

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 3404550 MHL054-125	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING: _____	(X3) DATE SURVEY COMPLETED 05/16/2024
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NAME OF PROVIDER OR SUPPLIER PINEWOOD FACILITY	STREET ADDRESS, CITY, STATE, ZIP CODE 2002 A & B SHACKLEFORD ROAD KINSTON, NC 28502
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V 000	<p>INITIAL COMMENTS</p> <p>A complaint and follow up survey was completed on May 16, 2024. The complaint was substantiated (intake #NC00216711). 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 12 and has a current census of 11. The survey sample consisted of audits of 3 current clients and 2 former clients.</p>	V 000		
V 315	<p>27G .1902 Psych. Res. Tx. Facility - Staff</p> <p>10A NCAC 27G .1902 STAFF</p> <p>(a) Each facility shall be under the direction a physician board-eligible or certified in child psychiatry or a general psychiatrist with experience in the treatment of children and adolescents with mental illness.</p> <p>(b) At all times, at least two direct care staff members shall be present with every six children or adolescents in each residential unit.</p> <p>(c) If the PRTF is hospital based, staff shall be specifically assigned to this facility, with responsibilities separate from those performed on an acute medical unit or other residential units.</p> <p>(d) A psychiatrist shall provide weekly consultation to review medications with each child or adolescent admitted to the facility.</p> <p>(e) The PRTF shall provide 24 hour on-site coverage by a registered nurse.</p>	V 315	<p style="text-align: center;">RECEIVED MAY 04 2024 DHSR-MH Licensure Sect</p>	

