

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: MHL092-889	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING: _____	(X3) DATE SURVEY COMPLETED 05/02/2022
NAME OF PROVIDER OR SUPPLIER BRIGHTHAVEN HOME		STREET ADDRESS, CITY, STATE, ZIP CODE 2705 BRIGHTHAVEN DRIVE RALEIGH, NC 27614		
(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	INITIAL COMMENTS An annual survey was completed on May 2, 2022. Deficiencies were cited. This facility is licensed for the following service category: 10A NCAC 27G .5600C Supervised Living for Adults with Developmental Disabilities. The facility is licensed for three clients and currently has a census of one. The survey sample consisted of one current client.	V 000		
V 131	G.S. 131E-256 (D2) HCPR - Prior Employment Verification 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. This Rule is not met as evidenced by: Based on record review and interview the facility failed to ensure two of two (#1, #2) audited staff had HCPR completed prior to hire. The findings are: Review on 5/2/22 of staff #1's record revealed: -Hire date of 3/1/20. -HCPR check completed 4/28/22 (open day of survey)	V 131	<u>V 131</u> Bright Haven Home LLC was granted a license on 3/26/2014 to operate a facility, Bright Haven Home, with a capacity of 3 to serve 276.5600C Supervised Living DD Adults residents. An agency provided staff to work at BH. Staff #1 and staff #2 have worked at BH since 2014. On March 1, 2020, Bright Haven Home LLC hired staff to work and BH directly. Staff #1 and staff #2 continued to work at Bright Haven Home.	5/11/22

Division of Health Service Regulation

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

TITLE

(X6) DATE

STATE FORM

6899

FZTT11

DHSR - Mental Health

Continuation sheet 1 of 7

MAY 16 2022

Lic. & Cert. Section

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V 131	Continued From page 1 Review on 5/2/22 of staff #2's record revealed: -Hire date of 3/1/20. -HCPR check completed 4/28/22 (open day of survey) Interview on 5/2/22 the Licensee stated: -Staff #1 and #2 came to home from another agency when he created his own company. -They had already been working in the facility but employed by the previous company. -Did not have their original HCPR when he hired them to his company and had misplaced the one he completed. -Had HCPR for all other employees he had hired since starting his own company.	V 131	Healthcare Personnel Registry Check completed by Bright Haven Home LLC for staff #1 and staff #2 were not saved. On Feb. 22, 2021, an agreement was signed for Bright Haven Home LLC to obtain criminal history record information for applicants/employees for Bright Haven Home from NC SBI. Bright Haven Home LLC has used this agreement with NC SBI to obtain HCPR since 2/26/2021 for all applicants hired to work at Bright Haven Home and all records are saved. Managing Director will monitor with every new hire.	
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	V 133		

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V 133	Continued From page 2 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 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	V 133	<u>V 133</u> Staff #1 and Staff #2 have worked at Bright Haven Home since 2014. An agency provided staff to work at Bright Haven Home until 2/29/20. From 3/1/20, Bright Haven Home LLC hired staff to work at Bright Haven Home directly. Staff #1 and Staff #2 continued to work at Bright Haven Home after 3/1/20. Criminal history record information completed by Bright Haven Home LLC was not saved. On 2/22/21 an agreement was signed for Bright Haven Home LLC to use NC SBI to obtain	5/11/22

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V 133	Continued From page 3 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. (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: (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. 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	V 133	criminal History Record Information for all applicants/employees for Bright Haven Home Since 2/26/21, Bright Haven Home LLC has used NCSBI to obtain CHRI for all staff hired to work at Bright Haven Home and records are saved. Managing Director will monitor that CHRI is completed for every new hire at Bright Haven Home and records saved.		

