

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  <b>MHL032-507</b>	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____  B. WING _____	(X3) DATE SURVEY COMPLETED  <b>C</b> <b>09/17/2024</b>
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NAME OF PROVIDER OR SUPPLIER  <b>MAKIN' CHOICES, INC</b>	STREET ADDRESS, CITY, STATE, ZIP CODE <b>2609 NORTH DUKE STREET, BUILDING 900 DURHAM, NC 27704</b>
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V 000	<p><b>INITIAL COMMENTS</b></p> <p>A complaint survey was completed on September 17, 2024. The complaint was substantiated (intake #NC00220381). Deficiencies were cited.</p> <p>This facility is licensed for the following service categories: 10A NCAC 27G .2300 Adult Developmental and Vocational Programs for Individuals with Developmental Disabilities and 10A NCAC 27G .5400 Day Activity for Individuals of All Disability Groups.</p> <p>This facility has a current census of 45. The .2300 Adult Developmental and Vocational Programs for Individuals with Developmental Disabilities has a current census of 0. The .5400 Day Activity for Individuals of All Disability Groups has a current census of 45. The survey sample consisted of audits of 1 current Day Activity for Individuals of All Disability Groups client.</p>	V 000		
V 108	<p><b>27G .0202 (F-I) Personnel Requirements</b></p> <p><b>10A NCAC 27G .0202 PERSONNEL REQUIREMENTS</b></p> <p>(f) Continuing education shall be documented.</p> <p>(g) Employee training programs shall be provided and, at a minimum, shall consist of the following:</p> <ol style="list-style-type: none"> <li>(1) general organizational orientation;</li> <li>(2) training on client rights and confidentiality as delineated in 10A NCAC 27C, 27D, 27E, 27F and 10A NCAC 26B;</li> <li>(3) training to meet the mh/dd/sa needs of the client as specified in the treatment/habilitation plan; and</li> <li>(4) training in infectious diseases and bloodborne pathogens.</li> </ol> <p>(h) Except as permitted under 10a NCAC 27G .5602(b) of this Subchapter, at least one staff</p>	V 108		

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

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V 108	<p>Continued From page 1</p> <p>member shall be available in the facility at all times when a client is present. That staff member shall be trained in basic first aid including seizure management, currently trained to provide cardiopulmonary resuscitation and trained in the Heimlich maneuver or other first aid techniques such as those provided by Red Cross, the American Heart Association or their equivalence for relieving airway obstruction.</p> <p>(i) The governing body shall develop and implement policies and procedures for identifying, reporting, investigating and controlling infectious and communicable diseases of personnel and clients.</p> <p>This Rule is not met as evidenced by: Based on observation, record reviews and interviews, the facility failed to ensure three of three audited staff (#1, #2 and #3) had training to meet the needs of a client. The findings are:</p> <p>Review on 9/6/24 of client #1's record revealed: -Admission date of 6/20/17. -Diagnoses of Cerebral Palsy, Neurogenic Bladder, History of Rectal Ulcer, Osteoporosis, Hand Contracture of hand joint and History of Migraine Headaches.</p> <p>Reviews on 9/6/24 and 9/16/24 of personnel records revealed:</p> <p>Staff #1- -Hired as a Habilitation Technician. -Date of hire (DOH) was 11/8/23. -Demonstration/Hands on/Changing/Transport</p>	V 108		
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V 108	<p>Continued From page 2</p> <p>and lifting training dated 12/13/23.</p> <p>-Client Specific Competencies (transfers and carries) dated 12/13/23.</p> <p>-There was no client specific training completed after 1/24/24 incident when client #1 fractured his arm.</p> <p>Staff #2-</p> <p>-Hired as a Habilitation Technician.</p> <p>-DOH was 12/11/23.</p> <p>-Demonstration/Hands on/Changing/Transport and lifting training dated 12/13/23.</p> <p>-Client Specific Competencies (transfers and carries) dated 12/13/23.</p> <p>-There was no client specific training completed after 1/24/24 incident when client #1 fractured his arm.</p> <p>Staff #3-</p> <p>-Hired as a Habilitation Technician.</p> <p>-DOH was 6/11/24.</p> <p>-Demonstration/Hands on/Changing/Transport and lifting training dated 6/12/24.</p> <p>Observation on 9/6/24 at approximately 11:15 am of the facility's changing room revealed:</p> <p>-A twin sized bed pushed against the wall.</p> <p>Review on 9/6/24 of an in-house incident report dated 1/24/24 revealed:</p> <p>-"At approximately 1:10 pm on Wednesday 1-24-24, after changing [client #1], [Staff #1], assisting [Staff #2] in transporting [client #1] for changing, had his upper body and [Staff #2] had his legs and feet and moved toward in transitioning him from the bed to his chair. At 1-2-3 lift as we moved [client #1] from the bed to the chair we heard a crack noise. As [client #1] was sat in the chair and we all question the noise, we noticed [client #1's] arm in his sweat shirt as it</p>	V 108		

