

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: MHL017-022	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING: _____	(X3) DATE SURVEY COMPLETED 08/24/2023
NAME OF PROVIDER OR SUPPLIER LEVAN PLACE		STREET ADDRESS, CITY, STATE, ZIP CODE 281 W MAIN STREET YANCEYVILLE, NC 27379		
(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 August 24, 2023. Deficiencies were cited. This facility is licensed for the following service category: 10A NCAC 27G .5600C Supervised Living for Adults with Developmental Disability. This facility is licensed for 5 and currently has a census of 4. The survey sample consisted of audits of 2 current clients and 1 former client.	V 000		
V 366	27G .0603 Incident Response Requirments 10A NCAC 27G .0603 INCIDENT RESPONSE REQUIREMENTS FOR CATEGORY A AND B PROVIDERS (a) Category A and B providers shall develop and implement written policies governing their response to level I, II or III incidents. The policies shall require the provider to respond by: (1) attending to the health and safety needs of individuals involved in the incident; (2) determining the cause of the incident; (3) developing and implementing corrective measures according to provider specified timeframes not to exceed 45 days; (4) developing and implementing measures to prevent similar incidents according to provider specified timeframes not to exceed 45 days; (5) assigning person(s) to be responsible for implementation of the corrections and preventive measures; (6) adhering to confidentiality requirements set forth in G.S. 75, Article 2A, 10A NCAC 26B, 42 CFR Parts 2 and 3 and 45 CFR Parts 160 and 164; and (7) maintaining documentation regarding Subparagraphs (a)(1) through (a)(6) of this Rule. (b) In addition to the requirements set forth in	V 366		

Division of Health Service Regulation

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

TITLE

(X6) DATE

Division of Health Service Regulation

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V 366	<p>Continued From page 1</p> <p>Paragraph (a) of this Rule, ICF/MR providers shall address incidents as required by the federal regulations in 42 CFR Part 483 Subpart I.</p> <p>(c) In addition to the requirements set forth in Paragraph (a) of this Rule, Category A and B providers, excluding ICF/MR providers, shall develop and implement written policies governing their response to a level III incident that occurs while the provider is delivering a billable service or while the client is on the provider's premises. The policies shall require the provider to respond by:</p> <p>(1) immediately securing the client record by:</p> <p>(A) obtaining the client record;</p> <p>(B) making a photocopy;</p> <p>(C) certifying the copy's completeness; and</p> <p>(D) transferring the copy to an internal review team;</p> <p>(2) convening a meeting of an internal review team within 24 hours of the incident. The internal review team shall consist of individuals who were not involved in the incident and who were not responsible for the client's direct care or with direct professional oversight of the client's services at the time of the incident. The internal review team shall complete all of the activities as follows:</p> <p>(A) review the copy of the client record to determine the facts and causes of the incident and make recommendations for minimizing the occurrence of future incidents;</p> <p>(B) gather other information needed;</p> <p>(C) issue written preliminary findings of fact within five working days of the incident. The preliminary findings of fact shall be sent to the LME in whose catchment area the provider is located and to the LME where the client resides, if different; and</p>	V 366		

Division of Health Service Regulation

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V 366	<p>Continued From page 2</p> <p>(D) issue a final written report signed by the owner within three months of the incident. The final report shall be sent to the LME in whose catchment area the provider is located and to the LME where the client resides, if different. The final written report shall address the issues identified by the internal review team, shall include all public documents pertinent to the incident, and shall make recommendations for minimizing the occurrence of future incidents. If all documents needed for the report are not available within three months of the incident, the LME may give the provider an extension of up to three months to submit the final report; and</p> <p>(3) immediately notifying the following:</p> <p>(A) the LME responsible for the catchment area where the services are provided pursuant to Rule .0604;</p> <p>(B) the LME where the client resides, if different;</p> <p>(C) the provider agency with responsibility for maintaining and updating the client's treatment plan, if different from the reporting provider;</p> <p>(D) the Department;</p> <p>(E) the client's legal guardian, as applicable; and</p> <p>(F) any other authorities required by law.</p> <p>This Rule is not met as evidenced by: Based on record review and interview, the facility failed to develop and implement written policies governing their response to incidents as required. The findings are:</p>	V 366		

