

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  <b>MHL054-126</b>	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____  B. WING _____	(X3) DATE SURVEY COMPLETED  <b>08/21/2024</b>
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NAME OF PROVIDER OR SUPPLIER  <b>OAKWOOD FACILITY</b>	STREET ADDRESS, CITY, STATE, ZIP CODE <b>2002 D &amp; E SHACKLEFORD ROAD KINSTON, NC 28504</b>
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V 000	<p><b>INITIAL COMMENTS</b></p> <p>An annual, complaint and follow up survey was completed on August 21, 2024. Three complaints were substantiated (intake #NC00220258, NC00220181 and NC00220176) and two complaints were unsubstantiated (intake #NC00220251 and NC00220189). A deficiency was cited.</p> <p>This facility is licensed for the following service category: 10A NCAC .1900 Psychiatric Residential Treatment for Children and Adolescents.</p> <p>This facility is licensed for 12 and has a current census of 8. The survey sample consisted of audits of 4 current clients and 5 former clients.</p>	V 000		
V 315	<p><b>27G .1902 Psych. Res. Tx. Facility - Staff</b></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		

**RECEIVED**  
OCT 02 2024  
DHSR-MH Licensure Sect

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

*Monica Queen*

TITLE

*Program Director*

(X6) DATE

*09/24/2024*

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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 08/21/24 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 08/20/24 of a Plan of Correction completed by the Chief Operating Officer (COO) implemented on 06/15/24 revealed: - "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 Name], COO, will contact our home LME (Local Management Entity) [LME] to request a waiver to 10A NCAC 27G .1902. We have been successful in receiving this waiver in past years. [COO Name], COO will communicate with [LME], 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 (DON), Director of Nursing will ensure that PRTF shall provide 24 hour on-site coverage by a registered nurse."</p> <p>Review on 08/21/24 of a letter by the COO</p>	V 315		

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V 315	Continued From page 2  addressed to the Local Management Entity/Managed Care Organization (LME/MCO) and dated 06/12/24 revealed: - "To Whom it May Concern, NOVA Behavioral Health operates three licensed facilities ([sister facility], Oakwood, and [sister facility]) on our PRTF (Psychiatric Residential Treatment Facility) site. DHSR recently cited our facilities for a failure to maintain adequate nursing coverage as required by 10A NCAC 27G 1902 (c). This regulation requires that "The PRTF shall provide 24 hour on-site coverage by a registered nurse. "DHSR interprets this standard to mean that NOVA's PRTF should always maintain a minimum of three registered nurses on site (or one per unit), despite the fact that the standard makes no mention of the number of nurses necessary per licensed facility. NOVA considers our PRTF program one facility because we share resources and operate on the same physical site. Therefore, we interpret the standard to mean that NOVA is required to always have one registered nurse on our PRTF site, a requirement that we exceed under usual circumstances. Although we disagree with DHSR's interpretation of this rule, they have agreed to waive the requirement and allow NOVA's PRTF to always maintain at least one registered nurse on campus, if we obtain a letter of support from Trillium. Therefore, we are seeking support from Trillium to share one Registered Nurse per shift to provide 24-hour onsite coverage on our PRTF campus. NOVA unequivocally assumes that the health, safety, and welfare of all consumers will not be threatened should this request be granted. NOVA has had a waiver in effect since 2010 without compromise of the provided nursing services as evidenced by multiple surveys that have not resulted in sanctions regarding the use of one registered nurse. We further believe that one	V 315		

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V 315	Continued From page 3  registered nurse 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 yds (yards).) and 50 seconds to the [sister] Facility; it is 240 feet (80 yds) and 41 seconds to the Oakwood Facility, and it is 240 feet (80 yds) and 41 seconds to the [sister] Facility. Therefore, nursing support can be present and available anywhere on site in less than one minute. Furthermore, there are many layers of support on campus throughout the day. Although we are seeking a waiver to have a minimum of one registered nurse on campus at all times, we typically maintain two to four nursed on campus. Additionally, during the first shift (7 a.m.-7 p.m.) the registered nurses are further supported by the presence of several other clinical staff. This support consists of a Nursing Director (who is an RN), a Program Director, three Licensed Therapists and at least five Qualified Professionals in addition to many other support positions. Although, we have a reduced number of clinical staff after 7 p.m., we have support in place to assist nurses on duty. Aside from the presence of two to three Residential Services Supervisors, the Director of PRTF Services is an experienced residential healthcare professional is on call 24/7 to the facility. I am the Chief Operating Officer and Licensed Clinical Psychologist and am also available 24/7 to assist the PRFT program. The PRFT also maintains and Administrator- On-Call, who is a Qualified Professional. NOVA has a Psychiatrist and a MD 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. In sum, Nova's PRTF requests a waiver from 10A NCAC 27G 1902 (c). We seek to	V 315		

