X5) COMPLETE DATE
V 744	<p>Continued From page 12</p> <p>failed to ensure that the ramp was built according to local code, and Americans with Disabilities Act (ADA) compliant for wheelchairs. The local building inspector came out the same day of the incident and identified areas of deficiencies regarding the ramp which was outlined in a subsequent letter. The letter specifically noted that the slope of the ramp, landing at the bottom of the ramp and handrails not being complaint, as well as the floor surface of ramp not meeting the required rise. The ramp was listed as meeting requirements for a pedestrian ramp. The facility failed to ensure that the ramp was originally built to meet the needs of the clients it serves. The letter further recommended until new structure ingress and egresses could be addressed that 2 staff be provided to assist individuals or to access the front entrance. This deficiency constitutes a Type A1 rule violation for serious neglect and must be corrected within 23 days. An administrative penalty of \$1,500.00 is imposed. If the violation is not corrected within 23 days, an additional administrative penalty of \$500.00 per day will be imposed for each day the facility is out of compliance beyond the 23rd day.</p>	V 744		