Division of Health Service Regulation

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V 366	Continued From page 3 Review on 8/22/23 of the facility's internal incident notes dated 5/1/23 for Former Client (FC #5) revealed: -On 4/4/23 and 4/16/23, FC #5 had incidents of aggressive behaviors toward peers and staff and a self-harming behavior (he ran toward the street) that involved reports to local law enforcement and led to him being hospitalized on both incident dates. Interview on 8/23/23 with the Project Director/Qualified Professional/Licensee (PD/QP/L) revealed: -Did not have documentation regarding the cause of FC #5's 4/4/23 and 4/16/23 incidents, development and implementation of corrective measures to prevent similar incidents, and assignment of persons responsible for implementing corrective actions and preventive measures.	V 366		
V 367	27G .0604 Incident Reporting Requirements 10A NCAC 27G .0604 INCIDENT REPORTING REQUIREMENTS FOR CATEGORY A AND B PROVIDERS (a) Category A and B providers shall report all level II incidents, except deaths, that occur during the provision of billable services or while the consumer is on the providers premises or level III incidents and level II deaths involving the clients to whom the provider rendered any service within 90 days prior to the incident to the LME responsible for the catchment area where services are provided within 72 hours of becoming aware of the incident. The report shall be submitted on a form provided by the Secretary. The report may be submitted via mail,	V 367		

Division of Health Service Regulation

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V 367	Continued From page 4 in person, facsimile or encrypted electronic means. The report shall include the following information: (1) reporting provider contact and identification information; (2) client identification information; (3) type of incident; (4) description of incident; (5) status of the effort to determine the cause of the incident; and (6) other individuals or authorities notified or responding. (b) Category A and B providers shall explain any missing or incomplete information. The provider shall submit an updated report to all required report recipients by the end of the next business day whenever: (1) the provider has reason to believe that information provided in the report may be erroneous, misleading or otherwise unreliable; or (2) the provider obtains information required on the incident form that was previously unavailable. (c) Category A and B providers shall submit, upon request by the LME, other information obtained regarding the incident, including: (1) hospital records including confidential information; (2) reports by other authorities; and (3) the provider's response to the incident. (d) Category A and B providers shall send a copy of all level III incident reports to the Division of Mental Health, Developmental Disabilities and Substance Abuse Services within 72 hours of becoming aware of the incident. Category A providers shall send a copy of all level III incidents involving a client death to the Division of Health Service Regulation within 72 hours of becoming aware of the incident. In cases of	V 367		

Division of Health Service Regulation

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V 367	<p>Continued From page 5</p> <p>client death within seven days of use of seclusion or restraint, the provider shall report the death immediately, as required by 10A NCAC 26C .0300 and 10A NCAC 27E .0104(e)(18).</p> <p>(e) Category A and B providers shall send a report quarterly to the LME responsible for the catchment area where services are provided. The report shall be submitted on a form provided by the Secretary via electronic means and shall include summary information as follows:</p> <p>(1) medication errors that do not meet the definition of a level II or level III incident;</p> <p>(2) restrictive interventions that do not meet the definition of a level II or level III incident;</p> <p>(3) searches of a client or his living area;</p> <p>(4) seizures of client property or property in the possession of a client;</p> <p>(5) the total number of level II and level III incidents that occurred; and</p> <p>(6) a statement indicating that there have been no reportable incidents whenever no incidents have occurred during the quarter that meet any of the criteria as set forth in Paragraphs (a) and (d) of this Rule and Subparagraphs (1) through (4) of this Paragraph.</p> <p>This Rule is not met as evidenced by: Based on record review and interview, the facility failed to submit Level II incident reports to the Local Management Entity/Managed Care Organization (LME/MCO) for the area where services are provided within 72 hours of becoming aware of the incident. The findings are:</p>	V 367		

Division of Health Service Regulation

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V 367	<p>Continued From page 6</p> <p>Review on 8/22/23 of the North Carolina Incident Response and Improvement System (IRIS) from March 2023 to August 2023 revealed:</p> <ul style="list-style-type: none"> -No documentation of level II incident reports for two separate incidents that involved Former Client (FC #5) on 4/4/23 and 4/16/23. <p>Review on 8/22/23 of the Project Director/Qualified Professional/Licensee (PD/QP/L)'s internal incident notes dated 5/1/23 for FC #5 revealed:</p> <ul style="list-style-type: none"> -On 4/4/23, FC #5 had an onset of "erratic" behaviors. He told the Director he "was the Devil ...then began to laugh erratically." He "went outside in the yard and began yelling and screaming and making animal noises while running around in the yard. He would not allow staff near him and acted like he was going to run out to the side street." -FC #5's behaviors were reported to law enforcement by the Director. -FC #5 "taunted" the law enforcement officers who "recognized his need for additional care and transported him" to a local hospital where he was hospitalized for 7 days (4/4/23 to 4/11/23). -On 4/16/23, while FC #5 was transported on a church bus, he "became aggressive toward his peers and began making statements about harming them as he stated he was going to kill everyone." -FC #5's behaviors were reported to law enforcement by Staff #2. -FC #5 was transported by law enforcement to a hospital where he was admitted for an unspecified time. <p>Interview on 8/23/23 with the Director revealed:</p> <ul style="list-style-type: none"> -The PD/QP/L was responsible for completing and submitting incident reports into IRIS. 	V 367		