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V 108	<p>Continued From page 3</p> <p>looked different. [Client #1] didn't complain of pain, however; [client #1] said look at. Upon checking it was found to look dislocated/broken as it looked different from his normal. [The Program Director] was noticed to call 9-1-1 due to incident and ambulance was dispatched..."</p> <p>Review on 9/10/24 of a discharge summary from local hospital revealed: -Client #1 was admitted on 1/24/24 and discharged on 1/25/24. -Client #1 had an acute fracture of the mid right humeral diaphysis with apex medical (mid right arm humeral fracture). -Client #1 received an orthopedic splint and sling for the fracture. -Client #1 had no surgical procedure for the mid right arm humeral fracture.</p> <p>Interview on 9/6/24 with client #1 revealed: -His arm was broken in January 2024 -Staff #1 and staff #2 were putting him back into his wheelchair and his right arm hit the left side of his wheelchair. -He laid on the bed initially because staff changed his adult diaper. -One of the staff stood near the head of the bed and the other staff stood near his feet. -The staff near the head of the bed lifted his upper body and the other staff lifted his legs. -He could not remember which staff stood where during the incident. -He was in a "little bit" of pain when his arm hit the chair.</p> <p>Interview on 9/9/24 with client #1's sister revealed: -In January 2024 staff were transferring client #1 back into his wheelchair. -She was told client #1 had a muscle spasm and</p>	V 108		

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V 108	<p>Continued From page 4</p> <p>bumped his arm on the side of his chair and the arm "snapped."                      -"Staff must secure [client #1's] arms when he is being transferred due to the muscle spasms."                      -"Staff should have come up with a way to control his arm and this would have never happened."                      -"[Client #1] arms have to strapped down, his arms can't be kept loose."                      -"I feel like staff were not lifting [client #1] properly and that was how his arm was broken."                      -"I feel staff were not trained properly. He never had a broken bone prior to that incident."</p> <p>Interviews on 9/9/24 and 9/16/24 with staff #1 revealed:                      -There was an incident on 1/24/24 with client #1.                      -It was time for client #1 to be changed.                      -Staff #2 was the other staff helping the day of the incident.                      -He (Staff #1) had the upper portion of client #1's body.                      -He "grabbed" client #1 underneath his arms.                      -"I locked my arms around [client #1's] chest to get a good grip and then lifted [client #1]."                      -Client #1's arms were hanging loose when he lifted him from the changing bed.                      -Staff #2 had the lower portion of client #1's body, he could not remember how staff #2 lifted client #1.                      -They both said "1. 2. 3" and lifted client #1 from the changing bed into his wheelchair.                      -When they moved client #1 from the changing bed into the wheelchair, they heard a "pop."                      -He didn't see client #1's arm hit anything.                      -Client #1 looked at him and said "broke."                      -"It sounded like a tree twig breaking, it was a loud sound."                      -He (staff #1) and staff #2 looked at each other because they were trying to figure out what that "pop" sound was they heard.</p>	V 108		

