

Division of Health Service Regulation

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| STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION | (X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: MHL090-195 | (X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____ | (X3) DATE SURVEY COMPLETED 07/05/2024 |
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| NAME OF PROVIDER OR SUPPLIER ANDERSON HEALTH SERVICES-SIMMONS | STREET ADDRESS, CITY, STATE, ZIP CODE 1915-C HASTY ROAD MARSHVILLE, NC 28103 |
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| V 000 | <p>INITIAL COMMENTS</p> <p>An annual, follow up and complaint survey was completed on 7-5-24. The complaint was substantiated (#NC00217164). Deficiencies were cited.</p> <p>This facility is licensed for the following service category: 10A NCAC 27G .1900 Psychiatric Residential Treatment for Children and Adolescents.</p> <p>This facility is licensed for twelve and currently has a census of four. The survey sample consisted of audits of three current clients.</p> | V 000 | | |
| V 365 | <p>G.S. 122C-224 Judicial Review of Voluntary Admission</p> <p>§ 122C-224. Judicial review of voluntary admission.</p> <p>(a) When a minor is admitted to a 24-hour facility where the minor will be subjected to the same restrictions on his freedom of movement present in the State facilities for the mentally ill, or to similar restrictions, a hearing shall be held by the district court in the county in which the 24-hour facility is located within 15 days of the day that the minor is admitted to the facility. A continuance of not more than five days may be granted.</p> <p>(b) Before the admission, the facility shall provide the minor and his legally responsible person with written information describing the procedures for court review of the admission and informing them about the discharge procedures. They shall also be informed that, after a written request for discharge, the facility may hold the minor for 72 hours during which time the facility may apply for a petition for involuntary commitment.</p> <p>(c) (Effective until October 1, 2019) Within 24 hours after admission, the facility shall notify the</p> | V 365 | | |

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

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| V 365 | <p>Continued From page 1</p> <p>clerk of court in the county where the facility is located that the minor has been admitted and that a hearing for concurrence in the admission must be scheduled. At the time notice is given to schedule a hearing, the facility shall notify the clerk of the names and addresses of the legally responsible person and the responsible professional.</p> <p>(c) (Effective October 1, 2019) Within 24 hours after admission, the facility shall notify the clerk of court in the county where the facility is located that the minor has been admitted and that a hearing for concurrence in the admission must be scheduled. At the time notice is given to schedule a hearing, the facility shall (i) notify the clerk of the names and addresses of the legally responsible person and the responsible professional and (ii) provide the clerk with a copy of the legally responsible person's written application for admission of the minor and the facility's written evaluation of the minor, both of which are required under G.S. 122C-211(a). (1975, c. 839; 1977, c. 756; 1979, c. 171, s. 1; 1983, c. 889, ss. 1, 2; 1985, c. 589, s. 2; 1987, c. 370, s. 1; 2018-33, s. 16.)</p> <p>§ 122C-224.1. Duties of clerk of court. (a) Within 48 hours of receipt of notice that a minor has been admitted to a 24-hour facility wherein his freedom of movement will be restricted, an attorney shall be appointed for the minor in accordance with rules adopted by the Office of Indigent Defense Services. When a minor has been admitted to a State facility for the mentally ill, the attorney appointed shall be the attorney employed in accordance with G.S. 122C-270(a) through (c). All minors shall be conclusively presumed to be indigent, and it shall</p> | V 365 | | |

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| V 365 | <p>Continued From page 2</p> <p>not be necessary for the court to receive from any minor an affidavit of indigency. The attorney shall be paid a reasonable fee in accordance with rules adopted by the Office of Indigent Defense Services. The judge may require payment of the attorney's fee from a person other than the minor as provided in G.S. 7A-450.1 through G.S. 7A-450.4.</p> <p>(b) Upon receipt of notice that a minor has been admitted to a 24-hour facility wherein his freedom of movement will be restricted, the clerk shall calendar a hearing to be held within 15 days of admission for the purpose of review of the minor's admission. Notice of the time and place of the hearing shall be given as provided in G.S. 1A-1, Rule 4(j) to the attorney in lieu of the minor, as soon as possible but not later than 72 hours before the scheduled hearing. Notice of the hearing shall be sent to the legally responsible person and the responsible professional as soon as possible but not later than 72 hours before the hearing by first-class mail postage prepaid to the individual's last known address.</p> <p>(c) The clerk shall schedule all hearings and rehearings and send all notices as required by this Part. (1987, c. 370, s. 1; 2000-144, s. 37.)</p> <p>§ 122C-224.2. Duties of the attorney for the minor.</p> <p>(a) The attorney shall meet with the minor within 10 days of his appointment but not later than 48 hours before the hearing. In addition, the attorney shall inform the minor of the scheduled hearing and shall give the minor a copy of the notice of the time and place of the hearing no later than 48 hours before the hearing.</p> <p>(b) The attorney shall counsel the minor concerning the hearing procedure and the</p> | V 365 | | |

