

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  <b>MHL059-072</b>	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____  B. WING _____	(X3) DATE SURVEY COMPLETED  <b>R-C 03/15/2024</b>
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NAME OF PROVIDER OR SUPPLIER  <b>CLEAR SKY GROUP HOME</b>	STREET ADDRESS, CITY, STATE, ZIP CODE <b>55 RAILROAD STREET MARION, NC 28752</b>
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V 000	<p><b>INITIAL COMMENTS</b></p> <p>A complaint and follow up survey was completed on 3/15/24. The complaint was substantiated (# NC00213051). Deficiencies were cited.</p> <p>This facility is licensed for the following service category: 10A NCAC 27G .1700 Residential Treatment Staff Secure for Children or Adolescents.</p> <p>This facility is licensed for 8 and currently has a census of 4. The survey sample consisted of audits of 4 current clients and 1 former client (FC).</p>	V 000		
V 116	<p><b>27G .0209 (A) Medication Requirements</b></p> <p>10A NCAC 27G .0209 MEDICATION REQUIREMENTS</p> <p>(a) Medication dispensing:</p> <p>(1) Medications shall be dispensed only on the written order of a physician or other practitioner licensed to prescribe.</p> <p>(2) Dispensing shall be restricted to registered pharmacists, physicians, or other health care practitioners authorized by law and registered with the North Carolina Board of Pharmacy. If a permit to operate a pharmacy is Not required, a nurse or other designated person may assist a physician or other health care practitioner with dispensing so long as the final label, Container, and its contents are physically checked and approved by the authorized person prior to dispensing.</p> <p>(3) Methadone For take-home purposes may be supplied to a client of a methadone treatment service in a properly labeled container by a registered nurse employed by the service, pursuant to the requirements of 10 NCAC 26E</p>	V 116		

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LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE \_\_\_\_\_ TITLE Administrator (X6) DATE 4/5/2024

Received by MHL & C  
4-17-24

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V 116	<p>Continued From page 1</p> <p>TREATMENT PROGRAMS BY RN. Supplying of methadone is not considered dispensing.</p> <p>(4) Other than for emergency use, facilities shall not possess a stock of prescription legend drugs for the purpose of dispensing without hiring a pharmacist and obtaining a permit from the NC Board of Pharmacy. Physicians may keep a small locked supply of prescription drug samples. Samples shall be dispensed, packaged, and labeled in accordance with state law and this Rule.</p> <p>This Rule is not met as evidenced by: Based on observations, record reviews and interviews the facility failed to ensure dispensing of medications was restricted to pharmacists, physicians or other health care practitioners authorized by law and registered with the North Carolina Board of Pharmacy affecting 2 of 4 audited current clients (#1, #4). The findings are:</p> <p>Record review on 3/11/24 for Client #1 revealed: -Date of admission: 1/12/24 -Age: 11 years old -Diagnosis: moderate intellectual developmental disability (IDD), autism spectrum disorder (ASD), attention deficit hyperactivity disorder (ADHD), post traumatic stress disorder. -Physician's ordered medications 1/24/24 included: -Clonidine 0.2mg (milligrams) (ADHD)- 1 tablet 3 times daily -Documentation of 10 tablets of clonidine for Client #1 delivered to school signed by Staff #2 and school representative.</p>	V 116		

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V 116	<p>Continued From page 2</p> <p>Record review on 3/14/24 for Client #4 revealed: -Date of admission: 9/21/23 -Age: 13 years old -Diagnosis: Mild IDD, fetal alcohol syndrome, ASD, chromosomal abnormality. -Physician's ordered medications dated 1/24/24 included: -Chlorpromazine 25mg (mood)- 1 tablet three times daily. -Documentation of 10 tablets of chlorpromazine for Client #4 delivered to school signed by Staff #2 and school representative.</p> <p>Interview on 3/12/24 with Staff #2 revealed: -She counted out and delivered medication for the noon dose of clonidine for Client #1 and the noon dose of chlorpromazine for Client #4 to the school nurse every couple weeks. The school had a labeled medication bottle. -"Had the school sign the document so we're not short pills. The pharmacy won't give us more (medication) until it's time." -Delivered 2 weeks or 10 doses worth of medications for Client #1 and Client #4</p> <p>Interview on 3/15/24 with the local pharmacist revealed: -"We fill prescriptions for the Clear Sky (licensee) clients. We don't usually pack medications for the schools." -"As far as I'm aware, we have not repacked medications for Clear Sky to give to the schools." -They had given the group home an extra bottle with a label.</p> <p>Interview on 3/14/24 with the school nurse revealed: -Received clonidine for Client #1 from 2/9/24-3/15/24 from the facility.</p>	V 116	<p>Clear Sky Behavioral, with discussions with the prescribing physician, made changes to the hours of administration from the previous order stating "NOON" to the revised order stating "Afternoon". This simple revision allows for the medications to be administered upon return home from school. This will alleviate any concern of medications being administered by school personnel.</p>	

