

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  15G462		X2) MULTIPLE CONSTRUCTION A. BUILDING 00 B. WING _____		X3) DATE SURVEY COMPLETED 08/15/2012	
NAME OF PROVIDER OR SUPPLIER  DEVELOPMENTAL SERVICE ALTERNATIVES INC				STREET ADDRESS, CITY, STATE, ZIP CODE 2228 VAN BUSKIRK RD ANDERSON, IN 46011			
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W0000	<p>This visit was for investigation of complaint #IN00111387.</p> <p>Complaint #IN00111387: Substantiated. Federal and state deficiencies related to the allegation are cited at W149 and W157.</p> <p>Dates of Survey: August 13, 14 and 15, 2012.</p> <p>Facility Number: 000976 Provider Number: 15G462 AIMS Number: 100235450</p> <p>Surveyor: Claudia Ramirez, RN, Public Nurse Surveyor III/QMRP</p> <p>These deficiencies also reflect state findings in accordance with 460 IAC 9.</p> <p>Quality Review completed on 8/17/12 by Tim Shebel, Medical Surveyor III</p>			W0000			

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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W0149	<p>483.420(d)(1) STAFF TREATMENT OF CLIENTS The facility must develop and implement written policies and procedures that prohibit mistreatment, neglect or abuse of the client.</p> <p>Based on record review and interview for 2 of 3 BDDS (Bureau of Developmental Disability Services) reports regarding client protection, the facility neglected to implement the facility's policy and procedure and neglected to supervise client A.</p> <p>Findings include:</p> <p>On 08/13/12 at 1:53 PM the facility's BDDS Reports were reviewed from 05/01/12 through 08/12/12 and indicated the following:</p> <p>1. A BDDS report submitted 05/29/12 for an incident on 05/29/12 at 5:00 PM indicated, "On 5/20, [client B] made an allegation that [client A] had patted him in the private area. An investigation was initiated immediately. Precautions were immediately put into place to prevent future recurrence. Room assignments have been adjusted placing [client A] with a non vulnerable consumer. [Client A] also will receive training on consent. [Client A] has only lived at this group home for a little more than a month and this is the first time he has displayed this</p>	W0149	<p>W149-The facility will continue to implement its policy on prevention of abuse and neglect by training with all staff regarding the appropriate supervision requirements regarding client A. The supervision level of client A has been changed to "eyes on" during waking hours until his IST approves otherwise. Luke is projected to move to another setting that will afford him the opportunity to have his own bedroom in the near future. The facility will conduct trainings with staff members monthly in which supervision requirements of the residents are reviewed. Professional staff will conduct periodic observations to assure that staff supervision remains appropriate.</p>	09/14/2012			

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	<p>type of behavior. It is not clear what [client A's] motives were in patting his housemate."</p> <p>The follow-up report dated 06/06/12 indicated, "The allegation could not be substantiated as it boiled down to one person's word against another."</p> <p>The investigation dated 05/29/12 indicated the following: Interview with [client B]: "[Client B] states that [client A] touched him in his privates. [Client B] was asked where this occurred and [client B] replied upstairs in my bedroom. [Client B] was asked when it occurred and he replied this morning. [Client B] was asked if it had only happened one time, and he replied yes. [Client B] was asked to show me how [client A] touched him and he held out a straight hand and swiped in a downward motion. [Client B] was asked if he had clothes on during the incident and he replied yes. [Client B] was asked if he was asleep when the incident occurred and he replied no, that he was standing up. [Client B] stated that he told [client A] to stop."</p> <p>Interview with [client A]: "When [client A] was asked if he had touched anyone in the house, he stated no, I haven't put my hands on anyone in the house." The investigation indicated, "[Client A] has previously made untruthful statement."</p>						