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V 315	<p>Continued From page 4</p> <p>use one RN position per shift at a minimum, to provide twenty-four-hour onsite coverage for our PRTF, located on one site. Even with one registered nurse on campus at all times, the PRTF program has ample supports in place, from nursing and other departments, to ensure the health and safety of the children we serve. Please consider continued support of this waiver and let us know if your have any questions or concerns about our request."</p> <p>Review on 08/21/24 of an email from the LME Provider Relations and Engagement Manager to the facility COO dated 07/10/24 revealed: - "[LME]'s Executive team has reviewed the Nova's request, and it has been disapproved."</p> <p>Interview on 08/21/24 the DON stated: - She had worked at the facility for one year. - She was a RN. - There are usually 2 nurses on each shift. - One nurse provided medications to a sister facility and the other nurse would provide medications to Oakwood facility and another sister facility. - There is not a nurse currently stationed at each facility. - All nurses help each other out to ensure the needs of clients are met.</p> <p>Interview on 08/20/24 the Program Manager stated: - The nursing staff for Oakwood and a sister facility are shared. - The nursing staff have an office in the administrative building. - There are 2 nurses on the campus at night one serves a sister facility and the other serves another sister facility and Oakwood Facility. - The facility owners have had correspondence</p>	V 315		

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V 315	<p>Continued From page 5</p> <p>with the LME related to the waiver and securing the waiver for nursing coverage.</p> <p>- There is no waiver in place currently.</p> <p>This deficiency constitutes a re-cited deficiency and must be corrected within 30 days.</p>	V 315		

### Appendix 1-B: Plan of Correction Form

#### Plan of Correction

Please complete all requested information and email completed Plan of Correction form to:

Plans.Of.Correction@dhhs.nc.gov

<b>Provider Name:</b>	NOVA Behavioral Health	<b>Phone:</b>	252-233-0491
<b>Provider Contact: Person for follow-up:</b>	[REDACTED] Program Director [REDACTED] Program Director	<b>Email:</b>	mqueen@novanc.org
<b>Address:</b>	2002 Shackleford Road Kinston, NC 28504	<b>Provider #</b>	3404551

Finding	Corrective Action Steps	Responsible Party	Timeline
<p>V315</p> <p><b>10A North Carolina Administrative Code 27G. 1902 Staff</b></p> <p>(e) The PRTF shall provide 24 hour on-site coverage by a registered nurse.</p>	<p>To address the citation for 10A North Carolina Administrative Code 27G. 1902 Staff stating, "(e) The PRTF shall provide 24 hour on-site coverage by a registered nurse", a Registered Nurse will provide 24 hour on-site coverage on NOVA's premises to meet the needs of all consumers in our care, including Oakwood. NOVA will also continue efforts to secure a waiver to align with the aforementioned requirement by collaborating with DHSR and Trillium. NOVA will take the corrective action steps indicated below. Steps 1 through 3 indicate how NOVA will <b>correct</b> the area of practice and <b>prevent</b> the citation again. Step 4 indicates who will <b>monitor</b> the plan of correction, and <b>how often</b>.</p> <ol style="list-style-type: none"> <li>1. <b>Contact with Local Management Entity/Managed Care Organization LME/MCO:</b> <ul style="list-style-type: none"> <li>o <b>Action:</b> COO has contacted Trillium, the LME/MCO, to address the disapproval of the waiver request made on 07/10/24. On 9/24/24, A Trillium representative indicated that they would write a letter of support for our waiver request. Meetings will be scheduled with NOVA's leadership team to discuss our current staffing needs and provide any necessary additional documentation or justification to support the approval of the waiver.</li> <li>o <b>Rationale:</b> Ensuring compliance with Rule 10A NCAC 27G .1902(e) is critical. NOVA will work to secure approval of the waiver to align with the aforementioned requirement.</li> </ul> </li> <li>2. <b>Staffing Strategy:</b> <ul style="list-style-type: none"> <li>o <b>Action:</b> NOVA will ensure that the Oakwood Facility is staffed with 1 RN on site, minimally.</li> <li>o <b>Rationale:</b> NOVA will ensure that a RN is staffed on-site within NOVA's premises at all times to maintain the health, safety, and welfare of the consumers in our care.</li> </ul> </li> <li>3. <b>Resubmission of Waiver Request:</b> <ul style="list-style-type: none"> <li>o <b>Action:</b> COO will resubmit a formal request for a letter of support through Trillium with updated supporting documentation. This submission will clearly outline NOVA's safe staffing practices, previous successful waivers, and rationale for the request. On 9/24/24, a Trillium representative indicated that they would write a letter of support for our waiver request</li> <li>o <b>Rationale:</b> Resubmission and approval of the waiver is necessary to align with DHSR's interpretation of the staffing requirement to avoid future citations. NOVA has a history of compliance under previous waivers and will work to reinstate this waiver to manage nursing staffing effectively.</li> </ul> </li> <li>4. <b>Ongoing Monitoring and Compliance:</b> <ul style="list-style-type: none"> <li>o <b>Action:</b> DON will be responsible for ensuring that Oakwood is staffed with 1 RN on site, minimally. An RN will be assigned to oversee the care of consumers on-site, to include consumers in Oakwood. DON will monitor staffing schedules daily and report any gaps in coverage to the Program Director, for immediate action.</li> <li>o <b>Rationale:</b> Regular and continuous monitoring of RN staffing will prevent further deficiencies and ensure the safety and care of the consumers under our care.</li> </ul> </li> </ol>	<p>[REDACTED] PhD, Chief Operating Officer (COO)</p> <p>[REDACTED] Program Director</p> <p>[REDACTED] RN, Director of Nursing (DON)</p>	<p><b>Implementation Date:</b> September 20, 2024</p> <hr/> <p><b>Projected Completion Date:</b> October 18, 2024</p>