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Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  <b>MHL0411229</b>	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____  B. WING: _____	(X3) DATE SURVEY COMPLETED  C <b>07/26/2024</b>
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RECEIVED  
AUG 28 2024

NAME OF PROVIDER OR SUPPLIER  <b>DAVIS FAMILY LIVING</b>	STREET ADDRESS, CITY, STATE, ZIP CODE <b>3219 SHALLOWFORD DRIVE GREENSBORO, NC 27406</b>
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(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY MUST BE PRECEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION)	ID PREFIX TAG	PROVIDER'S PLAN OF CORRECTIVE ACTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY)	(X5) COMPLETE DATE
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V 000	<p><b>INITIAL COMMENTS</b></p> <p>A complaint survey was completed on 7/26/24. Three complaints were substantiated (intakes #NC00218769; #NC00218796; and #NC00219106) and one complaint (intake #NC00218662) was unsubstantiated. A deficiency was cited.</p> <p>This facility is licensed for the following service category: 10A NCAC .5600F Supervised Living/Alternative Family Living.</p> <p>This facility is licensed for 2 and has a current census of 1.</p> <p>The survey sample consisted of an audit of 1 current client and 1 former client.</p>	V 000	<p><u>How I will correct this deficiency:</u> I am now aware that in order to protect the clients in my care from harm, abuse, and neglect, I cannot make any adjustments to their diet or eating plan unless there is a prescribed diet recommended by a medical professional.</p> <p><u>How I will prevent the problem from occurring again:</u> To prevent the problem from occurring again, I will ensure that any dietary needs the client has are further documented by an admission assessment, treatment or care plan, or other supporting documentation. I will ensure that before beginning a dietary plan for a client in my care, it will be discussed with the client's guardian and my supervising QP.</p> <p>Additionally, I will ensure that a client's progress with a dietary plan is discussed on a quarterly basis with at least one member of the client's team, or ideally the entire Care Team. This frequency of progress updates should be decided by the Care Team or the guardian.</p> <p><u>Who will monitor the situation to ensure it will not occur again:</u></p>	
V 512	<p>27D .0304 Client Rights - Harm, Abuse, Neglect</p> <p>10A NCAC 27D .0304 PROTECTION FROM HARM, ABUSE, NEGLECT OR EXPLOITATION</p> <p>(a) Employees shall protect clients from harm, abuse, neglect and exploitation in accordance with G.S. 122C-66.</p> <p>(b) Employees shall not subject a client to any sort of abuse or neglect, as defined in 10A NCAC 27C .0102 of this Chapter.</p> <p>(c) Goods or services shall not be sold to or purchased from a client except through established governing body policy.</p> <p>(d) Employees shall use only that degree of force necessary to repel or secure a violent and aggressive client and which is permitted by governing body policy. The degree of force that is necessary depends upon the individual characteristics of the client (such as age, size and physical and mental health) and the degree of aggressiveness displayed by the client. Use of intervention procedures shall be compliance with</p>	V 512	<p>For my current client, my future employing provider agency (McCrary Homes LLC), my client's PIHP (Trillium Health Resources), and my client's full Care Team (Guardian, Care Manager, Natural Supports Education provider, Day Supports provider, and Specialized Consultative Services provider).</p> <p><u>How often the monitoring will take place: 6 months of monitoring:</u></p> <ul style="list-style-type: none"> <li>•Once monthly in person at the home and once by phone in person by QP or Manager of McCrary Homes LLC</li> <li>•Once monthly in person at the home by the PHIP (Trillium Health Resources) Care Manager</li> <li>•Once monthly full Care Team meeting by teleconference or video conference</li> </ul> <p>After 6 months:</p> <ul style="list-style-type: none"> <li>•Once monthly in person in person by QP or Manager of McCrary Homes LLC</li> <li>•Once every other month in person at the home by the PHIP (Trillium Health Resources) Care Manager</li> <li>•Once monthly full Care Team meeting by teleconference or video conference</li> </ul> <p>Please be aware that this document was received 8/20/24 due to being sent to incorrect mailing address.</p>	

Division of Health Service Regulation  
LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE  TITLE