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V 108	<p>Continued From page 5</p> <ul style="list-style-type: none"> <li>-Client #1's arm possibly hit the side of the wheelchair and broke.</li> <li>-He went to the Program Director and told him what was going on.</li> <li>-Emergency Medical Services (EMS) were called and client #1 went to the hospital.</li> <li>-Prior to the incident he never received training to help with lifting and transferring clients.</li> <li>-One day one of the staff asked him to help with client #1.</li> <li>-The staff told him to just lift client #1's upper body.</li> <li>-He could not remember that staff's name.</li> <li>-He did not recall signing a sheet to acknowledge he received training to lift and transfer client #1.</li> <li>-He watched other staff lifting and transferring client #1 and "that was how I learned."</li> <li>-"I assisted with lifting and transferring [client #1] at least 24 times between November 2023 and January 2024 prior to the incident."</li> <li>-He didn't get any additional training after the incident.</li> <li>-After the incident staff were told to get the bottom of client #1's shirt and wrap his arms in front of his body.</li> <li>-After the incident a 3rd staff would assist whenever client #1 had to be changed.</li> <li>-"I felt like I was not trained properly to help lift and transfer client #1."</li> <li>-After the incident on 1/24/24 he helped a few more times with lifting and transferring client #1, "but I never felt comfortable."</li> <li>-"I possibly helped another 12 or more times after the incident."</li> </ul> <p>Interview on 9/12/24 with staff #2 revealed:</p> <ul style="list-style-type: none"> <li>-On 1/24/24 there was an incident with client #1.</li> <li>-She and client #1 went into the changing room.</li> <li>-Staff #2 came into the room to help her lift and transfer client #1 because he needed his adult</li> </ul>	V 108		

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V 108	<p>Continued From page 6</p> <p>diaper changed.</p> <ul style="list-style-type: none"> <li>-When they finished changing client #1, they needed to get client #1 back into his wheelchair.</li> <li>-Client #1's wheelchair was near the bed.</li> <li>-Staff #2 walked behind the wheelchair and folded client #1's arms because client #1's arms were "flailing" due to his Cerebral Palsy.</li> <li>-Staff #2 then "grabbed" client #1 around his waist.</li> <li>-She "grabbed" client #1 around his knees.</li> <li>-They then lifted client #1 from his chair.</li> <li>-As they were transferring client #1 to his wheelchair "[client #1's] right arm flew over because he had a muscle spasm."</li> <li>-They then heard a "crack noise."</li> <li>-She never saw his arm hit anything.</li> <li>-Client #1 said "my arm."</li> <li>-When she looked at his arm, "it was just hanging."</li> <li>-His arm "looked like a question mark."</li> <li>-She called for the Program Director and he called 911.</li> <li>-Prior to the incident she was not trained to lift and transfer clients.</li> <li>-"None of the staff here are trained to lift and transfer clients."</li> <li>-Since that incident on 1/24/24 she was not aware of there being any changes for how staff lift and transfer client #1.</li> <li>-They did not get any training related to that incident on 1/24/24.</li> <li>-"I never got any type of training, I don't care what kind of sheet they come up with."</li> <li>-There was a twin-size bed they use in the changing room whenever they change client #1.</li> <li>-There should be a hospital bed that goes up and down for client #1.</li> <li>-Staff could really hurt their back.</li> </ul> <p>Interview on 9/16/24 with staff #2 revealed:</p>	V 108		

