

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: MHL033-052	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED R 10/02/2023
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NAME OF PROVIDER OR SUPPLIER SOMEONE DOES CARE	STREET ADDRESS, CITY, STATE, ZIP CODE 601 WEST WALNUT STREET TARBORO, NC 27886
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V 000	<p>INITIAL COMMENTS</p> <p>An annual, complaint and follow up survey was completed on October 2, 2023. The complaint was unsubstantiated (Intake #NC00207061). Deficiencies were cited.</p> <p>This facility is licensed for the following service category: 10A NCAC 27G .5600C Supervised Living for Adults with Developmental Disability.</p> <p>This facility is licensed for 6 and currently has a census of 6. 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</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 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 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.	V 133		

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

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

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

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V 133	<p>Continued From page 5</p> <p>This Rule is not met as evidenced by: Based on record review and interview, the facility failed to ensure a criminal record check was completed for 1 of 1 former staff (FS) (#2). The findings are:</p> <p>Review on 10/2/23 of FS #2's record revealed:</p> <ul style="list-style-type: none"> - Hired 6/23/23 - No termination date - A copy of an email thread with the following messages: <ul style="list-style-type: none"> - Email dated 6/23/23 from the Licensee to a record search company: "Good evening, these are names called in for a criminal check that has nit been received....[FS #2]" - Email dated 9/29/23 from the Licensee to a record search company: "Good evening i still don't have a copy of [FS #2]'s DOP (DOB) [Birthday]. This is all the information i have. May I please receive her criminal check? SDC (Someone Does Care) [Licensee]" - A Nationwide Criminal Record Report (no date) attached to the email thread with the following charges and conviction dates: <ul style="list-style-type: none"> - First degree misdemeanor for Larceny 7/13/22 - Class 1 Level I misdemeanor for Larceny 7/13/22 <p>During interview on 9/27/23 client #4 reported:</p> <ul style="list-style-type: none"> - FS #2 took \$100 from client #1 "about two months ago" - She "heard staff talking about it (FS #2 stealing client #1's money)" - FS #2 no longer worked in the facility <p>During interview on 10/2/23 the Qualified Professional (QP) reported:</p>	V 133		

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V 133	<p>Continued From page 6</p> <ul style="list-style-type: none"> - She started working in the facility July 2023 - The previous QP and the Licensee were responsible for ensuring criminal record checks were completed - She planned to assume the duties of conducting criminal record checks in the future - FS #2 was "hired before I got here" - FS #2 worked in the facility for "less than two weeks" around the end of June 2023, but she could not provide exact dates - She and the Licensee "just found out" that FS #2 stole client #4's cellphone two days ago (9/30/23) - The Licensee attempted to call client #4 and FS #2 answered the cellphone - She was unsure when client #4's phone was stolen because client #4 did not report the stolen phone - She was unaware of FS #2 stealing anyone else's personal belongings <p>During interviews on 9/28/23 and 10/2/23 the Licensee reported:</p> <ul style="list-style-type: none"> - FS #2 didn't work alone in the facility - FS #2 worked in the facility for "about a week or two...sometime in June (2023)" - She could not recall the exact date she terminated FS #2, but she terminated FS #2 after FS #2's mother called and told her that FS #2 shouldn't work in a group home with clients - FS #2 stole \$100 and a debit card from a client in another facility owned by the Licensee, but FS #2 told her the client "gave her the money" - After the Licensee terminated FS #2, the Licensee was informed by client #4 that FS #2 stole \$4 from client #4 - The Licensee could not recall when client #4 reported the \$4 stolen - The Licensee also was informed by a staff that FS #2 stole money out of that staff's car, but 	V 133		

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V 133	Continued From page 7 she could not recall when the staff reported the stolen money - The Licensee gave the clients back their money - She just found out that FS #2 stole client #4's cellphone on 9/30/23 - On 9/30/23, she attempted to call client #4, but FS #2 answered the phone and identified herself - She was responsible for ensuring criminal record checks were completed - She requested FS #2's criminal record check in June 2023, but she did not receive it - She sent another request and received FS #2's criminal record check on 9/29/23 - She could not recall why she failed to follow up with FS #2's criminal record check prior to 9/29/23 - She reviewed FS #2's criminal record check on 9/29/23 and noticed the larceny charges - "I wouldn't have hired her (FS #2) if I knew what was on her background (criminal record) check"	V 133		
V 291	27G .5603 Supervised Living - Operations 10A NCAC 27G .5603 OPERATIONS (a) Capacity. A facility shall serve no more than six clients when the clients have mental illness or developmental disabilities. Any facility licensed on June 15, 2001, and providing services to more than six clients at that time, may continue to provide services at no more than the facility's licensed capacity. (b) Service Coordination. Coordination shall be maintained between the facility operator and the qualified professionals who are responsible for treatment/habilitation or case management. (c) Participation of the Family or Legally	V 291		

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V 291	<p>Continued From page 8</p> <p>Responsible Person. Each client shall be provided the opportunity to maintain an ongoing relationship with her or his family through such means as visits to the facility and visits outside the facility. Reports shall be submitted at least annually to the parent of a minor resident, or the legally responsible person of an adult resident. Reports may be in writing or take the form of a conference and shall focus on the client's progress toward meeting individual goals.</p> <p>(d) Program Activities. Each client shall have activity opportunities based on her/his choices, needs and the treatment/habilitation plan. Activities shall be designed to foster community inclusion. Choices may be limited when the court or legal system is involved or when health or safety issues become a primary concern.</p> <p>This Rule is not met as evidenced by: Based on record review, observation and interview, the facility failed to coordinate with other professionals to meet the needs of 1 of 3 audited clients (#5). The findings are:</p> <p>Review on 10/2/23 of client #5's record revealed:</p> <ul style="list-style-type: none"> - Admitted 1/4/12 - Diagnoses of Hyperlipemia, Hypertension, Seizure Disorder, Depression, Intellectual Developmental Disorder, Hand Injury, and Alcohol Abuse - No physician's order for client #5 to use a continuous positive airway pressure (CPAP) machine <p>During observation and interview on 10/2/23 at 2:32pm client #5 reported:</p> <ul style="list-style-type: none"> - Client #5's CPAP machine was not visible in 	V 291		