(X6) DATE 8/24/24

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V 512	<p>Continued From page 1</p> <p>Subchapter 10A NCAC 27E of this Chapter. (e) Any violation by an employee of Paragraphs (a) through (d) of this Rule shall be grounds for dismissal of the employee.</p> <p>This Rule is not met as evidenced by: Based on record review and interview, 1 of 1 Alternative Family Living Staff/Licensee (AFLS/L) neglected 1 of 1 former client (Former Client #1 (FC#1)). The findings are:</p> <p>Review on 7/1/24 of FC #1's record revealed:</p> <ul style="list-style-type: none"> <li>- An admission date of 9/15/22</li> <li>- Diagnoses of Mild Intellectual Disabilities; Disruptive Mood Dysregulation Disorder (D/O); Attention Deficit Hyperactivity D/O, Combined Type; and Autistic D/O</li> <li>- An admission assessment dated 6/1/22 which listed "no food allergies or special diet."</li> <li>- A treatment plan dated 6/1/24 which did not list any goals related to dietary restrictions or the need to lose weight</li> <li>- A discharge date of 6/17/24</li> <li>- FC #1 was a 20 year old male</li> </ul> <p>Review on 7/1/24 and on 7/24/24 of the "visit note - office visit" summary completed by FC #1's Nurse Practitioner (NP) on 6/24/24 revealed:</p> <ul style="list-style-type: none"> <li>- "...Patient reported he has been physically abused by his former caregiver (AFLS/L) and his caregiver would often not feed him. Patient is seen today having lost a significant amount of weight, almost unrecognizable in appearance ..."</li> <li>- FC #1's weight on 6/24/24 was listed as 156 pounds and 2 ounces and his height was listed as 5 feet 6.93 inches tall</li> <li>- No documentation of what Former Client #1's</li> </ul>	V 512		

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V 512	<p>Continued From page 2</p> <p>weight had been prior to his visit to the NP on 6/24/24</p> <p>Interview on 7/1/24 and on 7/23/24 with FC #1 revealed:</p> <ul style="list-style-type: none"> <li>- Had not asked the AFLS/L to help him to lose weight</li> <li>- Did not feel he got enough to eat when he lived with the AFLS/L</li> </ul> <p>Review on 7/1/24 of the AFLS/L's record revealed:</p> <ul style="list-style-type: none"> <li>- A hire date of 4/1/22 as an Alternative Family Living Provider Independent Contractor with the agency that agreed to provide clinical support and supervision on his behalf</li> <li>- The AFLS/L's contract required he "...provide a shared living arrangement whereby the Provider ensures optimum quality of life for the Individual served by providing appropriate care as outlined in the individualized support plan; a safe and healthy environment of care, including regular meals, prepared according to individual guidelines ..."</li> <li>- The AFLS/L's contract with the agency was terminated on 6/24/24</li> </ul> <p>Interviews on 6/28/24 and on 7/25/24 with the AFLS/L revealed:</p> <ul style="list-style-type: none"> <li>- When FC #1 was admitted to his facility "last summer" (no exact date provided), he observed him to be "overweight" and unable to engage in physical activity without difficulty</li> <li>- He could provide no documentation of what FC #1 weighed when he was admitted to his facility</li> <li>- "His stomach was hanging over his privates."</li> <li>- Asked FC #1 if he wanted to get into "better shape" and FC #1 reported to him that he did</li> <li>- Had FC #1 decrease the amount of sugar in</li> </ul>	V 512		

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V 512	<p>Continued From page 3</p> <p>his diet, increase the number of fruits and vegetables he ate and incorporate exercise into his daily routine</p> <ul style="list-style-type: none"> <li>- FC#1 also began "juicing" (drinking the juice of fruits and vegetables which have been extracted via a machine)</li> <li>- He "juiced" daily and when FC #1 observed him doing this, he also wanted to begin "juicing."</li> <li>- FC #1 agreed to the changes in his diet and the "weight fell off."</li> <li>- FC #1 was happy about his weight loss and had no complaints regarding his new diet</li> <li>- Didn't realize he should have consulted a medical professional prior to his developing a diet regimen on behalf of FC #1 to follow</li> <li>- Prior to FC #1's admission to his facility, "Everywhere he went, no one ever addressed how he ate."</li> </ul> <p>Interviews on 7/1/24 and on 7/24/24 with FC #1's current AFL Staff revealed:</p> <ul style="list-style-type: none"> <li>- Prior to becoming FC #1's current AFL provider, he provided FC #1 with community networking services</li> <li>- On 6/17/24, FC #1 disclosed to him that the AFLS/L had physically harmed him and that he no longer wanted to live in the AFLS/L's facility</li> <li>- He reported FC #1's allegation to the Qualified Professional #2 (QP #2) on 6/17/24 with FC #1 being removed the same day from the AFLS/L's facility and into his facility</li> <li>- He took FC #1 to see FC #1's NP at a wellness center on 6/24/24 for a physical examination</li> <li>- During the visit on 6/24/24, the NP reported to him that she had last seen FC #1 in person in June 2023 (no exact date provided) when he weighed 240 pounds</li> <li>- The NP reported FC #1 was "almost unrecognizable" to her</li> </ul>	V 512		

