

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: MHL035-029	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED R 09/06/2022
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NAME OF PROVIDER OR SUPPLIER EASON COURT	STREET ADDRESS, CITY, STATE, ZIP CODE 113 EASON COURT YOUNGSVILLE, NC 27596
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V 000	<p>INITIAL COMMENTS</p> <p>An annual and follow up survey was completed on 9/6/22. Deficiencies were cited.</p> <p>This facility is licensed for the following service category: 10A NCAC 27G .5600A Supervised Living for Adults with Mental Illness.</p> <p>This 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 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.</p> <p>(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.</p> <p>(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</p>	V 133		

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

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V 133	Continued From page 1 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 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,	V 133		

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V 133	<p>Continued From page 2</p> <p>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 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>	V 133		
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V 133	<p>Continued From page 3</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, 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;</p>	V 133		

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V 133	<p>Continued From page 4</p> <p>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 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:</p>	V 133		

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V 133	<p>Continued From page 5</p> <p>Based on record review and interview, the facility failed to ensure that a criminal history record check was requested prior to the offer of employment affecting 1 of 3 audited staff (#4). The findings are:</p> <p>Review on 8/24/22 of Staff #4's personnel record revealed:</p> <ul style="list-style-type: none"> - Hire date: 8/12/19 - Title: Residential Counselor - Criminal history check requested 12/13/19 - No documentation that a criminal history check was requested prior to hire date. <p>Interview on 8/24/22 the Qualified Professional (QP) reported:</p> <ul style="list-style-type: none"> - The criminal history check for staff #4 that was in the record was what they had. - She didn't see another criminal history check around staff #4's hire date. 	V 133		
V 736	<p>27G .0303(c) Facility and Grounds Maintenance</p> <p>10A NCAC 27G .0303 LOCATION AND EXTERIOR REQUIREMENTS (c) Each facility and its grounds shall be maintained in a safe, clean, attractive and orderly manner and shall be kept free from offensive odor.</p> <p>This Rule is not met as evidenced by: Based on record review, observation and interview, the facility was not maintained in a safe, clean, attractive and orderly manner. The findings are:</p>	V 736		

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V 736	<p>Continued From page 6</p> <p>Observation on 8/24/22 at 12:45pm revealed the following:</p> <p>Client #2's bedroom:</p> <ul style="list-style-type: none"> - had a urine and musty odor - staff #6 opened the right-side window but it wouldn't stay up by itself - staff #6 tried to open the left-side window but it didn't open at all - slats in the blinds were hanging and broken <p>Client #5's bedroom:</p> <ul style="list-style-type: none"> - 1 fist size hole and 3 small holes in the wall beside the bed - staff #6 struggled to open the window and when it opened, it didn't open far enough for a person to get through, approximately 3-4 inches <p>Client #1's bedroom:</p> <ul style="list-style-type: none"> - 2 out of 4 lightbulbs were not working <p>Client #1's bathroom:</p> <ul style="list-style-type: none"> - 5 out of 6 lightbulbs were not working over the sink - light fixture in the ceiling had no working lightbulbs <p>Client #3's bedroom:</p> <ul style="list-style-type: none"> - 2 out of 4 lightbulbs were not working <p>Bathroom #2 in the hallway across from client #5's bedroom:</p> <ul style="list-style-type: none"> - Electrical wall socket was loose and coming off the wall <p>Observation on 8/25/22 at 8:05am revealed the following:</p> <ul style="list-style-type: none"> - Staff #7 wiggled and pushed with client #5's window until it went all the way up 	V 736		

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V 736	<p>Continued From page 7</p> <ul style="list-style-type: none"> - Staff #7 went to client #2's window and the right side window wouldn't stay up on its own and the left side window didn't open at all <p>Review on 8/24/22 of Division of Health Service Regulation (DHSR) construction survey dated 4/13/22 revealed:</p> <ul style="list-style-type: none"> - "the front 3-bedroom egress windows would not remain open" <p>Interview on 8/25/22 the Qualified Professional (QP) reported:</p> <ul style="list-style-type: none"> - Did the Plan of Correction (POC) for the construction survey. - Normally didn't follow up on maintenance orders but she did this one because she did the POC and wanted to make sure the request was sent and followed up on. - Didn't know the windows were not fixed. <p>Interview on 8/25/22 the Executive Director reported:</p> <ul style="list-style-type: none"> - Thought the windows were fixed. - She didn't like leaving anything "undone" so the windows will be replaced. - She would find someone to do the new windows because she didn't know how to fix "something like that." <p>Review on 8/25/22 of the Plan of Protection completed by the QP dated 8/25/22 revealed: "What immediate action will the facility take to ensure the safety of the consumers in your care:</p> <ul style="list-style-type: none"> -Eason Court has ensured that all fire detectors have been checked and are fully operable. Until windows can be replaced staff will instruct clients to sleep with the bedroom doors are open. In the event of a fire and staff cannot enter bedroom doors, staff will exit the group home and break the windows allowing client to 	V 736		

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V 736	<p>Continued From page 8</p> <p>exit.</p> <p>Describe your plans to make sure the above happens. -An outside contractor has been contacted and is scheduled to come to the group home on August 30, 2022 to begin replacing the windows."</p> <p>This facility serves clients whose diagnoses range from Schizophrenia, Generalized Anxiety disorder, Borderline Intellectual functioning and Bipolar disorder. Clients #2 and #5's bedroom windows either wouldn't open, stay open on their own or was very hard to get open. This facility was cited by DHSR's construction section in April 2022 for the same windows and no repairs had been made. Client #2 and #5 would have no access to the outside in the event of an emergency. Based on the lack of available egress, this deficiency constitutes a Type B rule violation which is detrimental to the health, safety and welfare of the clients. If the violation is not corrected within 45 days, an administrative penalty of 200.00 per day will be imposed for each day the facility is out of compliance beyond the 45th day.</p>	V 736		