

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: MHL059-097	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED 06/03/2022
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NAME OF PROVIDER OR SUPPLIER THE SLATER HOME	STREET ADDRESS, CITY, STATE, ZIP CODE 27 ELLIOTT STREET MARION, NC 28752
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V 000	<p>INITIAL COMMENTS</p> <p>An annual and complaint survey was completed on June 3, 2022. The complaint was substantiated (NC#187407). Deficiencies were cited.</p> <p>This facility is licensed for the following service category 10A NCAC 27G .5600F Supervised Living for Alternative Family Living.</p> <p>This facility is licensed for 3 and currently has a census of 2. The survey sample consisted of audits of two current clients.</p>	V 000		
V 131	<p>G.S. 131E-256 (D2) HCPR - Prior Employment Verification</p> <p>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.</p> <p>This Rule is not met as evidenced by: Based on record reviews and interviews, the facility failed to ensure the Health Care Personnel Registry (HCPR) was accessed prior to employment affecting 3 of 3 audited staff (Alternative Family Living Provider (AFL), Qualified Professional, and Staff #1). The findings are:</p>	V 131	<p>The Healthcare Personnel Registry will be accessed within 5 days of acceptance of potential employee's application. The results of the registry check will be reviewed prior to hiring the potential employee. The Administrative Assistant will run the check, and the QP will review the results.</p>	7/5/22

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

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V 131	<p>Continued From page 1</p> <p>Review on 6/3/22 of AFL Provider's personnel record revealed: -hire date: 10/19/21; -HCPR was accessed on 10/21/21</p> <p>Review on 6/3/22 of the Qualified Professional's personnel record revealed: -hire date: 12/6/19; -HCPR was accessed on 12/17/19</p> <p>Review on 6/3/22 of Staff #1's personnel record revealed: -hire date: 1/10/22; -HCPR was accessed on 2/25/22</p> <p>Interview on 6/3/22 with Qualified Professional revealed: -their Human Resources staff left in January 2022 and the facility has been trying to get personnel files together.</p>	V 131		
V 133	<p>G.S. 122C-80 Criminal History Record Check</p> <p>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</p>	V 133		

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V 133	Continued From page 2 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 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	V 133		

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V 133	<p>Continued From page 3</p> <p>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 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</p>	V 133		

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V 133	<p>Continued From page 4</p> <p>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> <p>(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.</p> <p>(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.</p> <p>(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,</p>	V 133		

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V 133	<p>Continued From page 5</p> <p>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 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</p>	V 133		

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V 133	Continued From page 6 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.) This Rule is not met as evidenced by: Based on record reviews and interviews, the facility failed to ensure the criminal history record check was conducted within five days of hire for 2 of 3 audited staff (Qualified Professional and Staff #1). The findings are: Review on 6/3/22 of the Qualified Professional's personnel record revealed: -hire date: 12/6/19; -criminal history record check completed: 12/17/19 Review on 6/3/22 of Staff#1's personnel record revealed: -hire date: 1/10/22; -criminal history record check completed: 2/22/22 Interview on 6/3/22 with Administrative Staff revealed: -A Human Resources (HR) staff from another office left and took some staff files; -they are transferring to a new criminal record check process in July 2022.	V 133	The criminal history record check will be completed within 5 days of receipt of the potential employee's application. The results of the check will be reviewed prior to hire. The administrative assistant will run the check, and the QP will review the results.	7/5/22
V 289	27G .5601 Supervised Living - Scope 10A NCAC 27G .5601 SCOPE (a) Supervised living is a 24-hour facility which	V 289		

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V 289	<p>Continued From page 7</p> <p>provides residential services to individuals in a home environment where the primary purpose of these services is the care, habilitation or rehabilitation of individuals who have a mental illness, a developmental disability or disabilities, or a substance abuse disorder, and who require supervision when in the residence.</p> <p>(b) A supervised living facility shall be licensed if the facility serves either:</p> <p>(1) one or more minor clients; or</p> <p>(2) two or more adult clients.</p> <p>Minor and adult clients shall not reside in the same facility.</p> <p>(c) Each supervised living facility shall be licensed to serve a specific population as designated below:</p> <p>(1) "A" designation means a facility which serves adults whose primary diagnosis is mental illness but may also have other diagnoses;</p> <p>(2) "B" designation means a facility which serves minors whose primary diagnosis is a developmental disability but may also have other diagnoses;</p> <p>(3) "C" designation means a facility which serves adults whose primary diagnosis is a developmental disability but may also have other diagnoses;</p> <p>(4) "D" designation means a facility which serves minors whose primary diagnosis is substance abuse dependency but may also have other diagnoses;</p> <p>(5) "E" designation means a facility which serves adults whose primary diagnosis is substance abuse dependency but may also have other diagnoses; or</p> <p>(6) "F" designation means a facility in a private residence, which serves no more than three adult clients whose primary diagnoses is mental illness but may also have other</p>	V 289		

