

DEPARTMENT OF HEALTH AND HUMAN SERVICES
CENTERS FOR MEDICARE & MEDICAID SERVICES

PRINTED: 09/27/2024
FORM APPROVED
OMB NO. 0938-0391

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 34G101	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____ B. WING _____		(X3) DATE SURVEY COMPLETED C 09/24/2024
NAME OF PROVIDER OR SUPPLIER MYRTLE GROVE GROUP HOME			STREET ADDRESS, CITY, STATE, ZIP CODE 6732 MYRTLE GROVE ROAD WILMINGTON, NC 28409		
(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 CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY)	(X5) COMPLETION DATE	
W 000	INITIAL COMMENTS	W 000			
W 124	<p>A complaint survey was conducted on 9/24/24 date for intake #NC00220543. The complaint was substantiated with deficiencies cited.</p> <p>PROTECTION OF CLIENTS RIGHTS CFR(s): 483.420(a)(2)</p> <p>The facility must ensure the rights of all clients. Therefore the facility must inform each client, parent (if the client is a minor), or legal guardian, of the client's medical condition, developmental and behavioral status, attendant risks of treatment, and of the right to refuse treatment. This STANDARD is not met as evidenced by: Based on record review and interviews, the facility failed to honor the guardian's right to refuse a recommended dental extraction for 1 of 2 audit clients (#2). The finding is:</p> <p>Record review on 9/24/24 of Nurse A's notes revealed on 7/9/24, the guardian was informed of client #2's dental appointment with Dentist A and a recommendation to extract tooth #31. A consultation was scheduled on 8/15/24 with Dentist C. The guardian expressed concerns about having Client #2's tooth extracted and requested time to think about it as she would follow-up with the facility on how to proceed.</p> <p>Record review on 9/24/24 of a text message dated 7/29/24 from the Social Worker to the Guardian revealed a reminder for the 8/15/24 consultation with Dentist C; and noted Client #2 recently had complaints of discomfort and was given pain medication.</p> <p>Record review on 9/24/24 of a text message dated 7/30/24 from the Social Worker to the</p>	W 124			

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

TITLE

(X6) DATE

Any deficiency statement ending with an asterisk (*) denotes a deficiency which the institution may be excused from correcting providing it is determined that other safeguards provide sufficient protection to the patients. (See instructions.) Except for nursing homes, the findings stated above are disclosable 90 days following the date of survey whether or not a plan of correction is provided. For nursing homes, the above findings and plans of correction are disclosable 14 days following the date these documents are made available to the facility. If deficiencies are cited, an approved plan of correction is requisite to continued program participation.

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W 124	<p>Continued From page 1</p> <p>Guardian revealed the following: Client #2 had tooth pain; if the Guardian wanted a second opinion or option other than extraction, she needed to make arrangements; the consent needed to be received by 8/2/24 or they would contact Department of Social Services (DSS).</p> <p>Record review on 9/24/24 of an email dated 7/30/24 from the Guardian revealed Nurse A was informed the consent form had not been received. The Guardian affirmed the consent was not needed for a consultation appointment; however, she would be in attendance and would provide consent based on Dentist C's recommendations.</p> <p>Record review on 9/24/24, of an emailed dated 7/30/24 from the Social Worker revealed she informed the Guardian the consent needed to be signed (by the deadline) for the following reasons: in case Dentist C wanted to extract the tooth during the consultation, and in the event the guardian did not show, causing unwanted delays. The Guardian was further informed the facility was up for their State licensure survey, and "while they appreciated the Guardians input, they were ultimately responsible for making sure clients under their care received appropriate and timely treatment."</p> <p>Record review on 9/24/24, of an email dated 8/1/24 from the Guardian to Nurse A, questioned why the facility was unwilling to accept that she was trying to get a second opinion on whether or not Client #2's tooth could be saved.</p> <p>Record review on 9/24/24, of an email dated 8/5/24 from the Guardian to Nurse A and the Social Worker, revealed she scheduled and</p>	W 124			

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W 124	<p>Continued From page 2</p> <p>agreed to pay for a secondary dental consult for 8/6/24. The appointment was completed, and two additional cavities were found by Dentist B. The Social Worker, Nurse B, the Guardian and Client #2 were present at the appointment.</p> <p>Interview on 9/24/24 with Nurse A revealed that Dentist A found deep decay on client #2's tooth #31 and recommended extraction. Dentist A would need to refer client #2 to an oral surgeon since anesthesia was required. Nurse A revealed the Guardian conveyed she did not like the idea that client #2's tooth had to be pulled and wanted a second opinion. The Nurse considered the second opinion would occur with the oral surgeon and there was no need to delay the procedure searching for a new dentist to examine client #2.</p> <p>During the Interview on 9/24/24, with the Social Worker, she acknowledged they did want the consent to extract tooth #31 to be signed by the Guardian prior to the consultation with Dentist C, who might do same day surgery. The Social Worker revealed there had been challenges with the facility working with the Guardian before, although she acknowledged the Guardian had represented the best interests of the client. In discussions with the Executive Director, the Social Worker revealed they wanted to make sure the Guardian was not "dragging her feet" with delaying to sign the dental consent, plus she acknowledged the State had conducted their survey in August and they had been scrutinized with investigations. The Social Worker acknowledged they have had to resort to issue a verbal threat to discharge client #2 or contact DSS to make sure the Guardian complied. The Social Worker revealed they felt client #2 was in pain with her tooth and wanted her to receive</p>	W 124			