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V 116	Continued From page 3  -Received chlorpromazine for Client #4 from 12/4/23-3/15/24 from the facility. -Usually received 10 days worth of each medication at a time.  Interview on 3/14/24 with the Behavioral Health Specialist (Staff #3) revealed: -She was the medical liaison for the facility. -"We don't dispense medications. The pharmacy packed those medications for us."	V 116		
V 298	27G .1706 Residential Tx. Child/Adol - Operations  10A NCAC 27G .1706 OPERATIONS (a) Each facility shall serve no more than a total of 12 children and adolescents. (b) Family members or other legally responsible persons shall be involved in development of plans in order to assure a smooth transition to a less restrictive setting. (c) The residential treatment staff secure facility shall coordinate with the local education agency to ensure that the child's educational needs are met as identified in the child's education plan and the treatment plan. Most of the children will be able to attend school; for others, the facility will coordinate services across settings such as alternative learning programs, day treatment, or a job placement. (d) Psychiatric consultation shall be available as needed for each child or adolescent. (e) If an adolescent has his 18th birthday while receiving treatment in the facility, he may remain for six months or until the end of the state fiscal year, whichever is longer. (f) Each child or adolescent shall be entitled to age-appropriate personal belongings unless such entitlement is counter-indicated in the treatment	V 298		

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V 298	<p>Continued From page 4</p> <p>plan. (g) Each facility shall operate 24 hours per day, seven days per week, and each day of the year.</p> <p>This Rule is not met as evidenced by: Based on record reviews, observations and interviews the facility failed to coordinate with the local school to ensure the clients' educational needs were met affecting 3 of 4 audited current clients (#1, #2, #4) and 1 of 1 audited former client (FC #5). The findings are:</p> <p>Record review on 3/11/24 for Client #1 revealed: -Date of admission: 1/12/24 -Age: 11 years old -Diagnosis: moderate intellectual developmental disability (IDD), autism spectrum disorder (ASD), attention deficit hyperactivity disorder (ADHD), post traumatic stress disorder.</p> <p>Record review on 3/14/24 for Client #2 revealed: -Date of admission: 7/31/23 -Age: 14 years old -Diagnosis: Moderate IDD, ADHD, oppositional defiant disorder.</p> <p>Record review on 3/14/24 for Client #4 revealed: -Date of admission: 9/21/23 -Age: 13 years old -Diagnosis: Mild IDD, fetal alcohol syndrome, ASD, chromosomal abnormality. -Medical follow-up dated 2/26/24 revealed new diagnosis of diabetes mellitus due to glucose of 174 and A1C of 7.9. Additional labs for c-peptide level on this date was to determine type I or II;</p>	V 298	<p>Clear Sky Behavioral has had ongoing challenges with the McDowell County School System with getting our clients educationally served in a setting that is most beneficial to them. These challenges are with the school following the approved IEP and 504 Plan. These concerns have never presented themselves until this school year when a new administration took over that middle school. Our guardians have also shown concern with the schools inability to follow the IEPs and filed a multitude of OCR complaints with the federal government. With this probelm being systemic for much of the school year , it places CSB as a likley target for retaliation from the school. CSB has since filed a complaint with the McDowell County Schools Superintendent, Department of Public Instruction, and the Office of Civil Rights. This information was also previously shared with DHSR.</p>	