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V 133	Continued From page 4 applicant. (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: (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. (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	V 133		

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V 133	Continued From page 5 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. (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. (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: (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. (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.)	V 133			

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V 133	Continued From page 6 This Rule is not met as evidenced by: Based on record review and interview the facility failed to ensure two of two (#1, #2) audited staff had criminal record check completed prior to hire. The findings are: Review on 5/2/22 of staff #1's record revealed: -Hire date of 3/1/20. -No criminal record check present. Review on 5/2/22 of staff #2's record revealed: -Hire date of 3/1/20. -No criminal record check present. Interview on 5/2/22 the Licensee stated: -Staff #1 and #2 came to home from another agency when he created his own company. -They had already been working in the facility but employed by the previous company. -Did not have their original criminal record check when he hired them to his company and had misplaced the one he completed. -Currently getting a new criminal check for staff #1 and #2. -Had a criminal record check for all other employees he had hired since starting his own company.	V 133		

Brighthaven Home LLC
5516 Peakton Dr.
Raleigh, NC 27614

May 11, 2022

Mental Health Licensure and Certification Section
NC Division of Health Service Regulation
2718 Mail Service Center
Raleigh, NC 27699-2718

Re: Annual Survey MHL # 092-889

Attached is my plan to correct deficiencies found during annual survey for
Brighthaven Home, 2705 Brighthaven Drive, Raleigh, NC 27614 on 5/2/22.



Santosh P. Gaur
Managing Director
919-740-0269
brighthaven_home@bellsouth.net



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

ROY COOPER • Governor

KODY H. KINSLEY • Secretary

MARK PAYNE • Director, Division of Health Service Regulation

May 4, 2022

Mr. Santosh Gaur, Director
2705 Brighthaven Drive
Raleigh, NC 27614

Re: Annual Survey completed 5/2/22
Brighthaven Home, 2705 Brighthaven Drive, Raleigh, NC 27614
MHL # 092-889
E-mail Address: brighthaven_home@bellsouth.net

Dear Mr. Santosh:

Thank you for the cooperation and courtesy extended during the annual survey completed 5/2/22.

Enclosed you will find all deficiencies cited listed on the Statement of Deficiencies Form. The purpose of the Statement of Deficiencies is to provide you with specific details of the practice that does not comply with state regulations. You must develop one Plan of Correction that addresses each deficiency listed on the State Form, and return it to our office within ten days of receipt of this letter. Below you will find details of the type of deficiencies found, the time frames for compliance plus what to include in the Plan of Correction.

Type of Deficiencies Found

- Standard level deficiencies.

Time Frames for Compliance

- Standard level deficiencies must be **corrected** within 60 days from the exit of the survey, which is 7/1/22.

What to include in the Plan of Correction

- Indicate what measures will be put in place to **correct** the deficient area of practice (i.e. changes in policy and procedure, staff training, changes in staffing patterns, etc.).
- Indicate what measures will be put in place to **prevent** the problem from occurring again.
- Indicate **who will monitor** the situation to ensure it will not occur again.
- Indicate **how often** the monitoring will take place.
- Sign and date the bottom of the first page of the State Form.

Make a copy of the Statement of Deficiencies with the Plan of Correction to retain for your records. ***Please do not include confidential information in your plan of correction and please remember never to send confidential information (protected health information) via email.***

MENTAL HEALTH LICENSURE & CERTIFICATION SECTION

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF HEALTH SERVICE REGULATION

LOCATION: 1800 Umstead Drive, Williams Building, Raleigh, NC 27603

MAILING ADDRESS: 2718 Mail Service Center, Raleigh, NC 27699-2718

www.ncdhhs.gov/dhsr • TEL: 919-855-3795 • FAX: 919-715-8078

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Send the original completed form to our office at the following address within 10 days of receipt of this letter.

Mental Health Licensure and Certification Section
NC Division of Health Service Regulation
2718 Mail Service Center
Raleigh, NC 27699-2718

A follow up visit will be conducted to verify all violations have been corrected. If we can be of further assistance, please call Renee Kowalski at 919-552-6847.

Sincerely,

A handwritten signature in cursive script that reads "Kimberly Thigpen".

Kimberly Thigpen
Facility Compliance Consultant I
Mental Health Licensure & Certification Section

Cc: DHSR@Alliancebhc.org
Pam Pridgen, Administrative Supervisor