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| V 365 | <p>Continued From page 3</p> <p>potential effects of the hearing proceeding on the minor. If the minor does not wish to appear, the attorney shall file a motion with the court before the scheduled hearing to waive the minor's right to be present at the hearing procedure except during the minor's own testimony. If the attorney determines that the minor does not wish to appear before the judge to provide his own testimony, the attorney shall file a separate motion with the court before the hearing to waive the minor's right to testify.</p> <p>(c) In all actions on behalf of the minor, the attorney shall represent the minor until formally relieved of the responsibility by the judge. (1987, c. 370, s. 1.)</p> <p>§ 122C-224.3. Hearing for review of admission.</p> <p>(a) Hearings shall be held at the 24-hour facility in which the minor is being treated, if it is located within the judge's district court district as defined in G.S. 7A-133, unless the judge determines that the court calendar will be disrupted by such scheduling. In cases where the hearing cannot be held in the 24-hour facility, the judge may schedule the hearing in another location, including the judge's chambers. The hearing may not be held in a regular courtroom, over objection of the minor's attorney, if in the discretion of the judge a more suitable place is available.</p> <p>(b) The minor shall have the right to be present at the hearing unless the judge rules favorably on the motion of the attorney to waive the minor's appearance. However, the minor shall retain the right to appear before the judge to provide his own testimony and to respond to the judge's questions unless the judge makes a separate finding that the minor does not wish to appear upon motion of the attorney.</p> | V 365 | | |

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| V 365 | <p>Continued From page 4</p> <p>(c) Certified copies of reports and findings of physicians, psychologists and other responsible professionals as well as previous and current medical records are admissible in evidence, but the minor's right, through his attorney, to confront and cross-examine witnesses may not be denied.</p> <p>(d) Hearings shall be closed to the public unless the attorney requests otherwise.</p> <p>(e) A copy of all documents admitted into evidence and a transcript of the proceedings shall be furnished to the attorney, on request, by the clerk upon the direction of a district court judge. The copies shall be provided at State expense.</p> <p>(f) For an admission to be authorized beyond the hearing, the minor must be (1) mentally ill or a substance abuser and (2) in need of further treatment at the 24-hour facility to which he has been admitted. Further treatment at the admitting facility should be undertaken only when lesser measures will be insufficient. It is not necessary that the judge make a finding of dangerousness in order to support a concurrence in the admission.</p> <p>(g) The court shall make one of the following dispositions:</p> <p>(1) If the court finds by clear, cogent, and convincing evidence that the requirements of subsection (f) have been met, the court shall concur with the voluntary admission and set the length of the authorized admission of the minor for a period not to exceed 90 days; or</p> <p>(2) If the court determines that there exist reasonable grounds to believe that the requirements of subsection (f) have been met but that additional diagnosis and evaluation is needed before the court can concur in the admission, the court may make a one time authorization of up to an additional 15 days of stay, during which time further diagnosis and</p> | V 365 | | |

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| V 365 | <p>Continued From page 5</p> <p>evaluation shall be conducted; or</p> <p>(3) If the court determines that the conditions for concurrence or continued diagnosis and evaluation have not been met, the judge shall order that the minor be released.</p> <p>(h) The decision of the District Court in all hearings and rehearings is final. Appeal may be had to the Court of Appeals by the State or by any party on the record as in civil cases. The minor may be retained and treated in accordance with this Part, pending the outcome of the appeal, unless otherwise ordered by the District Court or the Court of Appeals. (1987, c. 370; 1987 (Reg. Sess., 1988), c. 1037, s. 113.)</p> <p>§ 122C-224.4. Rehearings.</p> <p>(a) A minor admitted to a 24-hour facility upon order of the court for further diagnosis and evaluation shall have the right to a rehearing if the responsible professional determines that the minor is in need of further treatment beyond the time authorized by the court for diagnosis and evaluation.</p> <p>(b) A minor admitted to a 24-hour facility upon the concurrence of the court shall have the right to a rehearing for further concurrence in continued treatment before the end of the period authorized by the court. The court shall review the continued admission in accordance with the hearing procedures in this Part. The court may order discharge of the minor if the minor no longer meets the criteria for admission. If the minor continues to meet the criteria for admission the court shall concur with the continued admission of the minor and set the length of the authorized admission for a period not to exceed 180 days. Subsequent rehearings shall be scheduled at the end of each subsequent authorized treatment period, but no longer than every 180 days.</p> | V 365 | | |