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V 298	<p>Continued From page 5</p> <p>diabetic diet, low carb prescribed. -Metformin 500mg (milligram) twice daily was ordered on 2/27/24.</p> <p>Record review on 3/14/24 for FC #5 revealed: -Date of admission: 4/11/23 -Date of discharge: 1/30/24 (move to sister facility) -Age: 11 years old -Diagnosis: ADHD, ASD.</p> <p>Record review on 3/11/24 of dates of attendance school report revealed: -Client #4 had 25 absences from 10/24/23-3/6/24. -FC #5 had 33 absences from 8/31/23-1/30/24.</p> <p>Observation in the facility office on 3/12/24 at approximately 1pm revealed 2 large bins of clothes which the QP reported was Client #1's clothes. The QP further stated the clothes were kept in the office due to Client #1 urinating on them. The clothes were neatly folded with like items together. Inspection of a few sweat pants revealed 3 pair were size 10-12 and 1 pair size 7-8. Pajama shirt/pants revealed 2 pair size 10-12.</p> <p>Observation on 3/14/24 at approximately 1pm of extra clothes sent to school for Client #1 revealed two t-shirts, 1 size small and 1 size medium, 2 pair of underwear size 10-12 and 1 pair of sweat pants size 12-14. Client #1 was currently wearing a size large t-shirt and size 14-16 sweat pants which appeared to fit him appropriately.</p> <p>Interview on 3/11/24 with the school social worker revealed: -School absences would have occurred from not attending or checking out before 1:30pm. -There was no communication from the group</p>	V 298	<p>Letter requested by primary care for formal guidance on diet of this particular consumer. We make efforts to limit sugar intake in the facility as a natural diet for everyone. Upon admission to school, the medical and necessary clinical documents are shared with the school. This has never been an issue in 8 years of doing business with this school. Clear Sky Behavioral will take a closer look at documents to be shared with the school during routine medical evaluations.</p> <p>Client has a very low IQ and his clothing is layed out for him each day. Many times he will not like what is laid out and it will turn into an early morning crisis situation to remedy his desire to wear something else. He will go into other residents rooms and acquire clothing that doesn't belong to him. These are challenges with this population in general and all guardians are made aware of these concerns. When we have children that have grown out of their clothing we request funds for them to buy new clothing. This situation is not one of those cases. He would many times urinate on himself multiple times during the school day. Clear Sky Behavioral staff 100% believes this complaint to be a retaliation to the OCR complaints filed by guardians.</p>	

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V 298	<p>Continued From page 6</p> <p>home regarding appointments.</p> <p>-There was no communication from the group home regarding behaviors in the group home, especially behaviors in the mornings before school that could affect behaviors at school.</p> <p>-All the Clear Sky kids were registered under the railroad address. She was not aware they had multiple group homes.</p> <p>-"We had no idea [FC #5] had moved to a different group home or that his biological mom was allowed to pick him up from school when she came to get him on 1/25/24." Facility staff were called to pick up FC #5 from school and they were responsible for releasing him to his mom.</p> <p>-"[The Qualified Professional] (QP) is listed as emergency contact for the school but he doesn't respond.</p> <p>-"I mostly talk to [the therapist] from the group home ....She is rude and disrespectful ...She wants all the kids in a self contained classroom. Had difficulty getting information for each new kid."</p> <p>Interview on 3/11/24 with the school nurse revealed:</p> <p>-Had requested a medication list or a MAR (medication administration record) for each student but had never received anything. "We need to know what's going on with the kids. We're responsible for them while they are here."</p> <p>-She administered noon medications to client #1 and client #4 that staff from the facility had brought in.</p> <p>-Felt Client #2 may be overmedicated due to him "sleeping hard" (not just dosing off) many mornings of each week.</p> <p>-If a client had been given a PRN (as needed) overnight for behaviors, no one from the group home reported it. "Communication with the group home was not good."</p>	V 298	<p>The school will utilize the entire phone tree of Clear Sky Behavioral to contact different staff members each day, different times, different methods and this causes mass confusion within the ability to manage their requests in a spur of the moment. The school has stated many times that we should remain on campus during the day to manage behaviors. We will not do this as we have attempted this practice with little success in the past. We are contacted for the least incident at the school and asked to pick the child up. This accounts for the number of absences. We will pick them up by teacher request for behavioral concerns and teachers later in the day will report them absent.</p> <p>The absences being reported is an internal problem with the school.</p> <p>This is part of the OCR complaint as well. IEPs will limit the number of days they can be suspended or sent home from school. The school will send them home for minimal behaviors that should be managed in the classroom. We have asked for a list of absences for each child to compare with daily shift notes. They have not complied with this request as it will substantiate the OCR complaint.</p> <p>Clear Sky Behavioral documents children being absent from school in the daily shift notes. This practice will become more detailed based upon DHSR concern and future review practices.</p>	

