

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: MHL092-751	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED R 10/19/2023
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NAME OF PROVIDER OR SUPPLIER ACCESS HEALTH SYSTEM 1	STREET ADDRESS, CITY, STATE, ZIP CODE 5132 DICE DRIVE RALEIGH, NC 27616
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V 000	<p>INITIAL COMMENTS</p> <p>An annual and follow up survey was completed on 10/19/23. 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 6 and currently has a census of 6. The survey sample consisted of audits of 3 current clients.</p>	V 000		
V 110	<p>27G .0204 Training/Supervision Paraprofessionals</p> <p>10A NCAC 27G .0204 COMPETENCIES AND SUPERVISION OF PARAPROFESSIONALS</p> <p>(a) There shall be no privileging requirements for paraprofessionals.</p> <p>(b) Paraprofessionals shall be supervised by an associate professional or by a qualified professional as specified in Rule .0104 of this Subchapter.</p> <p>(c) Paraprofessionals shall demonstrate knowledge, skills and abilities required by the population served.</p> <p>(d) At such time as a competency-based employment system is established by rulemaking, then qualified professionals and associate professionals shall demonstrate competence.</p> <p>(e) Competence shall be demonstrated by exhibiting core skills including:</p> <ol style="list-style-type: none"> (1) technical knowledge; (2) cultural awareness; (3) analytical skills; (4) decision-making; (5) interpersonal skills; (6) communication skills; and (7) clinical skills. <p>(f) The governing body for each facility shall</p>	V 110		

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

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V 110	<p>Continued From page 1</p> <p>develop and implement policies and procedures for the initiation of the individualized supervision plan upon hiring each paraprofessional.</p> <p>This Rule is not met as evidenced by: Based on observation, record review and interview the facility failed to ensure 1 of 1 staff (#1) demonstrated the knowledge, skill and abilities required by the population served. The findings are:</p> <p>Review on 10/18/23 of staff #1's record revealed:</p> <ul style="list-style-type: none"> - hired: 1/27/15 - Job title: Supervised Living Facility Worker - 1/16/22 training completed by Qualified Professional (QP): special population - 1/24/23: training completed by QP Mental Health diagnoses <p>Observation & interview on 10/17/23 at 2:58pm revealed the following:</p> <ul style="list-style-type: none"> - staff #1 reported client #4 sexually harassed her - he grabbed her butt - client #4 entered inside the facility and staff #1 repeated "he grabbed my butt" - client #4 became upset. He screamed curse words and hollered "I did not touch your butt." <p>Staff #1 said "you did & he will say I don't give enough food. He gets plenty of food. Client #4 escalated & cursed " F**k you" ..."didn't touch your f**king butt"</p> <ul style="list-style-type: none"> - the QP was able to de-escalate client #4 	V 110		

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V 110	<p>Continued From page 2</p> <p>During interview on 10/19/23 the Licensee reported:</p> <ul style="list-style-type: none"> - spoken with staff #1 about her outburst in the presence of the clients - the QP has completed several trainings with staff #1 <p>During interview on 10/19/23 the QP reported:</p> <ul style="list-style-type: none"> - she planned to seek an outside provider to retrain staff #1 <p>This deficiency constitutes a re-cited deficiency and must be corrected within 30 days.</p>	V 110		
V 114	<p>27G .0207 Emergency Plans and Supplies</p> <p>10A NCAC 27G .0207 EMERGENCY PLANS AND SUPPLIES</p> <p>(a) A written fire plan for each facility and area-wide disaster plan shall be developed and shall be approved by the appropriate local authority.</p> <p>(b) The plan shall be made available to all staff and evacuation procedures and routes shall be posted in the facility.</p> <p>(c) Fire and disaster drills in a 24-hour facility shall be held at least quarterly and shall be repeated for each shift. Drills shall be conducted under conditions that simulate fire emergencies.</p> <p>(d) Each facility shall have basic first aid supplies accessible for use.</p> <p>This Rule is not met as evidenced by: Based on record review and interview the facility failed to ensure fire and disaster drills were completed quarterly and on each shift. The</p>	V 114		