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| V 365 | <p>Continued From page 6</p> <p>(c) The responsible professional shall notify the clerk, no later than 15 days before the end of the authorized admission, that continued stay beyond the authorized admission is recommended for the minor. The clerk shall calendar the rehearing to be held before the end of the current authorized admission. (1987, c. 370, s. 1.)</p> <p>§ 122C-224.5. Transportation. When it is necessary for a minor to be transported to a location other than the treating facility for the purpose of a hearing, transportation shall be provided under the provisions of G.S. 122C-251. However, the 24-hour facility may obtain permission from the court to routinely provide transportation of minors to and from hearings. (1987, c. 370, s. 1.)</p> <p>§ 122C-224.6. Treatment pending hearing and after authorization for or concurrence in admission. (a) Pending the initial hearing and after authorization for further diagnosis and evaluation, or concurrence in admission, the responsible professional may administer to the minor reasonable and appropriate medication and treatment that is consistent with accepted medical standards and consistent with Article 3 of this Chapter. (b) The responsible professional may release the minor conditionally for periods not in excess of 30 days on specified appropriate conditions. Violation of the conditions is grounds for return of the minor to the 24-hour facility. A law enforcement officer, on request of the responsible professional, shall take the minor into custody and return him to the facility in</p> | V 365 | | |

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| V 365 | <p>Continued From page 7</p> <p>accordance with G.S. 122C-205. (1987, c. 370, s. 1.)</p> <p>§ 122C-224.7. Discharge.</p> <p>(a) The responsible professional shall unconditionally discharge a minor from treatment at any time that it is determined that the minor is no longer mentally ill or a substance abuser, or no longer in need of treatment at the facility.</p> <p>(b) The legally responsible person may file a written request for discharge from the facility at any time. The facility may hold the minor in the facility for 72 hours after receipt of the request for discharge. If the responsible professional believes that the minor is mentally ill and dangerous to himself or others, he may file a petition for involuntary commitment under the provisions of Part 7 of this Article. If the responsible professional believes that the minor is a substance abuser and dangerous to himself or others, he may file a petition for involuntary commitment under the provisions of Part 8 of this Article. If an order authorizing the holding of the minor under involuntary commitment procedures is issued, further treatment and holding shall follow the provisions of Part 7 or Part 8 whichever is applicable. If an order authorizing the holding of the minor under involuntary commitment procedures is not issued, the minor shall be discharged.</p> <p>(c) If a client reaches age 18 while in treatment, and the client refuses to sign an authorization for continued treatment within 72 hours of reaching 18, he shall be discharged unless the responsible professional obtains an order to hold the client under the provisions of Part 7 or Part 8 of this Article pursuant to an involuntary commitment. (1975, c. 839; 1977, c. 756; 1979, c. 171, s. 1;</p> | V 365 | | |

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| V 365 | <p>Continued From page 8</p> <p>1983, c. 889, ss. 1, 2; 1985, c. 589, s. 2; 1987, c. 370, s. 1.)</p> <p>This Rule is not met as evidenced by: Based on records review and interviews, the facility failed to ensure a hearing was held by the district court in the county in which the 24-hour facility is located within 15 days of the day that the minor is admitted to the facility and within 24 hours after admission, the facility notified the clerk of court in the county where the facility was located that the minor had been admitted and that a hearing for concurrence in the admission must be scheduled affecting 2 of 2 clients (#1, #2). The findings are:</p> <p>Review on 6-28-24 of Client #2's record revealed: -Admitted 4-12-24. -17 years old. -Diagnoses of Conduct Disorder, Major Depressive Disorder, Intermittent Explosive Disorder, and Attention Deficit/Hyper Activity Disorder, combined presentation. -Request for Hearing was 5-15-24. -Judicial hearing was 5-24-24.</p> <p>Review on 6-28-24 of Client #3's record revealed: -Admitted 4-9-24. -16 years old. -Diagnoses of Conduct Disorder and Unspecified Trauma- and Stressor-Related Disorder.</p> | V 365 | | |

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| V 365 | <p>Continued From page 9</p> <ul style="list-style-type: none"> -Request for Hearing was 5-15-24. -Judicial hearing was 5-24-24. <p>Interview on 7-3-24 with the Residential Director revealed:</p> <ul style="list-style-type: none"> -The Psychiatric Residential Treatment Facility (PRTF) had not had clients since early 2023. -The admissions department is used to admitting clients to the level II services. -The admissions department had thought that getting judicial reviews was the guardian's responsibility. -The initial clients in the PRTF started coming April 8, 2024 and they had been leveled up from the level II cottages at the facility. -When Client #1 was admitted from outside the facility the mistake was identified. -They had taken to clients to court and Clients #2 and #3 were released back down to Level II, but the judge let them be readmitted the correct way. -Everyone was retrained so now all administration knows the steps to complete for admission to the PRTF and what has to be done to keep the clients there. | V 365 | | |