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V 108	<p>Continued From page 7</p> <p>- "We sign a lot of documents, however I did not recall signing a document to acknowledge I was trained to lift and transfer clients."                      - "We really don't go over what we sign to be honest, we just sign the document."                      - She watched two people lift and transfer client #1 when she first started working with him.                      - The Program Director and another staff showed her how to lift and transfer client #1.                      - "I guess that was what was considered the training."                      - "I don't recall doing a formal training."                      - "It was not a step-by-step process like some of the other trainings we completed."</p> <p>Interview on 9/12/24 with staff #3 revealed:                      - He was "[client #1's] 1:1 staff on and off."                      - He watched the Program Director and a former staff transfer client #1 when he started. "That was how I learned how to lift and transfer [client #1]."                      - He did not have a formal training.</p> <p>Interviews on 9/6/24, 9/13/24 and 9/17/24 with the Program Director revealed:                      - He was aware of the incident with client #1's arm being fractured on 1/24/24.                      - He called EMS immediately once staff brought the incident to his attention.                      - He did an additional training a couple of months after that 1/24/24 incident.                      - Staff #1 and staff #2 did not receive the training in June 2024 because they are no longer working with client #1.                      - Client #1 was away from the facility for a few months after he fractured his arm.                      - They were not sure if client #1 was going to return to the facility.                      - During that June 2024 training staff were told to ensure client #1's arms were secured during transfers.</p>	V 108		

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V 108	<p>Continued From page 8</p> <ul style="list-style-type: none"> <li>-There was not a training certificate for lifting and transferring clients.</li> <li>-He only trained staff who were assigned as client #1's 1:1 staff.</li> <li>- "Once staff are trained, they sign off to acknowledge the training was received."</li> </ul> <p>Interviews on 9/6/24 and 9/16/24 with the Chief Executive Officer revealed:</p> <ul style="list-style-type: none"> <li>-She was aware of the incident with client #1's arm being fractured on 1/24/24.</li> <li>-They did training to transfer and lift client #1 "on and off" over the last few years.</li> <li>-The training was done several times due to client #1's staff changing.</li> <li>-They did a hands on transfer and lift training after client #1 fractured his arm in January 2024 (1/24/24) as well.</li> <li>-She did the transfer and lift training with staff on 6/12/24.</li> <li>-Staff #3 did the training with her.</li> <li>-She learned about that training about 20 years ago.</li> <li>- "I think it was a state training that was done through [Name of mental health facility]."</li> <li>-Staff #1 and Staff #2 were not a part of that training because they no longer worked with client #1.</li> <li>-The Qualified Professional did the 12/13/23 training with Staff #1 and Staff #2.</li> <li>-All staff are required to take the client specific competencies training when they are hired.</li> <li>-Transfers and carries were a portion of that training.</li> <li>-She was not sure why staff would say they never received that training to lift and transfer client #1.</li> <li>-All staff who worked with client #1 were trained to lift and transfer.</li> </ul> <p>Review on 9/17/24 of a Plan of Protection written</p>	V 108		