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V 114	<p>Continued From page 3</p> <p>findings are:</p> <p>Review on 10/17/23 of the fire and disaster drill log revealed:</p> <ul style="list-style-type: none"> - no fire or disasters prior to 7/19/23 <p>During interview on 10/17/23 client #1 reported:</p> <ul style="list-style-type: none"> - do not recall a fire or tornado drill - would get out if there was a fire - tornado get down in facility <p>During interview on 10/17/23 client #3 reported:</p> <ul style="list-style-type: none"> - he was admitted July 2022 - had not participated in a fire or disaster drill since admitted - would get out the facility if it was a fire - tornado he would go in the bathroom or hallway <p>During interview on 10/17/23 staff #1 reported:</p> <ul style="list-style-type: none"> - fire & disaster drills were done monthly - fire they met outside - tornado drills they met downstairs <p>During interview on 10/19/23 the Licensee reported:</p> <ul style="list-style-type: none"> - drills were done monthly - will follow up with clients to ensure drills were being conducted 	V 114		
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</p>	V 133		

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V 133	Continued From page 4 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 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	V 133		

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

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V 133	<p>Continued From page 6</p> <p>(6) The prison, jail, probation, parole, rehabilitation, and employment records of the person since the date the crime was committed.</p> <p>(7) The subsequent commission by the person of a relevant offense.</p> <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> <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;</p>	V 133		

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V 133	<p>Continued From page 7</p> <p>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; 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</p>	V 133		

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V 133	<p>Continued From page 8</p> <p>check regarding the applicant if both of the following requirements are met: (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. (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: Based on record review and interview the facility failed to complete 2 of 2 staff (#1 & #2) criminal record checks. The findings are:</p> <p>Review on 10/18/23 of staff #1's record revealed: - hire: 1/27/15 - a paper given with "people search" had no date or results of findings</p> <p>Review on 10/18/23 of staff #2's record revealed: - hire: 6/9/23 - a paper given with "people search" & staff address was listed with no results of findings</p> <p>During interview on 10/19/23 the Licensee reported: - she would follow up with the criminal record checks for additional information</p> <p>During interview on 10/19/23 the QP reported:</p>	V 133		

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V 133	Continued From page 9 - the Licensee had no further information to provide regarding the criminal record checks	V 133		
V 290	27G .5602 Supervised Living - Staff 10A NCAC 27G .5602 STAFF (a) Staff-client ratios above the minimum numbers specified in Paragraphs (b), (c) and (d) of this Rule shall be determined by the facility to enable staff to respond to individualized client needs. (b) A minimum of one staff member shall be present at all times when any adult client is on the premises, except when the client's treatment or habilitation plan documents that the client is capable of remaining in the home or community without supervision. The plan shall be reviewed as needed but not less than annually to ensure the client continues to be capable of remaining in the home or community without supervision for specified periods of time. (c) Staff shall be present in a facility in the following client-staff ratios when more than one child or adolescent client is present: (1) children or adolescents with substance abuse disorders shall be served with a minimum of one staff present for every five or fewer minor clients present. However, only one staff need be present during sleeping hours if specified by the emergency back-up procedures determined by the governing body; or (2) children or adolescents with developmental disabilities shall be served with one staff present for every one to three clients present and two staff present for every four or more clients present. However, only one staff need be present during sleeping hours if specified by the emergency back-up procedures determined by the governing body.	V 290		

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V 290	<p>Continued From page 10</p> <p>(d) In facilities which serve clients whose primary diagnosis is substance abuse dependency:</p> <p>(1) at least one staff member who is on duty shall be trained in alcohol and other drug withdrawal symptoms and symptoms of secondary complications to alcohol and other drug addiction; and</p> <p>(2) the services of a certified substance abuse counselor shall be available on an as-needed basis for each client.</p> <p>This Rule is not met as evidenced by: Based on observation, record review and interview the facility failed to ensure 1 of 3 audited clients (#4) plan was reviewed as needed but not less than annually to ensure the client was capable of remaining in the community without supervision for specified periods of time. The findings are:</p> <p>Review on 10/17/23 of client #4's record revealed:</p> <ul style="list-style-type: none"> - admitted 5/26/16 - diagnoses: Schizophrenia, Personality Disorder, Borderline Intellectual Developmental Disability - treatment plan dated 6/18/23: will utilize unsupervised time in the community to go for walks to approved places, shop for his necessities access community resources - guardian signature was dated 10/17/23 on the treatment plan - an attached assessment dated 6/18/23: arrested and convicted 2003 sex offender ...been no issues over the past few yearshas taken walks in the community or to the store ...will have 	V 290		

