

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: MHL013-085	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED 05/17/2022
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NAME OF PROVIDER OR SUPPLIER CABARRUS COUNTY GROUP HOME #3	STREET ADDRESS, CITY, STATE, ZIP CODE 211 LONG AVENUE CONCORD, NC 28025
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V 000	<p>INITIAL COMMENTS</p> <p>An annual survey was completed on May 17, 2022. Deficiencies were cited.</p> <p>The facility is licensed for the following service category: 10A NCAC 27G .5600C Supervised Living for Adults with Developmental Disability.</p> <p>The facility is licensed for 5 and currently has a census of 5. The survey sample consisted of audits of 3 current clients.</p>	V 000		
V 117	<p>27G .0209 (B) Medication Requirements</p> <p>10A NCAC 27G .0209 MEDICATION REQUIREMENTS</p> <p>(b) Medication packaging and labeling:</p> <p>(1) Non-prescription drug containers not dispensed by a pharmacist shall retain the manufacturer's label with expiration dates clearly visible;</p> <p>(2) Prescription medications, whether purchased or obtained as samples, shall be dispensed in tamper-resistant packaging that will minimize the risk of accidental ingestion by children. Such packaging includes plastic or glass bottles/vials with tamper-resistant caps, or in the case of unit-of-use packaged drugs, a zip-lock plastic bag may be adequate;</p> <p>(3) The packaging label of each prescription drug dispensed must include the following:</p> <p>(A) the client's name;</p> <p>(B) the prescriber's name;</p> <p>(C) the current dispensing date;</p> <p>(D) clear directions for self-administration;</p> <p>(E) the name, strength, quantity, and expiration date of the prescribed drug; and</p> <p>(F) the name, address, and phone number of the pharmacy or dispensing location (e.g., mh/dd/sa center), and the name of the dispensing</p>	V 117		

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

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V 117	<p>Continued From page 1</p> <p>practitioner.</p> <p>This Rule is not met as evidenced by: Based on interview, record review, and observation, the facility failed to ensure the packaging label of each prescription drug dispensed contained clear directions for administration affecting 1 of 3 audited clients (Client #1). The findings are:</p> <p>Observation on 5/12/22 at approximately 1:35pm of Client #1's medication revealed: -Blister pack with pharmacy packaging label for Lorazepam (agitation) 0.5mg (milligram) 1 tab (tablet) by mouth every day for agitation or anger dispensed 10/14/21.</p> <p>Review on 5/10/22 and 5/12/22 of Client #1's record revealed: -Admitted 10/10/12; -Diagnosed with Intermittent Explosive Disorder, Moderate Intellectual Developmental Disability, Hypothyroidism, Gastroesophageal Reflux Disorder, and Seborrhoeic Dermatitis; -Medication orders dated 2/8/22 and 3/21/22 for Lorazepam 0.5mg 1 tab by mouth twice daily as needed for agitation and anger.</p> <p>Interview on 5/12/22 with the House Manager #1 revealed: -Client #1's Lorazepam dose was increased in February, 2022 but the facility was still using the blister pack which reflected the former dose of medication.</p>	V 117		

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V 117	Continued From page 2 Interview on 5/12/22 and 5/17/22 with the Administrator/Licensee revealed: -Will ensure Client #1's Lorazepam reflects the current dose of medication of 0.5mg 1 tablet by mouth twice daily as needed for agitation and anger; -Will ensure staff are re-trained in medication administration; -Will ensure all packaging labels of each prescription drug dispensed contain clear and current directions for administration.	V 117		
V 118	27G .0209 (C) Medication Requirements 10A NCAC 27G .0209 MEDICATION REQUIREMENTS (c) Medication administration: (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. (2) Medications shall be self-administered by clients only when authorized in writing by the client's physician. (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. (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: (A) client's name; (B) name, strength, and quantity of the drug; (C) instructions for administering the drug; (D) date and time the drug is administered; and	V 118		