Division of Health Service Regulation

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

TITLE

(X6) DATE

STATE FORM

Cameron Ford, PhD COO

5/31/24

6899

RO6H11

If continuation sheet 1 of 9

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V 315	<p>Continued From page 1</p> <p>This Rule is not met as evidenced by: Based on record reviews and interviews, the facility failed to maintain an approved waiver of Rule 10A NCAC 27G .1902 (e) to ensure compliance with providing 24-hr onsite coverage by a registered nurse (RN).</p> <p>Review on 05/16/24 of Division of Health Service Regulation (DHSR) records for the facility revealed: - No current approval waiver of Rule 10A NCAC 27G.1902 (e). - The last approved waiver for Rule 10A NCAC 27G.1902 (e) was valid until December 31, 2022</p> <p>Review on 05/16/24 of an approval of waiver sent to the previous facility program Director and dated 03/25/22 revealed - "RE: Approval of Request for Renewal of Waiver of Rule 10A NCAC 27G.1902 (e) for NOVA, Inc, Pinewood Facility, MHL-054-125, [Sister] Facility, MHL-054-126, [Sister] Facility, MHL-054-159, [Local] County...Pursuant to your request contained in your letter dated March 9, 2022, which was received March 9, 2022 and after review by our staff, I have determined that the request for waiver be approved for licensure year 2022. This is based on delegation of authority given to me by [Director], Director of the Division of Health Service Regulation, on April 23, 2018. Rule 10A NCAC 27G.1902(e) provides, "[t]he PRTF shall provide 24 hour on-site coverage by a registered nurse." Renewal of the waiver will allow the facility to continue to utilize one RN position per shift to provide twenty-four hour on-site coverage for the three PRTF facilities that are in close proximity to each other. I hereby</p>	V 315		
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V 315	<p>Continued From page 2</p> <p>approve your request for renewal of waiver of Rule 10A NCAC 27G.1902 (e) based on the following representations: The provider states, " ... one RN per shift can effectively serve the facilities because they are on the same site and are in very close proximity to each other. From the central nursing office, located in Building C; it is 270 feet (90 yards) and 50 seconds to the Pinewood Facility; is 240 feet (80 yards) and 41 seconds to the [Sister] Facility, and it is 240 feet (80 yards) and 41 seconds to the [Sister] Facility." The provider also states that the RN is supported by other clinical staff both during the day and night. "During first shift ...other clinical staff ...include the Director who is an RN, the Nursing Director, two Licensed Therapists and at least five Qualified Professionals. Additionally, NOVA utilizes two LPNs (Licensed Practical Nurse) per day shift to assist the RNs with related duties." At night there are two Residential Services Supervisors, the Director of PRTF Services ...is also on call 24/7 to the facility. The Director of Nursing is always on call as well as a Qualified Professional. NOVA has a Psychiatrist and a MD on call 24/7 also." During 2021 there were complaint and follow-up surveys at the Pinewood and [Sister] facilities. The deficiencies were related to client self governance policy and facility maintenance. None of the deficiencies were related to RN staffing. Despite the proximity of the facilities Division staff notes 1 RN is required to monitor 42 beds, which seems substantial. An authorizing letter from the Board of Directors "ensures that the health, safety and welfare of all consumers will not be threatened." [Previous], the Local Management Entity - Managed Care Organization (LME/MCO) of the catchment area, supports approval of this waiver request. DHSR reported that there are no current sanctions against these facilities. In accordance with 10A</p>	V 315		
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V 315	<p>Continued From page 3</p> <p>NCAC 27G .0813, the waiver of Rule 10A NCAC 27G.1902 (e) cannot exceed the expiration date of the 2022 license which is December 31, 2022; and, therefore shall be subject to renewal consideration upon the request of the licensee." - Signed by the previous Chief, Mental Health Licensure & Certification Section</p> <p>Review on 05/16/24 of a letter sent to North Carolina Division of Health and Human Services/DHSR dated 11/03/23 and signed by the facility President/Chief Executive officer revealed: - "To Whom It may Concern: The Governing Board of NOVA, Inc. authorizes the request for waiver from 10A NCAC 27G .1902 (e) to use one RN position per shift to provide onsite coverage for facilities ([Sister Facility], Pinewood and [Sister Facility]) regarding RN staffing. The board supports the request and assures that the health, safety, and welfare of the Consumers will not be threatened." - "Request for Waiver" for Pinewood Facility and 2 sister facilities. - "3. Rule Number and Title for Which Waiver is Sought 10A NCAC 27G .1902 staff (e) The PRTF shall provide 24-hour on-site coverage by a Registered Nurse. - 4 a/b. (Reason for request & nature and extent of request): NOVA, Inc.. is requesting a waiver from Rule 10A NCAC 27G .1902(e) for Pinewood, [Sister facility] and [Sister facility] facilities (located on one site) to share one registered Nurse per shift t provide 24-hour onsite coverage. this waiver request appears to be consistent with the language of the rule in terms of the provision of RNs 'onsite' versus 'in each facility'. 4 c. (Confirmation that the health, safety or welfare of clients will not be threatened): NOVA unequivocally assumes that the health, safety, and welfare of all consumers will not be</p>	V 315		