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	<p>Finding: "Unable to substantiate the allegation of inappropriate touching."</p> <p>2. A BDDS report submitted 07/27/12 for an incident on 07/26/12 at 4:00 PM indicated, "On 7/26/12, [client B] alleged that [client A] had touched him in his private area on the van ride home from day program. An investigation was initiated. When interviewed by Officer [name] of the the [name] Police Department, [client A] admitted to the alleged activity. Police report [number] was completed. Protections put into place include: separation plan for [client A] and [client B], [client A] to sleep in a separate area from his peers, a seating chart for the van, "eyes on" supervision for [client A] across all setting. [Agency] has been in contact with the District 6 BDDS Supervisor as well as the coordinator for [client A] and is working toward transferring him to a group home setting where he can have a single occupant bedroom. The team is also reviewing the possibility of having a door alarm on his bedroom door at that time to indicate to staff that he has entered the common area of the home. This type of behavior is currently addressed in his HRC (Human Rights Committee) approved Behavior Development Program (BDP); however, the team will further review the plan to assure that it remains</p>			
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	<p>appropriate."</p> <p>The BDDS follow-up plan dated 08/07/12 indicated, "Staff followed [client A's] BDP as the individuals were separated. Level of care for [client A] to move to a different group home has been applied for and is currently being processed by BDDS. The plan is for him to move to a home where he can have a single occupant bedroom and to install an alarm on his bedroom door to alert staff that he has moved to the common area of the home so that they can monitor him when he leaves his room. Safeguards are in place to protect his current housemates from future recurrence as previously reported. [Client A's] BDP will be revised to include the use of the door alarm. [Agency] will continue to implement [client A's] BDP to include providing training to [client A] multiple times weekly on potential consequences of inappropriate sexual behavior."</p> <p>The investigation dated 07/26/12 indicated the following: Interview with [client B]: "[Client B] stated [client A] touched him. When [client B] asked where, he replied on the van from work. [Client B] was asked if he told [client A] no and he replied yes. [Client B] was asked if [client A] had done anything since being home and [client B] replied no."</p>			

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	<p>Interview with [client A]: "[Client A] was interviewed in regards to the allegation. [Client A] told me that he did not touch [client B]. [Client A] states that he shook [client B's] hand, but didn't touch him other than this. [Client A] states he knows better and that he is 'not gay.'</p> <p>Interview with Officer [name]: "Officer [name] reported to the group home to speak with [client A] and [client B] regarding the incident. Interview notes from [client B]: Officer [name] asked [client B] to show him the location where and [client B] touched his inner right thigh. Officer [name] asked [client B] if it may (sic) him feel uncomfortable and [client B] replied yes. Officer [name] asked if [client B] had asked [client A] to stop and [client B] replied yes, he did.</p> <p>Interview notes from [client A]: Officer [name] asked [client A] if he had touched anyone in a way that he should not have. At first, [client A] shook his head no, but after Officer [name] told [client A] not to lie to him, [client A] replied yes. Officer [name] explained to [client A] that this behavior is not appropriate and he could face charges for assault and that he should not do it again. [Client A] replied that he understood and sorry. Officer [name] had [client A] apologize to [client B].</p> <p>Recommendations: 1. A seating chart to be completed for group home to assign</p>			

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	<p>seating so that [client B] and [client A] do not sit together. 2. [Client A] and [client B] should be placed in separate job list groups."</p> <p>Client A's records were reviewed on 08/14/12 at 9:45 AM. Client A's ISP (Individual Support Plan) dated 05/18/12 indicated client A had a BSP (Behavior Support Plan). The BSP dated 05/14/12 indicated client A's behaviors included lying. The updated BSP dated 06/06/12 added Inappropriate Sexual Behavior to the plan.</p> <p>On 08/13/12 at 2:15 PM, a review of the facility's 11/04/11 Policy on Preventing Abuse and Neglect indicated, "DSA, Inc. prohibits abuse, neglect, exploitation, mistreatment or violation of the rights of the consumers it serves...'Abuse' means the following...4. Sexual molestation, rape, sexual misconduct, sexual coercion, and sexual exploitation..."</p> <p>On 08/14/12 at 11:30 AM an interview with the Area Director (AD) was conducted. The AD indicated client A had a no reported history of sexual misconduct. She indicated the first allegation was unsubstantiated as the investigation failed to clearly determine the act occurred and it was one persons word against another. She indicated</p>						