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V 298	<p>Continued From page 7</p> <p>Interview on 3/14/24 with self-contained classroom teacher for Client #1 and Client #2 revealed:</p> <ul style="list-style-type: none"> <li>-Had requested a copy of treatment plan for Client #1 but nothing was received.</li> <li>-Staff reported keeping Client #1's clothes in the office because he would urinate on them ...Also reported he was on a toileting schedule. "If they have him on a bathroom schedule they have never shared that."</li> <li>-"When they send extra clothes to school for [Client #1], the clothes are too small. He's a size 14-16 but they brought size 8 clothes."</li> <li>-Client #1 communicated with his stuffed animals as a coping mechanism and she had requested some from the group home. "They said he [Client #1] had peed on them but they still haven't sent any to school."</li> <li>-Client #2 slept 4 of 5 mornings when he got to school. "Have requested sleep information but do not receive anything ...Our principal offered for Client #2 to start school later in the morning but the group home refused ..."</li> <li>-Client #2 reported to his teacher, 'staff don't check on me.' He said he would either be watching TV or playing on his tablet which staff would forget to collect. 'The internet was easy to turn back on.'</li> <li>-[The QP] said Client #2's sleeping in class was just one of his behaviors."</li> <li>-Asked what they use to de-escalate behaviors at the group home but had not received a response.</li> <li>-The group home "never communicates when a kid needs to be picked up for an appointment."</li> <li>-"[The QP] has never once returned my calls ....Sends emails to [the QP], [the therapist] and [the Director] hoping to get a response from one of them."</li> </ul>	V 298	<p>Communication with the school will be limited to the QP of the facility only. The school will be notified that only the QP will respond to requests made during the day. Contacting other parties, therapist, Behavioral Health Director, Facility Compliance personnel will not be responded to. This has caused more confusion with who is responding, who has handled the concern, etc.</p> <p>The QP will log any contacts made with the school and provide a narrative of the discussion. E-Mail will be the preferred method of contact due to the auditable trail it creates.</p> <p>These measures will be implemented immediately.</p> <p>Clear Sky Behavioral utilizes a corporate level router that turns off all devices in the home at bedtime. It is impossible that this statement has any truth or merit. The child's guardian came to the home to try to access external internet connections and was unsuccessful. This child has a sub 50 IQ and a practice of lying to manipulate others.</p> <p>We use a number of practices in the home to deescalate behaviors. We use NCI, Love and Logic, and other practices. We have emails from all levels of Clear Sky staff responding to the schools daily requests. They do not have a properly trained teacher in the contained classroom.</p>	4/5/2024

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V 298	<p>Continued From page 8</p> <p>Interview on 3/12/24 with the QP revealed: -FC #5 had a family therapy appointment every Thursday which began in October. Reunification was the plan so stepping down to Level II was the logical step. -"We've gone through [Client #1]'s clothes 3 times. He just accumulates stuff ...The therapist and her assistant, go through the clothes to make sure they (clients) have enough and if not will take them shopping." -"[Client #4]'s doctor told him he needed to cut down on the carbs(carbohydrates) and drink more water. He (client #4) was consciously trying to do that. -"The teacher for [Client #1 and Client #2] sends 3000 emails a day ...She sent an email last week that Client #1 needed clothes. If something like this happens and is time sensitive, please call rather than email. If she calls, she doesn't leave a voice mail." -He was taking on more of the school liaison issues while the therapist was trying to step back from the schools. -He was responsible for registering the clients for school. "[The therapist] sends the treatment plans." -"We have tried to accommodate everything the school has asked. I send whatever they ask for. The school doesn't support us."</p> <p>Interview on 3/15/24 with the facility's licensed therapist revealed: -Was currently the liaison between the facility and the schools for the kids with IEPs (individual educational plans). -"[The teacher for Client #1 and Client #2] sends texts every morning before 8am to get an update on behaviors. There's no telling how they will reach out, calls, texts, emails ...This morning she texted at 7:55am, 'where are the boys?'. A new</p>	V 298	<p>We have complained of the teacher doing "Mommy Book" to share their feelings about parents. This has resulted in self inflicted crisis in the classroom. We stated that many of our children have no parents in the picture or their parents are a difficult situation for them to cope with. This guidance is relayed to our guardians to also press the school to conform to the clinical recommendation of Clear Sky Behavioral.</p> <p>The Clear Sky behavioral therapist is truly involved in the lives of our residents. More so than any other we have had in the past. She knows their schedules, the triggers, the family situation, etc. She is in weekly discussions with guardians. The school accounts for 4-6 hours of their day while we account for 18-20. We feel as though many of the crisis that occur at school is the teacher not understanding the dynamic and the challenges that a Level III child presents. She is also unwilling to practice the clinical guidance being provided.</p> <p>We will continue to work with the school and see where the OCR investigation leads. An investigator in Washington, DC has been assigned to review these allegations made.</p>	4/5/2024

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V 298	<p>Continued From page 9</p> <p>staff went through the car rider line by mistake. I was not in the office yet; I don't have information yet; I did not respond this morning."                      -"There was no set person from the school to contact."                      -"Communication with the school was frustrating ...Inconsistency from who and what contacts ...Worked well with the middle school last year."                      -"Our Behavior Health Specialist (Staff #3) registers the kids for school online and sends the psychologicals and IEPs a week and a half before school starts."                      -"[Client #4] has high A1C and was put on Metformin but does not have a diabetes diagnosis ...We're trying to help him not have diabetes ...We're only 2 weeks in; things take time."</p>	V 298	<p>Clear Sky Behavioral will assign a single point of contact for the school to utilize. He arrives to work at 8am and works Monday through Friday. Should be no time where a response is not made to their request. A log will be maintained of communication with the school.</p>	4/5/2024