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V 118	<p>Continued From page 3</p> <p>(E) name or initials of person administering the drug.</p> <p>(5) Client requests for medication changes or 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 interview and record review, the facility failed to ensure medications were administered on the order of person authorized by law to prescribe medications and failed to ensure MARs were kept current affecting 1 of 3 audited clients (Client #1). The findings are:</p> <p>Review on 5/10/22 and 5/12/22 of Client #1's record revealed: -Admitted 10/10/12; -Diagnosed with Intermittent Explosive Disorder, Moderate Intellectual Developmental Disability, Hypothyroidism, Gastroesophageal Reflux Disorder, and Seborrheic Dermatitis; -Medication order dated 11/10/21 for Lorazepam 0.5mg 1 tab by mouth every day as needed for agitation; -Medication orders dated 2/8/22 and 3/21/22 for Lorazepam 0.5mg 1 tab by mouth twice daily as needed for agitation and anger; -February, 2022 MAR revealed administration of Lorazepam 0.5mg 1 tab by mouth every day as needed for agitation on 2/7/22 and 2/8/22; -February, 2022 MAR was updated and revealed administration of Lorazepam 1.0mg tablet one tablet by mouth every day as needed for agitation</p>	V 118		

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V 118	<p>Continued From page 4</p> <p>or anger administered twice on 2/13/22 at 9am and 8pm; -March, 2022 MAR revealed Lorazepam 0.5mg tablet take two tablets (1mg) by mouth every day as needed for agitation or anger administered twice on 3/16/22 and 3/29/22; -Medication notes transcribed by Qualified Professional #2 dated 2/8/22 was written incorrectly and revealed Lorazepam 1mg 2 times daily as needed for agitation and additional note dated 2/21/22 revealed Lorazepam 0.5mg up to two times daily as needed for agitation or anger.</p> <p>Interview on 5/12/22 with House Manager #1 revealed: -Had been administering Lorazepam 0.5mg two tabs twice daily as needed for anger or agitation to reflect the note written by the Qualified Professional #2 dated 2/8/22.</p> <p>Interview on 5/12/22 with the Qualified Professional #2 revealed: -Made an error in writing the medication notes and the MARs which resulted in Client #1 receiving incorrect doses of Lorazepam.</p> <p>Interview on 5/17/22 with the dispensing pharmacy revealed: -"He (Client #1) probably would not have had any adverse side effects from that dose."</p> <p>Interview on 5/12/22 and 5/17/22 with the Administrator/Licensee revealed: -Will complete an incident report regarding the incorrect doses of medication administered to Client #1; -Will ensure Client #1 is seen by his medication provider to assess any effects caused by the incorrect doses of medication administered to Client #1;</p>	V 118		

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V 118	Continued From page 5 -Will ensure staff are re-trained in medication administration; -Will ensure all medications are administered as ordered; -Will ensure all MARs are kept current.	V 118		
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 interview and record review, the facility failed to ensure the Health Care Personnel Registry (HCPR) was accessed prior to an offer of employment affecting 1 of 3 audited staff (House Manager (HM) #1). The findings are: Review on 5/10/22 of the HM#1's record revealed: -Hired 8/12/21; -No HCPR check. Interview on 5/10/22 with the Qualified Professional #2 revealed: -Did not know that the HCPR check was different than the criminal background check;	V 131		

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V 131	Continued From page 6 -Did not complete a HCPR check on HM#1. Interview on 5/10/22 with the Administrator/Licensee revealed: -Will make sure all HCPR checks be completed prior to an offer of employment in the future.	V 131		
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 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	V 133		

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V 133	Continued From page 7 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 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	V 133		

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V 133	<p>Continued From page 8</p> <p>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> <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> <ol style="list-style-type: none"> (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 	V 133		

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V 133	Continued From page 9 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 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	V 133		

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V 133	<p>Continued From page 10</p> <p>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> <p>This Rule is not met as evidenced by: Based on interview and record review, the facility failed to ensure criminal background checks were requested within 5 days of an offer of employment affecting 1 of 3 audited staff (House</p>	V 133		

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V 133	<p>Continued From page 11</p> <p>Manager (HM) #1). The findings are:</p> <p>Review on 5/10/22 of the HM's record revealed: -Hired 8/12/21; -Criminal background check requested 8/27/21.</p> <p>Interview on 5/10/22 with the Qualified Professional #2 revealed: -Did not know the criminal background check needed to be requested within 5 days of an offer of employment; -HM#1's criminal background check was not requested within 5 days of an offer of employment.</p> <p>Interview on 5/10/22 with the Administrator/Licensee revealed: -Will make sure all criminal background checks be completed within 5 days of an offer of employment.</p>	V 133		