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V 291	<p>Continued From page 9</p> <p>client #5's bedroom and client #5 didn't know where his CPAP machine was</p> <ul style="list-style-type: none"> - "They (staff) hadn't ordered one (CPAP machine) yet" since he threw his last CPAP machine away in November 2022 - He was supposed to wear the CPAP machine every night - He "slept well" without the CPAP machine <p>During observation and interview on 10/2/23 at 2:23pm staff #1 reported:</p> <ul style="list-style-type: none"> - Staff #1 looked in client #5's bedroom but could not locate client #5's CPAP machine - "They're working on getting it (CPAP machine) back in place" - Client #5 was supposed to get the mask for his CPAP "fitted" at his Primary Care Provider (PCP) appointment today (10/2/23) - "It's been a minute (a long time) since he (client #5) used it (CPAP machine)" - Client #5 hadn't used a CPAP machine in months - "He (client #5) don't like it (CPAP machine)" <p>Observation on 10/2/23 at 2:54pm in client #5's bedroom and interview with the Qualified Professional (QP) revealed:</p> <ul style="list-style-type: none"> - The QP asked client #5 where his CPAP machine was - The QP pulled client #5's CPAP machine from the bottom of his closet - The CPAP machine was inside of a carry bag with the hose detached and there was no water inside the humidifier water tub - Client #5 was supposed to get his mask "refitted" for the CPAP machine - She wasn't sure when client #5 last used his CPAP machine - There wasn't any distilled water in the CPAP machine 	V 291		

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V 291	<p>Continued From page 10</p> <ul style="list-style-type: none"> - If client #5 had distilled water for his CPAP machine, then the water would be kept in the Licensee's office - She could not recall if client #5 had distilled water for his CPAP machine - "He (client #5) don't like it (CPAP machine)... he can't breathe with it on" - Client #5 had an appointment with his PCP today (10/2/23) - Client #5's CPAP machine needed to be "calibrated" - Client #5 had a new PCP and he was supposed to be doing the calibration - The Licensee scheduled another PCP appointment for client #5 to get his CPAP machine calibrated - The Licensee was responsible for coordinating clients' doctor appointments <p>During interview on 10/2/23 the Licensee reported:</p> <ul style="list-style-type: none"> - All staff were responsible for coordinating the clients' doctor appointments - Client #5 was supposed to use his CPAP machine every night - Client #5 threw away his last CPAP machine - She was told by client #5's previous PCP that client #5 "wasn't due one (new CPAP machine) for a few years" - A staff donated client #5 a CPAP machine that she no longer used - She was unable to verify if the donated CPAP machine was disinfected - Client #5 was supposed to have his mask "fitted" and CPAP machine "calibrated" today (10/2/23), but the staff "forgot" to take the CPAP machine to the appointment - She was unsure if client #5 was using the CPAP machine - Staff was supposed to check to make sure 	V 291		

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V 291	Continued From page 11 client #5 was putting the CPAP on because client #5 didn't like using the CPAP machine This deficiency constitutes a re-cited deficiency and must be corrected within 30 days.	V 291		
V 784	27G .0304(d)(12) Therapeutic and Habilitative Areas 10A NCAC 27G .0304 FACILITY DESIGN AND EQUIPMENT (d) Indoor space requirements: Facilities licensed prior to October 1, 1988 shall satisfy the minimum square footage requirements in effect at that time. Unless otherwise provided in these Rules, residential facilities licensed after October 1, 1988 shall meet the following indoor space requirements: (12) The area in which therapeutic and habilitative activities are routinely conducted shall be separate from sleeping area(s). This Rule is not met as evidenced by: Based on record review and interview, the facility failed to ensure therapeutic and habilitative activities routinely conducted were separate from the sleeping area. The findings are: Review on 10/2/23 of Former Staff (FS) #2's record revealed: - Hired 6/23/23 - No termination date During interview on 10/2/23 the Qualified Professional reported: - FS #2 previously reported to her and the Licensee that she was "homeless" - She walked into the facility "around 12pm"	V 784		

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V 784	<p>Continued From page 12</p> <p>and saw FS #2 asleep on the living room sofa</p> <ul style="list-style-type: none"> - The incident occurred around the last week of July 2023 or first week of August 2023, but she could not recall the specific date - FS #2 was still employed at the facility and she had just finished working a 7pm to 7am shift - When she saw FS #2 asleep on the couch, she called the Licensee - The Licensee told FS #2 that she could not "sleep on the sofa" and FS #2 "got up and left" <p>During interview on 10/2/23 the Licensee reported:</p> <ul style="list-style-type: none"> - FS #2 came to the facility one day and told her that she "didn't have anywhere to go" - She could not recall the exact date of the incident, but FS #2 no longer worked for the facility at the time - She "let her (FS #2) sleep on the couch for 4 hours, then told her (FS #2) she needed to leave after that because this was a licensed facility" - The Licensee felt that she had a "good heart" and she "felt bad" for FS #2 - She was aware that she was previously cited for people sleeping on the sofa in the facility when she allowed FS #2 to sleep on the sofa for 4 hours <p>This deficiency constitutes a re-cited deficiency and must be corrected within 30 days.</p>	V 784		