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V 289	<p>Continued From page 8</p> <p>disabilities, or three adult clients or three minor clients whose primary diagnoses is developmental disabilities but may also have other disabilities who live with a family and the family provides the service. This facility shall be exempt from the following rules: 10A NCAC 27G .0201 (a)(1),(2),(3),(4),(5)(A)&(B); (6); (7) (A),(B),(E),(F),(G),(H); (8); (11); (13); (15); (16); (18) and (b); 10A NCAC 27G .0202(a),(d),(g)(1) (i); 10A NCAC 27G .0203; 10A NCAC 27G .0205 (a),(b); 10A NCAC 27G .0207 (b),(c); 10A NCAC 27G .0208 (b),(e); 10A NCAC 27G .0209[(c)(1) - non-prescription medications only] (d)(2),(4); (e) (1)(A),(D),(E);(f);(g); and 10A NCAC 27G .0304 (b)(2),(d)(4). This facility shall also be known as alternative family living or assisted family living (AFL).</p> <p>This Rule is not met as evidenced by: Based on record reviews and interviews the facility failed to assure that residential services were provided to individuals in a home environment where the primary purpose of these services is the care, habilitation or rehabilitation of individuals who have a developmental disability or disabilities, and who require supervision when in the residence affecting 2 of 2 audited clients (Client #1, #2). The findings are:</p> <p>Review on 6/1/22 of Client #1's record revealed: -Date of Admission: 11/9/21; -Diagnoses: Bi-Polar Disorder, Personal History of Physical and Sexual abuse in childhood, Post Traumatic Stress Disorder (D/O), Intermittent Explosive D/O, Nicotine Dependence, Generalized Anxiety D/O, Insomnia, Mild</p>	V 289	<p>This situation has been addressed as follows: The employee who provided unauthorized services in their home received training on service definitions of residential and respite care.</p> <p>The member now has services in place for times when respite care is needed.</p> <p>Any situations requiring respite services will be reported to the QP prior to service provision.</p> <p>Those services will only be provided by staff authorized to do so.</p> <p>The QP will maintain regular communication with the guardian via email or text.</p> <p>Billing adjustments were completed as required.</p> <p>Staff were trained on HCBS rule and MCO site review requirements. Performance coaching was completed for the employee who provided unauthorized services in her home.</p>	6/6/22

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V 289	<p>Continued From page 9</p> <p>Intellectual Developmental Disability (IDD), Gastroesophageal Reflux Disease (GERD), and Attention Deficit Hyperactivity Disorder (ADHD)</p> <p>Review on 6/1/22 of Client #2's record revealed: -Date of Admission: 2/7/21; -Diagnoses: Autism Spectrum D/O, Schizophrenia Residual Type, Moderate Protein-Calorie Malnutrition, Severe IDD, Hypothyroidism, and GERD</p> <p>Interview on 6/1/22 with Client #1 revealed: -his guardian had an issue with his former day worker; -"I stayed at her house and my sister got mad;" -it was one night.</p> <p>Interview on 6/2/22 with Client# 1's guardian revealed: -she was not notified that the AFL provider was going out of town and found out the direct support professional (DSP) took Client #1 and Client #2 to her home overnight; -she was on the phone with Client#1 during this time and heard the DSP in the background saying "don't talk about that ...tell her you're at home."</p> <p>Interview on 6/2/22 with Direct Service Professional (DSP) revealed: -she used to be Client #1's DSP; -3/13/22 she was providing respite at the AFL where Client#1, and #2 reside; had a family emergency, and took them back to her house; -they stayed just one night ... "it was already late;" -Client #1 and #2 were supervised while at her home; -she got written up over the incident, reprimanded, and no longer serves as DSP for Client #1.</p>	V 289		

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V 289	<p>Continued From page 10</p> <p>Interviews from 6/1/22 to 6/3/22 with the Qualified Professional revealed:</p> <ul style="list-style-type: none"> -the DSP was to provide residential services in the AFL where Client #1 and #2 reside while the AFL provider was on vacation; -the DSP had a family emergency that came up and this is when she took Client #1 and Client #2 to her home; -when he found this information out, it was addressed immediately with the DSP. -a new DSP was assigned for Client #1; -this was also addressed through a grievance with the Local Management Entity/Managed Care Organization; -respite services has been added to Client #1's service plan. 	V 289		