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V 315	<p>Continued From page 4</p> <p>threatened should this request be granted. NOVA has a waiver in effect for many years, since 2010 without compromise of the provided nursing services as evidence by multiple surveys that have not resulted in sanctions regarding the use of one RN. We further believe that one RN per shift can effectively serve the facilities because they are on the same site and are in very close proximity to each other. From the central nursing office, located in Building C; it is 270 feet (90 yards) and 50 seconds to the Pinewood Facility; is 240 feet (80 yards) and 41 seconds to the [Sister] Facility, and it is 240 feet (80 yards) and 41 seconds to the [Sister] Facility. During first shift (7 a.m.-7 p.m.), the RN is supported by the presence of several clinical staff to include a Nursing Director and Program Director who are both RNs, three Licensed Therapists and at least five Qualified Professionals. Additionally, NOVA utilizes two LPNs per day per shift to assist the RNs with related duties. Although we have a reduced number of clinical staff after 7 p.m.. we have supports in place to assist the RN on duty. Aside from the presence of two Residential Services Supervisors, the Director of PRTF Services is an experienced mental health RN and is on call 24/7 to the facility. A second RN is on call at all times, as well as a Qualified Professional. NOVA has a Psychiatrist and MD (Medical Doctor) on call 24/7 also. Most of our consumers retire for bed by 9 p.m. and many of them choose to retire earlier. Our campus is generally calm and quiet throughout the second shift with little to be done by an RN.</p> <p>- 5. NOVA, Inc. requests that this waiver be granted for the 2024 calendar year."</p> <p>Interview on 05/16/24 the Licensed Practical Nurse stated: - She had worked at the facility since February</p>	V 315		
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V 315	Continued From page 5 2021. - She usually worked at a sister facility. - She will occasionally work in the central building which covers both Pinewood Facility and a sister facility on the same campus. Interview on the Chief Operating Officer stated: - The facility had created and sent in waivers to DHR and the LME/MCO. - They had not had a response from the waiver submission. - The facilities have operated the same for several years.	V 315		
V 503	27D .0103 Client Rights - Search And Seizure Policy 10A NCAC 27D .0103 SEARCH AND SEIZURE POLICY (a) Each client shall be free from unwarranted invasion of privacy. (b) The governing body shall develop and implement policy that specifies the conditions under which searches of the client or his living area may occur, and if permitted, the procedures for seizure of the client's belongings, or property in the possession of the client. (c) Every search or seizure shall be documented. Documentation shall include: (1) scope of search; (2) reason for search; (3) procedures followed in the search; (4) a description of any property seized; and (5) an account of the disposition of seized property. This Rule is not met as evidenced by:	V 503		

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V 503	<p>Continued From page 6</p> <p>Based on record review and interview, the facility failed to implement their search and seizure policy affecting 3 of 4 current audited clients (#6, #9, and #11) and 1 of 1 former client (Former Client (FC) #13). The findings are:</p> <p>Review on 05/14/24 of the facility "Search and Seizure of Consumer Property" policy and procedure revealed:</p> <ul style="list-style-type: none"> - Effective date: 09/01/95 and revised 01/01/14. - "Purpose: To comply with 10A NCAC 27D .0103 regarding consumer search and seizure. - Policy: It is the policy of NOVA to prohibit unwanted invasion of consumer privacy unless certain conditions exist that creates a risk to the consumer and/or others. - Procedure: 1. A consumer shall not undergo search or seizure of property without unwarranted cause. 1. If staff believes that conditions exist that create a risk to the Consumer and/or others that necessitate an invasion of the consumer's privacy, the Qualified Professional or AOC (Administrator on Call) will be contacted for authorization to conduct a search. 3. Authorized search will include but not limited to the through checking of all personal and a thorough checking of the consumer's person...5. Qualified Professional or AOC shall be notified and shall contact the Guardian of the action taken and justification..." <p>Review on 05/15/24 and 05/16/24 of facility level I incident reports for search and seizure revealed:</p> <ul style="list-style-type: none"> - 03/07/24 at 2:00pm - Client #6 - no documented notification per policy. - 03/07/24 at 2:32pm - Client #9 - no documented notification per policy. - 03/07/24 at 2:55pm - Client #11 - no documented notification per policy. - 03/07/24 at 2:20pm - FC #13 - no documented 	V 503		

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V 503	Continued From page 7 notification per policy. Interview on 05/16/24 the Acting Program Director stated: - The guardian should be notified of a client search and seizure. - He was not able to locate documentation of the notification of the guardians in the above referenced incident.	V 503		
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 clean, attractive and orderly manner. The findings are: Observation on 05/14/24 at approximately 11:35am revealed: A Building - The living room area had a basketball sized and an approximately 12 inch by 6 inch white patched area. - The dining room had a softball sized white patched area. - The front living area ceiling had substance in various places of the ceiling. - A15 - Walls with smears and scuffs. The light fixture was pulled away from the ceiling. The sheetrock was pulled away from the corner of the room. The light switch area was cracked on the wall.	V 736		