Division of Health Service Regulation

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V 367	Continued From page 7 Interview on 8/23/23 with the PD/QP/L revealed: -She and the Director were responsible for completing incident reports when incidents occurred at the facility. -She considered FC #5's incidents as "Level 4 incidents" because he threatened to harm his peers, staff and the police. -"No I didn't put in an IRIS report because I wasn't sure which LME he (FC #5) was with and I don't have a contract with any of the LMEs."	V 367		
V 536	27E .0107 Client Rights - Training on Alt to Rest. Int. 10A NCAC 27E .0107 TRAINING ON ALTERNATIVES TO RESTRICTIVE INTERVENTIONS (a) Facilities shall implement policies and practices that emphasize the use of alternatives to restrictive interventions. (b) Prior to providing services to people with disabilities, staff including service providers, employees, students or volunteers, shall demonstrate competence by successfully completing training in communication skills and other strategies for creating an environment in which the likelihood of imminent danger of abuse or injury to a person with disabilities or others or property damage is prevented. (c) Provider agencies shall establish training based on state competencies, monitor for internal compliance and demonstrate they acted on data gathered. (d) The training shall be competency-based, include measurable learning objectives, measurable testing (written and by observation of behavior) on those objectives and measurable methods to determine passing or failing the	V 536		

Division of Health Service Regulation

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V 536	Continued From page 8 course. (e) Formal refresher training must be completed by each service provider periodically (minimum annually). (f) Content of the training that the service provider wishes to employ must be approved by the Division of MH/DD/SAS pursuant to Paragraph (g) of this Rule. (g) Staff shall demonstrate competence in the following core areas: (1) knowledge and understanding of the people being served; (2) recognizing and interpreting human behavior; (3) recognizing the effect of internal and external stressors that may affect people with disabilities; (4) strategies for building positive relationships with persons with disabilities; (5) recognizing cultural, environmental and organizational factors that may affect people with disabilities; (6) recognizing the importance of and assisting in the person's involvement in making decisions about their life; (7) skills in assessing individual risk for escalating behavior; (8) communication strategies for defusing and de-escalating potentially dangerous behavior; and (9) positive behavioral supports (providing means for people with disabilities to choose activities which directly oppose or replace behaviors which are unsafe). (h) Service providers shall maintain documentation of initial and refresher training for at least three years. (1) Documentation shall include: (A) who participated in the training and the	V 536		

Division of Health Service Regulation

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V 536	Continued From page 9 outcomes (pass/fail); (B) when and where they attended; and (C) instructor's name; (2) The Division of MH/DD/SAS may review/request this documentation at any time. (i) Instructor Qualifications and Training Requirements: (1) Trainers shall demonstrate competence by scoring 100% on testing in a training program aimed at preventing, reducing and eliminating the need for restrictive interventions. (2) Trainers shall demonstrate competence by scoring a passing grade on testing in an instructor training program. (3) The training shall be competency-based, include measurable learning objectives, measurable testing (written and by observation of behavior) on those objectives and measurable methods to determine passing or failing the course. (4) The content of the instructor training the service provider plans to employ shall be approved by the Division of MH/DD/SAS pursuant to Subparagraph (i)(5) of this Rule. (5) Acceptable instructor training programs shall include but are not limited to presentation of: (A) understanding the adult learner; (B) methods for teaching content of the course; (C) methods for evaluating trainee performance; and (D) documentation procedures. (6) Trainers shall have coached experience teaching a training program aimed at preventing, reducing and eliminating the need for restrictive interventions at least one time, with positive review by the coach. (7) Trainers shall teach a training program aimed at preventing, reducing and eliminating the	V 536		

Division of Health Service Regulation

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V 536	<p>Continued From page 10</p> <p>need for restrictive interventions at least once annually.</p> <p>(8) Trainers shall complete a refresher instructor training at least every two years.</p> <p>(j) Service providers shall maintain documentation of initial and refresher instructor training for at least three years.</p> <p>(1) Documentation shall include:</p> <p>(A) who participated in the training and the outcomes (pass/fail);</p> <p>(B) when and where attended; and</p> <p>(C) instructor's name.</p> <p>(2) The Division of MH/DD/SAS may request and review this documentation any time.</p> <p>(k) Qualifications of Coaches:</p> <p>(1) Coaches shall meet all preparation requirements as a trainer.</p> <p>(2) Coaches shall teach at least three times the course which is being coached.</p> <p>(3) Coaches shall demonstrate competence by completion of coaching or train-the-trainer instruction.</p> <p>(l) Documentation shall be the same preparation as for trainers.</p> <p> </p> <p>This Rule is not met as evidenced by: Based on record review and interview, the facility failed to ensure staff completed annual refresher training in alternatives to restrictive intervention for 3 of 3 staff (Staff #3, the Director, the Project Director/Qualified Professional/Licensee (PD/QP/L) . The findings are:</p>	V 536		