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W 124	Continued From page 3 dental services.	W 124			
W 143	<p>Interview with Guardian on 9/24/24, revealed she felt the facility impeded her ability to seek a second opinion by pressuring her with a deadline to sign a consent for extraction with their Dentist of choice, and they further threatened to call DSS, before she was able to get secure a second opinion.</p> <p>COMMUNICATION WITH CLIENTS, PARENTS & CFR(s): 483.420(c)(1)</p> <p>The facility must promote participation of parents (if the client is a minor) and legal guardians in the process of providing active treatment to a client unless their participation is unobtainable or inappropriate.</p> <p>This STANDARD is not met as evidenced by: Based on record review and interviews, the facility threatened to discharge 1 of 2 audit clients (#2) from residential services, file a report with Department of Social Services (DSS) due to the guardian exploring a secondary consult for dental treatment; as well as attended a dental exam, against the wishes of the guardian. The finding is:</p> <p>Record review on 9/24/24 of an email dated 7/9/24 from Nurse A to the Guardian revealed, the facility scheduled an oral surgery consultation on 8/15/24 for an extraction after Dentist A examined Client #2 and found deep tooth decay.</p> <p>Record review on 9/24/24 of a text message dated 7/30/24 from the Social Worker to the Guardian revealed the following: Client #2 had tooth pain; if the Guardian wanted a second opinion or option other than extraction, she</p>	W 143			

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W 143	<p>Continued From page 4</p> <p>needed to make arrangements; the consent needed to be received by 8/2/24 or they would contact DSS.</p> <p>Record review on 9/24/24 of an 8/1/24 email from the Guardian revealed she perceived she was getting pressured from the facility to sign a consent to authorize the tooth extraction for client #2 before she had the chance to secure a second opinion with Dentist B. In addition, on 8/5/24, the Guardian informed Nurse A and the Social Worker of an appointment for client #2 on 8/6/24 and specifically requested that no one from the facility be in attendance.</p> <p>Record review on 9/24/24, of an email dated 8/5/24 from Nurse A and the Social Worker responded to the Guardian, they would be at the 8/6/24 dental exam to be sure they received a copy of the exam report. The email confirmed the facility was aware the Guardian wanted to exercise her right to seek a second opinion, without interference and informed the Guardian they were not going to debate her. The Social Worker advised the Guardian to contact the Executive Director, and they would start the discharge process.</p> <p>During the interview on 9/24/24, with the Social Worker she acknowledged the facility threatened to file a report with DSS and discharge client #2 if the Guardian did not sign an authorization for a tooth extraction by their deadline (8/2/24), based on issues they encountered working with the Guardian in the past. The Social Worker also acknowledged she attended the dental appointment on 8/6/24 along with Nurse B, against the wishes of the Guardian, because they wanted to witness what the dentist recommended</p>	W 143			

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W 143	<p>Continued From page 5</p> <p>and be sure there was representation in case the Guardian did not show up. The Social Worker did acknowledge, the release signed by the Guardian would have allowed them to get a copy of the consultation report, without them being in attendance. The Social Worker also acknowledged that the Guardian attends Client #2's meeting regularly, is responsive to them when they call her, and she advocates and looks out for client 2's best interest. The Social Worker advised that idle threats are sometimes used to get the guardians attention.</p> <p>Interview on 9/24/24, with the Qualified Intellectual Disabilities Professional (QIDP) revealed she was not involved in the tooth extraction planning. The QIDP acknowledged they wanted the consent for the extraction by a certain day, and the guardian was insistent on not signing it. She further stated if the Executive Director felt the guardian was disruptive, he would consider discharging the client; and if the guardian refused treatment her ability to continue with placement will be up to the Executive Director. The QIDP expressed the guardian was given the opportunity to explore treatment options without a hassle.</p> <p>Interview on 9/24/24 with the Guardian revealed that Nurse A demanded that she be allowed to be there at the second opinion dental consultation because it was the nurse's right to be there. The Guardian revealed she was threatened with a discharge notice, an investigation by DSS because she requested time to find a dentist to re-examine client #2 before granting a tooth extraction. The Guardian expressed she wanted to save the tooth because a space left in client #2's mouth, would cause the other teeth to shift</p>	W 143			

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W 143	Continued From page 6 and other complications.	W 143			