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V 736	<p>Continued From page 8</p> <ul style="list-style-type: none"> - A13 - An approximate basketball sized area of sheetrock had been pulled away from the wall. An approximate 14 inch by 14 inch area of wall had been pushed in near the electrical receptacle. - The right side bathroom had dark grout areas on the tub tiles. - A18 - unpainted plywood approximately 2 feet by 2 feet at the head of the bed. <p>B Building:</p> <ul style="list-style-type: none"> - The furniture in the living room had the top layer of surface peeled away in various places. - A19 2 areas of sheetrock pulled away from the wall. - A24 approximately 4 feet high unpainted plywood on the lower section of the wall. - The bathroom tile had been torn away under the tub faucet which exposed a hole. - The right hallway had smudge and scuff marks on the walls and areas of sheetrock peeled away from the surface. - A22 had an approximately 2 foot by 2 foot of unpainted plywood on the wall. 2 baseball sized sheetrock pulled away from the wall. <p>Interview on 05/14/24 the Acting Program Director stated:</p> <ul style="list-style-type: none"> - Maintenance worked daily to repair items at the facility. - The clients at B house had damaged the facility repeatedly. - He would report issues of safety to the maintenance staff. <p>This deficiency constitutes a re-cited deficiency and must be corrected within 30 days.</p>	V 736		

Appendix 1-B: Plan of Correction Form

Plan of Correction
<p>Please complete <u>all</u> requested information and email completed Plan of Correction form to:</p> <p style="margin-top: 10px;">Plans.Of.Correction@dhhs.nc.gov</p>

Provider Name:	NOVA Behavioral Health	Phone:	919-920-7391
Provider Contact Person for follow-up:	██████████, Chief Operating Officer	Email:	cford@novanc.org
Address:	2002 Shackelford RD Kinston, NC 28504		Provider # 3904550

Finding	Corrective Action Steps	Responsible Party	Time Line
<p>V315</p> <p>27G .1902 Psych. Res. Tx. Facility - Staff</p>	<p>NOVA always takes steps to ensure that the PRTF has adequate nursing staffing to maintain the health and safety of the children we serve. ██████████ COO, will contact our home LME Trillium to request a waiver to 10A NCAC 27G .1902. We have been successful in receiving this waiver in past years. ██████████ COO will communicate with Trillium and request a waiver that will allow NOVA to staff all three facilities on NOVA's PRTF campus with 1 RN, minimally. Once the waiver is in place ██████████ Director of Nursing will ensure that PRTF shall provide 24 hour on-site coverage by a registered nurse.</p>	<p>██████████ PhD, Chief Operating Officer</p> <p>██████████ RN, Director of Nursing</p>	<p>Implementation Date: 6/15/24</p> <hr/> <p>Projected Completion Date: 7/15/2024</p>
<p>V 736</p> <p>27G .0303(c) Facility and Grounds Maintenance</p>	<p>Chief Operating Officer, ██████████ will organize a list of repairs to be made in the facility and submit them to ██████████ Chief Facilities Officer. ██████████ will work with the maintenance crew to address all issues listed in the statement of deficiencies. ██████████ will also document the completion of each maintenance project.</p>	<p>██████████ PhD, Chief Operating Officer</p> <p>██████████ Chief Facilities Officer</p>	<p>Implementation Date: 6/3/24</p> <hr/> <p>Projected Completion Date: 6/15/24</p>
<p>V503</p> <p>27D .0103 Client Rights - Search And Seizure Policy</p>	<p>It is NOVA's policy and practice that a child's guardian is informed of a search and seizure. ██████████ COO will conduct an in-service training for all staff who serve as Administrator-On-Call (AOC) and all Consumer Affairs Coordinators that will review the policies and procedures related to search and seizures, emphasizing the requirement to inform guardians when a search and seizure is conducted. ██████████ CEO, will monitor these activities to ensure completion.</p>	<p>██████████ PhD, Chief Operating Officer</p> <p>██████████ PhD, Chief Executive Officer</p>	<p>Implementation Date: 6/3/24</p> <hr/> <p>Projected Completion Date: 7/15/24</p>

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