Division of Health Service Regulation

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V 536	<p>Continued From page 11</p> <p>Review on 8/24/23 of Staff #3's personnel file revealed: -Hire date of 7/10/09. -No documentation of refresher training in alternatives to restrictive interventions. -His National Crisis Intervention Plus (NCI +) training certificate had an expiration date of 1/5/23.</p> <p>Review on 8/24/23 of the Director's personnel file revealed: -Hire date of 6/4/12. -No documentation of refresher training in alternatives to restrictive interventions. -Her NCI + training certificate had an expiration date of 1/5/23.</p> <p>Review on 8/24/23 of the PD/QP/L personnel file revealed: -Hire date of 1/4/09. -No documentation of refresher training in alternatives to restrictive interventions. -Her NCI + training certificate had an expiration date of 1/5/23.</p> <p>Interview on 8/23/23 with the Director revealed: -She worked as a direct care staff and supervised the 2 other direct care staff. -"I know their NCI + had run out." -Staff training in NCI + was scheduled last month (7/2023) and Client #2 had COVID which caused the training to be cancelled. -She did not know if the instructor was re-scheduled to return and provide the training. -The PD/QP/L was getting the training rescheduled.</p> <p>Interview on 8/23/23 with the PD/QP/L revealed: -She had a "coordination issue" with the NCI +</p>	V 536		

Division of Health Service Regulation

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V 536	Continued From page 12 instructor and she was on leave for a while were the reasons this annual training did not occur.	V 536		
V 736	27G .0303(c) Facility and Grounds Maintenance 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. This Rule is not met as evidenced by: Based on observation and interview, the facility was not maintained in a safe, clean and attractive manner. The findings are: Observation on 8/23/23 between 2:00 pm- 2:30 pm of the facility revealed: -Clients #1 and #2's shared bedroom had multiple areas of peeled paint and multiple black scuff marks on 3 walls of their room. -Client #4's bedroom had no overhead working lights; the light bulbs were burnt out. -In the clients' bathroom: -multiple areas of cracked and peeled paint across the entire ceiling and on 3 wall surfaces. -a square mirror over the sink was chipped about a half of an inch on each of its four edges. -a metal frame on the side of the bathtub near the water faucet was cracked and had peeled paint which exposed a dark-brown color in two seams of the frame of approximate 30-36 inches in length for each seam. -a bathroom exhaust fan had a buildup of dust on each vent side. -In the kitchen: -an overhead light panel in the ceiling was loose and hanging down on one edge.	V 736		

Division of Health Service Regulation

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NAME OF PROVIDER OR SUPPLIER LEVAN PLACE		STREET ADDRESS, CITY, STATE, ZIP CODE 281 W MAIN STREET YANCEYVILLE, NC 27379		
(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 736	<p>Continued From page 13</p> <ul style="list-style-type: none"> -a stand-up freezer with a broken handle. -flat cardboard that covered up both kitchen windows and were removable. -The hallway between the bathroom, kitchen, and Client # 4's bedroom had a burnt-orange colored fabric sofa that had at least 3 dark-colored stains about 4-6 inches in diameter and frayed fabric in at least 9 places that were about quarter-sized. <p>Interview on 8/22/23 and 8/23/23 with the Director revealed:</p> <ul style="list-style-type: none"> -It had been "several years ago" that the inside of the house had been painted. -She did not know Client #4's overhead light was not working. -She was concerned that the paint on the bathroom ceiling and walls were peeling, and the exhaust fan needed to be cleaned. -The Project Director/Qualified Professional/Licensee (PD/QP/L) had a handyman who did repair work to the facility. <p>Interview on 8/23/23 with the PD/QP/L revealed:</p> <ul style="list-style-type: none"> -A handyman was scheduled to come on Wednesday (8/30/23) to fix Client #4's bedroom light and the kitchen light. -The handyman owned the property. -"Just tell me what your concerns are about the house and I'll let the handyman know." -She placed the cardboard over the kitchen windows to obstruct the neighbor from looking into the facility. -A list would be made of the concerns and given to the handyman/property owner for repair. 	V 736		