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V 290	<p>Continued From page 11</p> <p>4 hours in the community</p> <p>Observation on 10/17/23 at 12:13pm client #4 stood outside the patio door & smoked a cigarette ...he peeped in the window and flickered his tongue back and forth as he stared at the surveyor</p> <p>Observation & interview on 10/17/23 at 2:58pm revealed the following:</p> <ul style="list-style-type: none"> - staff #1 reported client #4 sexually harassed her - he grabbed her butt - client #4 entered inside the facility and staff #1 repeated "he grabbed my butt" - - client #4 became upset. He screamed curse words and hollered "I did not touch your butt." Staff #1 said "you did & he will say I don't give enough food. He gets plenty of food. Client #4 escalated & cursed " F**k you" ... "didn't touch your f**king butt" - the Qualified Professional (QP) was able to deescalate client #4 - surveyor and staff #1 relocated outside to conduct her interview <p>During an attempted interview with client #4 prior to the 2:58pm incident client #1 reported:</p> <ul style="list-style-type: none"> - "I don't have time for bulls***t" - "What is this about?" - "everything fine" <p>During interview on 10/17/23 staff #1 reported:</p> <ul style="list-style-type: none"> - worked at the facility for 8 years - felt comfortable with client #4 - client #4 been at the facility for years - he was discharged from the day program because he offered to buy a female coffee to touch her butt - due to his previous history (sex offender) the 	V 290		

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V 290	<p>Continued From page 12</p> <p>police made monthly visits, therefore "he knew better"</p> <ul style="list-style-type: none"> - client #4 had unsupervised time in the community for years & was not aware of any concerns - could not give a count of how often client #4 grabbed her butt, but was not often - management was aware client #4 had grabbed her but <p>During interview on 10/17/23 & 10/19/23 the QP reported:</p> <ul style="list-style-type: none"> - started at the facility January 2022 - was not aware client #4 had grabbed staff #1's butt - had seen client #4 unsupervised in the community 3 - 4 months ago & no issues - was difficult to reach the previous guardian to get a signature on the 6/2023 treatment plan - the current guardian started approximately a week ago & she stopped by today (10/17/23) to get his signature on the treatment plan - the current guardian was in agreeance with the unsupervised time due to no issues in previous years - plan to re-access his unsupervised time with the treatment team <p>During interview on 10/19/23 the Licensee reported:</p> <ul style="list-style-type: none"> - was aware client #4 touched staff #1 butt one time awhile ago - client #4 was moved downstairs to another bedroom to prevent him from being near staff #1's bedroom upstairs - she was not sure why staff #1 brought the matter up again - the QP planned to speak further with client #4's guardian about his unsupervised time 	V 290		

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: MHL092-751	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED R 10/19/2023
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NAME OF PROVIDER OR SUPPLIER ACCESS HEALTH SYSTEM 1	STREET ADDRESS, CITY, STATE, ZIP CODE 5132 DICE DRIVE RALEIGH, NC 27616
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V 513	Continued From page 13	V 513		
V 513	<p>27E .0101 Client Rights - Least Restrictive Alternative</p> <p>10A NCAC 27E .0101 LEAST RESTRICTIVE ALTERNATIVE</p> <p>(a) Each facility shall provide services/supports that promote a safe and respectful environment. These include:</p> <p>(1) using the least restrictive and most appropriate settings and methods;</p> <p>(2) promoting coping and engagement skills that are alternatives to injurious behavior to self or others;</p> <p>(3) providing choices of activities meaningful to the clients served/supported; and</p> <p>(4) sharing of control over decisions with the client/legally responsible person and staff.</p> <p>(b) The use of a restrictive intervention procedure designed to reduce a behavior shall always be accompanied by actions designed to insure dignity and respect during and after the intervention. These include:</p> <p>(1) using the intervention as a last resort; and</p> <p>(2) employing the intervention by people trained in its use.</p> <p>This Rule is not met as evidenced by: Based on observation, record review and interview the facility failed to promote a respectful environment. The findings are:</p> <p>Observation on 10/17/23 at 11:42am during the tour of the facility revealed:</p> <ul style="list-style-type: none"> - a wire with a metal lock hung from the (top) & 	V 513		