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V 512	<p>Continued From page 4</p> <ul style="list-style-type: none"> <li>- His weight was 157 pounds on 6/24/24 which reflected a weight loss of 83 pounds in a year based on what the NP reported to him</li> <li>- Transported FC #1 to see the NP at the wellness center on 7/23/24 and the NP reported to him she had only seen FC #1 in person twice in 2023 with his weighing 240 pounds in June 2023 and then 220 pounds at a follow up visit (no date provided)</li> <li>- All FC #1's other visits with the NP during 2023 were held virtually and his weight was not documented during those encounters</li> <li>- She had not advised the AFLS/L about any dietary restrictions or a specific meal plan for him to have FC #1 to follow</li> <li>- She was "surprised" at how much weight FC #1 had lost since 2023</li> <li>- Spoke with the NP on 7/23/24 and requested written documents which would reflect what the NP had shared with him; however, he was only provided "visit notes - office notes" summaries for the FC #1's visits to the wellness center on 6/24/24 and 7/23/24 and neither of them reflected what FC #1's weight was in 2023 or what the NP had told him</li> </ul> <p>Interview on 6/28/24 with FC #1's Former QP #1 revealed:</p> <ul style="list-style-type: none"> <li>- Worked with the AFLS/L since FC #1's admission to the AFL facility in 2023 (no exact date provided)</li> <li>- FC #1 had not raised any concerns with him about how he was being treated, to include how much food he was being provided by the AFLS/L</li> </ul> <p>Interviews on 7/1/24 and on 7/24/24 with the QP #2 for FC #1 revealed:</p> <ul style="list-style-type: none"> <li>- Began working with FC #1 in May of 2024</li> <li>- On 6/17/24, FC #1 reported that he had been physically abused by the AFLS/L</li> </ul>	V 512		
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V 512	<p>Continued From page 5</p> <ul style="list-style-type: none"> <li>- As a result of the allegations, FC #1 was removed from the AFLS/L's facility on 6/17/24</li> <li>- An appointment was made for him to see the NP on 6/24/24 at the center where he received wellness care services</li> <li>- At his visit on 6/24/24, FC #1 weighed 157 pounds for a weight loss of 83 pounds and documented in her "visit note - office note" he was "almost unrecognizable" to her</li> <li>- From June of 2023 until June of 2024, FC #1's visits with the NP were virtual; therefore, his weight during each visit was not documented</li> <li>- Prior to FC #1's visit on 6/24/24, the NP had last seen FC #1 in person in June of 2023 (could not provide the exact date) and he weighed 240 pounds per a verbal report to FC #1's new AFL provider</li> <li>- The NP also noted in the written visit summary that FC #1 reported to her that the AFLS/L "...would often not feed him..."</li> <li>- The NP also reported to the new AFL provider that FC #1 was "dehydrated" and needed fluids before she could perform a blood draw</li> </ul> <p>Interview on 6/28/24 with the Quality Assurance Specialist (QAS) with the agency that provided clinical supervision services to the AFLS/L revealed:</p> <ul style="list-style-type: none"> <li>- She had initiated an internal investigation on behalf of FC #1 based on his allegations the AFLS/L had struck him on 6/17/24</li> <li>- While interviewing FC #1, she had asked him to raise his shirt to determine if he had any bruising on his chest</li> <li>- Didn't see any bruising on FC #1's chest but was "startled about the amount of loose skin" she observed on his person</li> <li>- "His demeanor, overall appearance was concerning ..."</li> <li>- "Wouldn't think a twenty year old would be</li> </ul>	V 512		