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	<p>client A's BSP was updated, precautions added and client A changed bedrooms. She indicated the second episode allegedly occurred in the van, but the staff did not witness it. She indicated only when the police officer questioned client A did he admit to touching client B in the van. The AD indicated client A will be moving to a different group home with in the agency as soon as the move is approved. She further indicated in the meantime client A has no roommate and is "eyes on" supervision."</p> <p>This federal tag relates to complaint #IN00113387.</p> <p>9-3-2(a)</p>			

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W0157	<p>483.420(d)(4) STAFF TREATMENT OF CLIENTS If the alleged violation is verified, appropriate corrective action must be taken.</p> <p>Based on record review and interview for 2 of 3 BDDS (Bureau of Developmental Disability Services) reports regarding client protection, the facility neglected to initiate effective correction action to prevent future potential incidents of sexual misconduct by client A to client B.</p> <p>Findings include:</p> <p>On 08/13/12 at 1:53 PM the facility's BDDS Reports were reviewed from 05/01/12 through 08/12/12 and indicated the following:</p> <p>1. A BDDS report submitted 05/29/12 for an incident on 05/29/12 at 5:00 PM indicated, "On 5/20, [client B] made an allegation that [client A] had patted him in the private area. An investigation was initiated immediately. Precautions were immediately put into place to prevent future recurrence. Room assignments have been adjusted placing [client A] with a non vulnerable consumer. [Client A] also will receive training on consent. [Client A] has only lived at this group home for a little more than a month and this is the first time he has displayed this type of behavior. It is not clear what</p>	W0157	<p>W157-The IST met to address the behavioral concerns and supervision needs of client A. The determination was made to institute a separation plan as well as changing the supervision level to "eyes on" for client A. A seating chart was developed for the van to optimize the safety of all individuals. Additionally, a move to another group home that will afford client A to have his own bedroom is imminent. Client A has been designated as a consumer with unusually high service needs which means that his actions will have closer scrutiny by the IST as indicated by the occurrence of index events. An index event for this individual would be any inappropriate sexual behavior involving another individual. Should such an event occur, the IST will convene expeditiously to review the incident and make recommendations to prevent any future recurrence.</p>	09/14/2012			

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	<p>[client A's] motives were in patting his housemate."</p> <p>The follow-up report dated 06/06/12 indicated, "The allegation could not be substantiated as it boiled down to one person's word against another."</p> <p>The investigation dated 05/29/12 indicated the following: Interview with [client B]: "[Client B] states that [client A] touched him in his privates. [Client B] was asked where this occurred and [client B] replied upstairs in my bedroom. [Client B] was asked when it occurred and he replied this morning. [Client B] was asked if it had only happened one time, and he replied yes. [Client B] was asked to show me how [client A] touched him and he held out a straight hand and swiped in a downward motion. [Client B] was asked if he had clothes on during the incident and he replied yes. [Client B] was asked if he was asleep when the incident occurred and he replied no, that he was standing up. [Client B] stated that he told [client A] to stop."</p> <p>Interview with [client A]: "When [client A] was asked if he had touched anyone in the house, he stated no, I haven't put my hands on anyone in the house." The investigation indicated, "[Client A] has previously made untruthful statement." Finding: "Unable to substantiate the</p>				

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	<p>allegation of inappropriate touching."</p> <p>2. A BDDS report submitted 07/27/12 for an incident on 07/26/12 at 4:00 PM indicated, "On 7/26/12, [client B] alleged that [client A] had touched him in his private area on the van ride home from day program. An investigation was initiated. When interviewed by Officer [name] of the the [name] Police Department, [client A] admitted to the alleged activity. Police report [number] was completed. Protections put into place include: separation plan for [client A] and [client B], [client A] to sleep in a separate area from his peers, a seating chart for the van, "eyes on" supervision for [client A] across all setting. [Agency] has been in contact with the District 6 BDDS Supervisor as well as the coordinator for [client A] and is working toward transferring him to a group home setting where he can have a single occupant bedroom. The team is also reviewing the possibility of having a door alarm on his bedroom door at that time to indicate to staff that he has entered the common area of the home. This type of behavior is currently addressed in his HRC (Human Rights Committee) approved Behavior Development Program (BDP); however, the team will further review the plan to assure that it remains appropriate."</p>			

