

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  <b>MHL092-563</b>	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____  B. WING: _____	(X3) DATE SURVEY COMPLETED  C <b>05/20/2022</b>
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NAME OF PROVIDER OR SUPPLIER  <b>NEW BEGINNINGS HEALTH CARE</b>	STREET ADDRESS, CITY, STATE, ZIP CODE <b>5309 KYLE DRIVE RALEIGH, NC 27616</b>
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V 000 INITIAL COMMENTS

A complaint survey was completed 5/20/22. The complaints were unsubstantiated (Intake #NC00188902, 00188856). A deficiency was cited.

This facility is licensed for the following service category: 10A NCAC 27G .1700 Residential Treatment Staff Secure for Children or Adolescents.

The facility is licensed for nine and currently has a census of seven. The survey sample consisted of an audit of one current.

V 000

5/30/22

V 364 G.S. 122C- 62 Additional Rights in 24 Hour Facilities

§ 122C-62. Additional Rights in 24-Hour Facilities.

(a) In addition to the rights enumerated in G.S. 122C-51 through G.S. 122C-61, each adult client who is receiving treatment or habilitation in a 24-hour facility keeps the right to:

(1) Send and receive sealed mail and have access to writing material, postage, and staff assistance when necessary;

(2) Contact and consult with, at his own expense and at no cost to the facility, legal counsel, private physicians, and private mental health, developmental disabilities, or substance abuse professionals of his choice; and

(3) Contact and consult with a client advocate if there is a client advocate.

The rights specified in this subsection may not be restricted by the facility and each adult client may exercise these rights at all reasonable times.

(b) Except as provided in subsections (e) and (h) of this section, each adult client who is receiving treatment or habilitation in a 24-hour facility at all

V 364

**RECEIVED**  
**JUN 10 2022**  
**DHSR-MH Licensure Sect**



Division of Health Service Regulation  
LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE