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V 512	<p>Continued From page 6</p> <p>looking like a ninety year old ..."</p> <ul style="list-style-type: none"> <li>- When asked about FC #1's weight loss, the AFLS/L reported he had designed a meal plan for FC #1 to assist him with losing weight</li> <li>- The AFLS/L had FC #1 "do juicing" and had placed him on a "low sugar" diet</li> <li>- The AFLS/L made these dietary changes on behalf of FC #1 without any discussion with any of FC #1's medical care providers</li> <li>- There was nothing listed in FC #1's treatment plan to address diet restrictions or the need for weight loss</li> <li>- During the course of her investigation, she learned that FC #1 had "lost over eighty pounds" over the course of a year while living with the AFLS/L</li> <li>- This information was based on a verbal account from the NP to the new AFL staff who reported that when she saw him in June of 2023, he weighed 240 pounds and at his visit on 6/24/24, he weighed 157 pounds</li> <li>- The NP also reported this was a "significant weight loss" and that FC #1 was "almost unrecognizable in appearance."</li> <li>- Her agency cancelled their contract to provide clinical supervision services to the AFLS/L on 6/24/24 based on their internal investigation and their conclusion the AFLS/L "neglected" FC #1 when he placed him on a diet regimen without consulting a medical professional</li> </ul> <p>Review on 6/28/24 of the written internal investigation completed by the QAS on 6/24/24 revealed:</p> <ul style="list-style-type: none"> <li>- "...[FC #1] was seen by the nurse practitioner, [name of nurse practitioner] on June 24, 2024 at 10:00 a.m. The nurse practitioner reported that [FC #1] had a significant weight loss, almost unrecognizable in appearance. Blood work conducted to check CBC (Complete Blood Count)</li> </ul>	V 512		

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V 512	<p>Continued From page 7</p> <p>levels. The nurse practitioner reported the last physical of June of 2023. At the time [FC #1] weighed 240 lb. (pound). On June 24, 2024 [FC #1] weighed 157 with the loss of 83 lbs (pounds) in one year..."</p> <p>- "...[AFLS/L] reported that had [FC #1] on a diet regimen. The plan of care has no recommendations for any specific diet or medical need indicating a change to [FC #1's] diet..."</p> <p>- The QAS interviewed the AFLS/L on 6/19/24 who reported that FC #1 had been a client in his facility for a year and "[AFLS/L] reported that when [FC #1] first moved in he was extremely overweight. [AFLS/L] stated that he began [FC #1] on a diet regimen of low sugar high protein and juicing..."</p> <p>Review on 6/28/24 of the AFLS/L's written statement provided to the QAS (no date listed or signatures) revealed:</p> <p>- "[FC #1] moved into the AFL here in summer of last year. Things started out well. Upon [FC #1's] arrival I noticed he was overweight and struggled to do a lot of physical activities. I asked [FC #1] if he wanted to be in better shape and he said yes. I created a meal plan that decreased his sugar intake and increased his fruit/vegetable intake. He lost a lot of weight and was happy about it ..."</p> <p>A request to obtain FC #1's medical records from his primary care physician was made on 7/3/24. The request was not met prior to the close of the survey on 7/26/24.</p> <p>Requests to obtain FC #1's medical records from the wellness center was made via fax on 7/12/24 and during an in person visit to the wellness center on 7/19/24. Neither request was met prior to the close of the survey on 7/26/24.</p>	V 512		



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V 512	<p>Continued From page 8</p> <p>A request to interview the NP was made via the fax sent to the wellness center on 7/12/24 and during an in person visit to the wellness center on 7/19/24. Neither request was met prior to the close of the survey on 7/26/24.</p> <p>Review on 7/26/24 of the Plan of Protection signed and dated by the AFLS/L on 7/25/24 revealed:</p> <ul style="list-style-type: none"> <li>- "What immediate action will the facility take to ensure the safety of the consumers in your care? The facility will promptly report any changes with the consumers health and/or behavioral issues to the proper medical physicians, QP (Qualified Professionals), and team members so that the consumer receives the proper care needed. Describe your plans to make sure the above happens. The facility/staff will monitor the consumer daily to ensure the consumers health and well being are met with the recommended nutritional intake, medication administering, assessing, and advocating for the consumer needs."</li> </ul> <p>The AFL facility served FC #1 who had diagnoses of Mild Intellectual Disabilities; Disruptive Mood Dysregulation Disorder; Attention Deficit Hyperactivity Disorder, Combined Type; and Autistic Disorder. On 6/17/24, FC #1 alleged the AFLS/L had physically abused him. On 6/24/24, his NP examined FC #1 as a result of the allegation he made on 6/17/24. During his visit, FC #1's weight was taken and based on his weight and his appearance, it was determined FC #1 had lost over 80 pounds over the previous year. Per the AFLS/L, FC #1's weight loss could be attributed to a diet he had designed for FC #1 to follow. Although, FC #1 agreed with modifying his eating habits, the AFLS/L had not consulted a</p>	V 512		

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V 512	<p>Continued From page 9</p> <p>dietician, nutritionist, other medical professionals or get the consent of FC #1's treatment team before having FC #1 follow a diet which resulted in his losing a significant amount of weight from June 2023 to June 2024.</p> <p>This deficiency constitutes a Type A1 rule violation for serious neglect and must be corrected within 23 days.</p>	V 512		