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V 108	<p>Continued From page 9</p> <p>by the Qualified Professional dated 9/17/24 revealed:</p> <p>"What immediate action will the facility take to ensure the safety of the consumers in your care? To ensure safety throughout all levels of service delivery, Makin Choices Inc. will implement the following protocols and procedures immediately. Train and retrain staff on elements of the approve training of Makin Choices Inc. This training will be monitored through supervision monthly. All applicable consumers within the program will be assessed on a level of low, medium, moderate and high in all areas of need to determine the level of risk ans exposure. A decision will be made based on needs and the level of are required. High risk individuals that have been deemed medical fragility. A consumer's health conditions or impairment that requires a higher level of care. Which is outside of our scope of capabilities. As assessed and they fall within the medically fragility category, we will coordinate and meet all parties applicable to determine the best way of transition/discharge. Describe your plans to make sure the above happens. The clinical team at Makin Choices Inc. will receive training and retraining, demonstration, hands on, changing, transport, lifting and positioning. Within this training, staff will be trained on how to unstrap seatbelt, paddings and other restraints to safely remove [client #1] from wheelchair. Staff will also be trained on positioning of [client #1's] body and limbs to safely transport [client #1] from wheelchair to changing bed. Staff will also be trained on all safety equipment to include personal protective equipment (PPE) to ensure [client #1's] safety to [client #1's] wheelchair to changing bed back to wheelchair. Training will be competency based. Supervision will be provided monthly, supervisions will identify the train/retrain that was provided for consumers that are</p>	V 108		
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V 108	<p>Continued From page 10</p> <p>applicable. Observation will be conducted as needed. Makin Choices will meet and determine the level for all individuals participating in the day program to determine the level of risk and exposure. The tools that will be used is the Individualized Support Plan (ISP), risk assessment, Behavioral Support Plans (BSP's), past and present incident/accident reports, and any other applicable correspondence to make our level of determination. To address these violations immediately we are moving forward with the discharge of [client #1] effective immediately. All applicable parties will be contacted."</p> <p>Client #1's diagnoses included Cerebral Palsy, Neurogenic Bladder, History of Rectal Ulcer, Osteoporosis, Hand Contracture of hand joint and History of Migraine Headaches. There was an incident on 1/24/24 with client #1. Staff #1 and staff #2 were transferring client #1 back into his wheelchair after changing his adult diaper. Client #1's right arm hit the side of his wheelchair and he sustained a mid right arm humeral fracture. Client #1 stayed overnight at the hospital and returned to his residential facility on 1/25/24. Staff #1, Staff #2 and Staff #3 stated they did not have any formal training to lift and transfer clients, and specifically client #1. Those staff stated they watched other staff lift and transfer client #1 when they started working at the facility and that was how they learned to lift and transfer client #1. Staff #1 and staff #2 had no training to lift and transfer client #1 after the 1/24/24 incident when client #1 fractured his arm.</p> <p>This deficiency constitutes a Type A1 rule violation for serious harm and neglect and must be corrected within 23 days.</p>	V 108		

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  <b>MHL032-507</b>	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____  B. WING _____	(X3) DATE SURVEY COMPLETED  <b>C</b> <b>09/17/2024</b>
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NAME OF PROVIDER OR SUPPLIER  <b>MAKIN' CHOICES, INC</b>	STREET ADDRESS, CITY, STATE, ZIP CODE <b>2609 NORTH DUKE STREET, BUILDING 900 DURHAM, NC 27704</b>
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V 112 V 112	Continued From page 11 27G .0205 (C-D) Assessment/Treatment/Habilitation Plan  10A NCAC 27G .0205 ASSESSMENT AND TREATMENT/HABILITATION OR SERVICE PLAN (c) The plan shall be developed based on the assessment, and in partnership with the client or legally responsible person or both, within 30 days of admission for clients who are expected to receive services beyond 30 days. (d) The plan shall include: (1) client outcome(s) that are anticipated to be achieved by provision of the service and a projected date of achievement; (2) strategies; (3) staff responsible; (4) a schedule for review of the plan at least annually in consultation with the client or legally responsible person or both; (5) basis for evaluation or assessment of outcome achievement; and (6) written consent or agreement by the client or responsible party, or a written statement by the provider stating why such consent could not be obtained.  This Rule is not met as evidenced by: Based on record review and interviews, the facility failed to develop and implement strategies to meet the needs of one of one client (#1). The	V 112 V 112		

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V 112	<p>Continued From page 12</p> <p>findings are:</p> <p>Review on 9/6/24 of client #1's record revealed: -Admission date of 6/20/17. -Diagnoses of Cerebral Palsy, Neurogenic Bladder, History of Rectal Ulcer, Osteoporosis, Hand Contracture of hand joint and History of Migraine Headaches. -Individualized Support Plan (ISP) dated 1/1/24 had no strategies to address transferring and lifting.</p> <p>Review on 9/6/24 of an in-house incident report dated 1/24/24 revealed: -"At approximately 1:10 pm on Wednesday 1-24-24, after changing [client #1], [Staff #1], assisting [Staff #2] in transporting [client #1] for changing, had his upper body and [Staff #2] had his legs and feet and moved toward in transitioning him from the bed to his chair. At 1-2-3 lift as we moved [client #1] from the bed to the chair we heard a crack noise. As [client #1] was sat in the chair and we all question the noise, we noticed [client #1's] arm in his sweat shirt as it looked different. [Client #1] didn't complain of pain, however; [client #1] said look at. Upon checking it was found to look dislocated/broken as it looked different from his normal. [The Program Director] was noticed to call 9-1-1 due to incident and ambulance was dispatched..."</p> <p>Review on 9/10/24 of a discharge summary from local hospital revealed: -Client #1 was admitted on 1/24/24 and discharged on 1/25/24. -Client #1 had an acute fracture of the mid right humeral diaphysis with apex medical (mid right arm humeral fracture). -Client #1 received an orthopedic splint and sling for the fracture.</p>	V 112		