Division of Health Service Regulation

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V 513	<p>Continued From page 14</p> <p>lower part of the refrigerator</p> <ul style="list-style-type: none"> - it was unlock during the tour of facility <p>During interview on 10/17/23 client #1 reported:</p> <ul style="list-style-type: none"> - the refrigerator was locked because clients took food to their bedroom <p>During interview on 10/17/23 staff #1 reported:</p> <ul style="list-style-type: none"> - been at the facility for 8 years - lock was on the refrigerator when she came to the facility - "clients will eat all the food" - "[client #4]" will raid the fridge" <p>During interview on 10/17/23 the Qualified Professional reported:</p> <ul style="list-style-type: none"> - was not aware the refrigerator was being locked <p>During interview on 10/19/23 the Licensee reported:</p> <ul style="list-style-type: none"> - the lock was placed on the refrigerator for the night hours - the clients got up during the night and would get food out of the refrigerator 	V 513		
V 736	<p>27G .0303(c) Facility and Grounds Maintenance</p> <p>10A NCAC 27G .0303 LOCATION AND EXTERIOR REQUIREMENTS</p> <p>(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 observation & interview the facility failed to maintain its grounds in a clean, attractive and orderly manner free from offensive odor. The</p>	V 736		

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NAME OF PROVIDER OR SUPPLIER ACCESS HEALTH SYSTEM 1	STREET ADDRESS, CITY, STATE, ZIP CODE 5132 DICE DRIVE RALEIGH, NC 27616
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V 736	<p>Continued From page 15</p> <p>findings are:</p> <p>Observation on 10/17/23 at 11:42am during the tour of the facility revealed:</p> <ul style="list-style-type: none"> - clutter throughout the kitchen (bags on the floor with items in them, cooler with a food storage bag on top of it & miscellaneous items on top of the freezer) - kitchen cabinet hung off the hinges - client #1's bedroom had an unidentified odor - his bed comforter hung halfway on the bed and the floor - client #4's bedroom had an unidentified odor - he had a restaurant box of food along with empty food boxes on his dresser - clutter of clothes were piled in a corner <p>During interview on 10/12/23 staff #1 reported:</p> <ul style="list-style-type: none"> - cabinet came off the hinges a week ago - cabinet was old and the nail fell out - attempted to keep the facility clean but was hard with the clients <p>During interview on 10/17/23 & 10/19/23 the Licensee reported:</p> <ul style="list-style-type: none"> - staff were supposed to ensure the facility was cleaned once a week - cabinet came off hinges 2 days ago 	V 736		
V 752	<p>27G .0304(b)(4) Hot Water Temperatures</p> <p>10A NCAC 27G .0304 FACILITY DESIGN AND EQUIPMENT</p> <p>(b) Safety: Each facility shall be designed, constructed and equipped in a manner that ensures the physical safety of clients, staff and visitors.</p>	V 752		

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V 752	<p>Continued From page 16</p> <p>(4) In areas of the facility where clients are exposed to hot water, the temperature of the water shall be maintained between 100-116 degrees Fahrenheit.</p> <p>This Rule is not met as evidenced by: Based on observation & interview the facility failed to maintain the water between 100-116. The findings are:</p> <p>Observation on 10/17/23 at 11:42am of the facility's water temperatures revealed the following:</p> <ul style="list-style-type: none"> - kitchen sink was 121 - bathroom sink upstairs & downstairs had low pressure prevented accurate water temperatures <p>During interview on 10/17/23 staff #1 reported:</p> <ul style="list-style-type: none"> - the low water pressure in the bathroom sinks started a month ago - management was aware of the low water pressure - it was difficult to get the plumber they contracted with to come due to his busy schedule <p>During interview on 10/17/23 & 10/19/23 the Licensee reported:</p> <ul style="list-style-type: none"> - the bathroom sink faucets downstairs were just repaired due to the constant drip - was not aware of the low water pressure in upstairs' bathroom sink 	V 752		