

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: MHL081-091	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING: _____	(X3) DATE SURVEY COMPLETED R 01/08/2025
NAME OF PROVIDER OR SUPPLIER KELLY'S CARE #8		STREET ADDRESS, CITY, STATE, ZIP CODE 1366 COOPER'S GAP ROAD RUTHERFORDTON, NC 28139		
(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) COMPLETE DATE
V 000	INITIAL COMMENTS An annual and follow up survey was completed on 1/8/25. A deficiency was cited. This facility is licensed for the following service category: 10A NCAC 27G .5600C Supervised Living for Adults with Developmental Disabilities. This facility is licensed for 9 and currently has a census of 6. The survey sample consisted of an audit of 3 current clients.	V 000		
V 369	G.S. 122C-6 Smoking Prohibited § 122C-6 SMOKING PROHIBITED; PENALTY (a) Smoking is prohibited inside facilities licensed under this Chapter. As used in this section, "smoking" means the use or possession of any lighted cigar, cigarette, pipe, or other lighted smoking product. As used in this section, "inside" means a fully enclosed area. (b) The person who owns, manages, operates, or otherwise controls a facility subject to this section shall: (1) Conspicuously post signs clearly stating that smoking is prohibited inside the facility. The signs may include the international "No Smoking" symbol, which consists of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it. (2) Direct any person who is smoking inside the facility to extinguish the lighted smoking product. (3) Provide written notice to individuals upon admittance that smoking is prohibited inside the facility and obtain the signature of the individual or the individual's representative acknowledging receipt of the notice. (c) The Department may impose an administrative penalty not to exceed two hundred dollars (\$200.00) for each violation on any person	V 369		

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

TITLE

(X6) DATE

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V 369	<p>Continued From page 1</p> <p>who owns, manages, operates, or otherwise controls a facility licensed under this Chapter and fails to comply with subsection (b) of this section. A violation of this section constitutes a civil offense only and is not a crime. (d) This section does not apply to State psychiatric hospitals. (2007-459, s. 3.)</p> <p>This Rule is not met as evidenced by: Based on observation and interviews the facility failed to prohibit smoking within the facility. The findings are:</p> <p>Observation on 1/7/25 at approximately 11am during facility walk through with Staff #1 revealed: -Client #3 was lying down in his bed in the bedroom he shared with Client #6. In this bedroom was an approximate 2' x 3' piece of cardboard with tobacco spread all over along with a half full can of tobacco, cigarette roller and a smaller approximate 10" x 12" cardboard box top with a heavy layer of tobacco. In addition, there were 7 vape cartridges on a dresser. Client #3 stated, "[Client #6] smokes in the bedroom ...he opens the window ...puts the cigarette butts in a small tin box." Staff #1 opened the tin box revealing 4 burnt cigarette butts inside. -Both Client #1 and Client #2 were lying in their beds in their shared bedroom. In this bedroom was a large plastic tray with tobacco and products spread out over the tray.</p> <p>Interview on 1/8/25 with Client #1 revealed: -When asked if he smoked in his bedroom he responded, "I'm not supposed to (smoke in bedroom)."</p>	V 369		

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V 369	<p>Continued From page 2</p> <p>-Asked again if he smoked in the bedroom, he responded, "I can't answer that question." -"We just got it (tobacco) back."</p> <p>Interview on 1/8/25 with Client #2 revealed: -"Not smoking in bedroom anymore." -"Supposed to come outside (to smoke) but it's been too cold." -"Staff #1 would ask every hour or 2 if "we wanted to smoke." -"Got caught cause [Client #3] ratted on us."</p> <p>Interview on 1/8/25 with Client #3 revealed: -"I don't smoke, I dip." -"It did not bother him that Client #6 smoked in their bedroom."</p> <p>Interview on 1/7/25 with Staff #1 revealed: -"Tobacco is too messy ...its everywhere and these guys don't keep their rooms clean." -"Put all tobacco products in the locked pantry overnight." -"They have to ask me to access to their tobacco to smoke ..." -"No smoking after 8pm."</p> <p>Interview on 1/8/25 with the Residential Supervisor revealed: -"[Client's #1] and [Client #2] were always having issues with smoking." -"Recently switched staff. The previous staff talked to the guardians about locking up cigarettes and kept tobacco upstairs with her overnight. Staff #1 was new out there."</p> <p>Interview on 1/8/25 with the Qualified Professional/Director revealed: -"Has been an ongoing issue at this house (with clients smoking)." -"Will be creating and putting stronger rules in</p>	V 369		

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