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V 364	Continued From page 1  times keeps the right to: (1) Make and receive confidential telephone calls. All long distance calls shall be paid for by the client at the time of making the call or made collect to the receiving party; (2) Receive visitors between the hours of 8:00 a.m. and 9:00 p.m. for a period of at least six hours daily, two hours of which shall be after 6:00 p.m.; however visiting shall not take precedence over therapies; (3) Communicate and meet under appropriate supervision with individuals of his own choice upon the consent of the individuals; (4) Make visits outside the custody of the facility unless: a. Commitment proceedings were initiated as the result of the client's being charged with a violent crime, including a crime involving an assault with a deadly weapon, and the respondent was found not guilty by reason of insanity or incapable of proceeding; b. The client was voluntarily admitted or committed to the facility while under order of commitment to a correctional facility of the Division of Adult Correction of the Department of Public Safety; or c. The client is being held to determine capacity to proceed pursuant to G.S. 15A-1002; A court order may expressly authorize visits otherwise prohibited by the existence of the conditions prescribed by this subdivision; (5) Be out of doors daily and have access to facilities and equipment for physical exercise several times a week; (6) Except as prohibited by law, keep and use personal clothing and possessions, unless the client is being held to determine capacity to proceed pursuant to G.S. 15A-1002; (7) Participate in religious worship;	V 364	<p><b>What measures will be put into place to correct the deficient area of practice</b></p> <p>The agency held a mandated Board meeting to discuss and review the findings with the DHSR surveyor. Different resolutions were discussed and legal counsel was sought along with discussions held to ensure the rights of the clients were not violated. The agency reviewed in great detail the list of questions that were emailed directly to DHSR representatives and were not able to discuss the replies as none have been received back by DHSR as of 6/5/2022. The agency was legally advised to place their policy and procedures on hold until further investigations are completed by the agencies attorney as not to violate the request of DHSR. The agency has placed their policies and procedures on hold and has provided additional staff training on 5-27-22 as client's manipulation patterns occur to avoid the deficient area of practice per DHSR again.</p> <p><b>What measures will be put into place to prevent the problem from reoccurring again</b></p> <ol style="list-style-type: none"> <li>1. The agency emailed a list of question for clarity directly to DHSR on 5-23-22</li> <li>2. The agency signed up for a class provided by DHSR and it was emailed on 6-6-2022</li> <li>3. The agency sought additional legal counsel to ensure the client rights are not violated and to learn more about the legal ramification that may or may not occur if court orders are dismissed due to the request of DHSR as they survey client rights verses clients safety, competence, interviewing styles, documentation techniques, etc. in the best interest of the client first, the agency's reputation and desire to provide adequate /ongoing services in the community.</li> <li>4. The agency has placed their policies and procedures on hold and has provided additional staff training on 5-27-22</li> </ol> <p><b>Who will monitor the situation to ensure it will not occur again</b></p> <p>The Director and additional outside hired agencies for best practice shall monitor the situation to ensure this will not happen again. A committee meeting will be held to educate, update and inform staff and other agencies to aide in clarification of how rules are interrupted and surveyed to help protect the rights of all clients served. The agency has signed up for direct trainings from DHSR to ensure clarity as when asked by surveyors the agency was referred to.</p> <p><b>How often the monitoring will take place</b></p> <p>The monitoring shall take place daily as needed.</p>	
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V 364	<p>Continued From page 2</p> <p>(8) Keep and spend a reasonable sum of his own money;</p> <p>(9) Retain a driver's license, unless otherwise prohibited by Chapter 20 of the General Statutes; and</p> <p>(10) Have access to individual storage space for his private use.</p> <p>(c) In addition to the rights enumerated in G.S. 122C-51 through G.S. 122C-57 and G.S. 122C-59 through G.S. 122C-61, each minor client who is receiving treatment or habilitation in a 24-hour facility has the right to have access to proper adult supervision and guidance. In recognition of the minor's status as a developing individual, the minor shall be provided opportunities to enable him to mature physically, emotionally, intellectually, socially, and vocationally. In view of the physical, emotional, and intellectual immaturity of the minor, the 24-hour facility shall provide appropriate structure, supervision and control consistent with the rights given to the minor pursuant to this Part. The facility shall also, where practical, make reasonable efforts to ensure that each minor client receives treatment apart and separate from adult clients unless the treatment needs of the minor client dictate otherwise.</p> <p>Each minor client who is receiving treatment or habilitation from a 24-hour facility has the right to:</p> <p>(1) Communicate and consult with his parents or guardian or the agency or individual having legal custody of him;</p> <p>(2) Contact and consult with, at his own expense or that of his legally responsible person and at no cost to the facility, legal counsel, private physicians, private mental health, developmental disabilities, or substance abuse professionals, of his or his legally responsible person's choice; and</p> <p>(3) Contact and consult with a client advocate, if</p>	V 364		
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V 364	<p>Continued From page 3</p> <p>there is a client advocate. The rights specified in this subsection may not be restricted by the facility and each minor client may exercise these rights at all reasonable times. (d) Except as provided in subsections (e) and (h) of this section, each minor client who is receiving treatment or habilitation in a 24-hour facility has the right to:</p> <ol style="list-style-type: none"> <li>(1) Make and receive telephone calls. All long distance calls shall be paid for by the client at the time of making the call or made collect to the receiving party;</li> <li>(2) Send and receive mail and have access to writing materials, postage, and staff assistance when necessary;</li> <li>(3) Under appropriate supervision, receive visitors between the hours of 8:00 a.m. and 9:00 p.m. for a period of at least six hours daily, two hours of which shall be after 6:00 p.m.; however visiting shall not take precedence over school or therapies;</li> <li>(4) Receive special education and vocational training in accordance with federal and State law;</li> <li>(5) Be out of doors daily and participate in play, recreation, and physical exercise on a regular basis in accordance with his needs;</li> <li>(6) Except as prohibited by law, keep and use personal clothing and possessions under appropriate supervision, unless the client is being held to determine capacity to proceed pursuant to G.S. 15A-1002;</li> <li>(7) Participate in religious worship;</li> <li>(8) Have access to individual storage space for the safekeeping of personal belongings;</li> <li>(9) Have access to and spend a reasonable sum of his own money; and</li> <li>(10) Retain a driver's license, unless otherwise prohibited by Chapter 20 of the General Statutes.</li> </ol> <p>(e) No right enumerated in subsections (b) or (d)</p>	V 364		
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V 364	<p>Continued From page 4</p> <p>of this section may be limited or restricted except by the qualified professional responsible for the formulation of the client's treatment or habilitation plan. A written statement shall be placed in the client's record that indicates the detailed reason for the restriction. The restriction shall be reasonable and related to the client's treatment or habilitation needs. A restriction is effective for a period not to exceed 30 days. An evaluation of each restriction shall be conducted by the qualified professional at least every seven days, at which time the restriction may be removed. Each evaluation of a restriction shall be documented in the client's record. Restrictions on rights may be renewed only by a written statement entered by the qualified professional in the client's record that states the reason for the renewal of the restriction. In the case of an adult client who has not been adjudicated incompetent, in each instance of an initial restriction or renewal of a restriction of rights, an individual designated by the client shall, upon the consent of the client, be notified of the restriction and of the reason for it. In the case of a minor client or an incompetent adult client, the legally responsible person shall be notified of each instance of an initial restriction or renewal of a restriction of rights and of the reason for it. Notification of the designated individual or legally responsible person shall be documented in writing in the client's record.</p> <p>This Rule is not met as evidenced by: Based on record review and interview the facility failed to allow one of one (#1) client access to their personal belongings. The findings are:</p>	V 364	<p>The facility followed this rule. It is written in the clients PCP and signed by the QP, guardian, etc.</p> <p>The facility followed this rule as evidenced by the IRIS report, progress notes, and several other communications.</p> <p>The facility followed this rule.</p> <p>The client didnt <sup>have</sup> tennis shoes &amp; a jacket upon admission.</p>	
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The client had full access to her flipflops. The client arrived with a food lion bag of 700 small clothes and the Director loaned