Division of Health Service Regulation

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V 112	<p>Continued From page 13</p> <p>-Client #1 had no surgical procedure for the mid right arm humeral fracture.</p> <p>Interview on 9/9/24 with staff #1 revealed:</p> <ul style="list-style-type: none"> <li>-There was an incident on 1/24/24 with client #1.</li> <li>-It was time for client #1 to be changed.</li> <li>-Staff #2 was the other staff helping the day of the incident.</li> <li>-He (Staff #1) had the upper portion of client #1's body.</li> <li>-He "grabbed" client #1 underneath his arms.</li> <li>-He locked his arms around client #1's chest to get a good grip and then lifted client #1.</li> <li>-Client #1's arms were hanging loose when he lifted him from the changing bed.</li> <li>-Staff #2 had the lower portion of client #1's body, he can't remember how staff #2 lifted client #1.</li> <li>-They both said "1. 2. 3" and lifted client #1 from the changing bed into his wheelchair.</li> <li>-When they moved client #1 from the changing bed to the wheelchair and they heard a "pop."</li> <li>-He didn't see client #1's arm hit anything.</li> <li>-Client #1 looked at him and said "broke."</li> <li>-"It sounded like a tree twig breaking, it was a loud sound."</li> <li>-He (staff #1) and staff #2 looked at each other because they were trying figure out what that "pop" sound was they heard.</li> <li>-Client #1's arm possibly hit the side of the wheelchair and broke.</li> </ul> <p>Interview on 9/12/24 with staff #2 revealed:</p> <ul style="list-style-type: none"> <li>-On 1/24/24 there was an incident with client #1.</li> <li>-She and client #1 went into the changing room.</li> <li>-Staff #2 came into the room to help her lift and transfer client #1 because he needed his diaper changed.</li> <li>-When they finished, they needed to get client #1 back into his wheelchair.</li> <li>-Client #1's wheelchair was near the bed.</li> </ul>	V 112		

Division of Health Service Regulation

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V 112	<p>Continued From page 14</p> <ul style="list-style-type: none"> <li>-Staff #2 walked behind the wheelchair and folded client #1's arms because client #1's arms were "flailing" due to his Cerebral Palsy.</li> <li>-Staff #2 then "grabbed" client #1 around his waist.</li> <li>-She "grabbed" client #1 around his knees.</li> <li>-They then lifted client #1 from his chair.</li> <li>-As they were transferring client #1 to his wheelchair "[client #1's] right arm flew over because he had a muscle spasm."</li> <li>-They then heard a "crack noise."</li> <li>-She never saw his arm hit anything.</li> <li>-Client #1 said "my arm."</li> <li>-When she looked at his arm, "it was just hanging."</li> <li>-His arm "looked like a question mark."</li> <li>-She called for the Program Director and he called 911.</li> </ul> <p>Interviews on 9/6/24 and 9/17/24 with the Program Director revealed:</p> <ul style="list-style-type: none"> <li>-He was aware of the incident with client #1's arm being fractured on 1/24/24.</li> <li>-He called Emergency Medical Services immediately once staff brought the incident to his attention.</li> <li>-The Local Management Entity/Managed Care Organization was responsible for creating the plan for client #1.</li> <li>-"We didn't realize there was an issue with [client #1] that needed to be added to his ISP."</li> <li>-He confirmed there were no strategies to address transferring and lifting client #1.</li> </ul>	V 112		
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