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V 364	<p>Continued From page 5</p> <p>Review on 5/11/22 of client #1's record revealed: -Date of Admission 4/15/22 -Diagnoses of Post Traumatic Stress Disorder (PTSD), Conduct Disorder, Cannabis and Opioid Use and history of child sexual abuse.</p> <p>Review on 5/11/22 of incident report regarding client #1 dated 5/5/22 in the Incident Response Improvement System (IRIS) revealed: -"The client had a good morning but had to be redirected for yelling at her peer due to looking at her wrong way. Per client she doesn't want anyone f*****g lot at her...period! <u>The clients shoes and jacket were removed as it posed a threat for her to run.</u> Per client if she didn't have someone always watching her, she would have been gone..."</p> <p>Interview on 5/18/22 client #1 stated: -She had been wanting to run away from the facility for a few days. -Staff took her shoes and coat, and they would not let her have them back. -They told her this was to keep her from running. -Eventually told the staff she wanted to kill herself to get out of the house.</p> <p>Interview on 5/20/22 the Qualified Professional (QP)/Licensee stated: -It is part of their safety protocol to remove shoes and other items that would help prevent them from running away. -They do not believe this is a rights violation to ensure their safety. -The guardian's of the clients gave them written permission to take the clients personal items to ensure their safety.</p>	V 364	<p>the client additional clothes, tennise, etc. until he <del>g</del> were to arrive! The Director also freely purchased several new clothing items for the client</p> <p>The clients shoes were <u>also</u> removed because she made a threat "to slap the shit out of the Director" while trying to be de-escalated.</p> <p>Other items such as a sharp tipped comb, shoe strings (as she made threats to harm herself) were also removed for her and others safety. This was <u>all</u> done in the best interest of the client &amp; it</p>	
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6899  
RT6X11  
Becomes more and more difficult to provide services due to lack of communication. If continuation sheet 6 of 6

The facility did give back these items as evidenced by her attending a mentoring session, church, played kick ball! The facility has photos / proof of all notable events and could have easily provided if the attached deficiency was known prior to typing!