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	<p>The BDDS follow-up plan dated 08/07/12 indicated, "Staff followed [client A's] BDP as the individuals were separated. Level of care for [client A] to move to a different group home has been applied for and is currently being processed by BDDS. The plan is for him to move to a home where he can have a single occupant bedroom and to install an alarm on his bedroom door to alert staff that he has moved to the common area of the home so that they can monitor him when he leaves his room. Safeguards are in place to protect his current housemates from future recurrence as previously reported. [Client A's] BDP will be revised to include the use of the door alarm. [Agency] will continue to implement [client A's] BDP to include providing training to [client A] multiple times weekly on potential consequences of inappropriate sexual behavior."</p> <p>The investigation dated 07/26/12 indicated the following: Interview with [client B]: "[Client B] stated [client A] touched him. When [client B] asked where, he replied on the van from work. [Client B] was asked if he told [client A] no and he replied yes. [Client B] was asked if [client A] had done anything since being home and [client B] replied no." Interview with [client A]: "[Client A]</p>						

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	<p>was interviewed in regards to the allegation. [Client A] told me that he did not touch [client B]. [Client A] states that he shook [client B's] hand, but didn't touch him other than this. [Client A] states he knows better and that he is 'not gay.'</p> <p>Interview with Officer [name]: "Officer [name] reported to the group home to speak with [client A] and [client B] regarding the incident. Interview notes from [client B]: Officer [name] asked [client B] to show him the location where and [client B] touched his inner right thigh. Officer [name] asked [client B] if it may (sic) him feel uncomfortable and [client B] replied yes. Officer [name] asked if [client B] had asked [client A] to stop and [client B] replied yes, he did. Interview notes from [client A]: Officer [name] asked [client A] if he had touched anyone in a way that he should not have. At first, [client A] shook his head no, but after Officer [name] told [client A] not to lie to him, [client A] replied yes. Officer [name] explained to [client A] that this behavior is not appropriate and he could face charges for assault and that he should not do it again. [Client A] replied that he understood and sorry. Officer [name] had [client A] apologize to [client B].</p> <p>Recommendations: 1. A seating chart to be completed for group home to assign seating so that [client B] and [client A] do</p>			

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	<p>not sit together. 2. [Client A] and [client B] should be placed in separate job list groups."</p> <p>Client A's records were reviewed on 08/14/12 at 9:45 AM. Client A's ISP (Individual Support Plan) dated 05/18/12 indicated client A had a BSP (Behavior Support Plan). The BSP dated 05/14/12 indicated client A's behaviors included lying. The updated BSP dated 06/06/12 added Inappropriate Sexual Behavior to the plan.</p> <p>On 08/14/12 at 11:30 AM an interview with the Area Director (AD) was conducted. The AD indicated client A had a no reported history of sexual misconduct. She indicated the first allegation was unsubstantiated as the investigation failed to clearly determine the act occurred and it was one persons word against another. She indicated client A's BSP was updated, precautions added and client A changed bedrooms. She indicated the second episode allegedly occurred in the van, but the staff did not witness it. She indicated only when the police officer questioned client A did he admit to touching client B in the van. The AD indicated client A will be moving to a different group home with in the agency as soon as the move is approved. She further indicated in the</p>						

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  15G462	X2) MULTIPLE CONSTRUCTION A. BUILDING 00 B. WING _____	X3) DATE SURVEY COMPLETED  08/15/2012
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NAME OF PROVIDER OR SUPPLIER  DEVELOPMENTAL SERVICE ALTERNATIVES INC	STREET ADDRESS, CITY, STATE, ZIP CODE 2228 VAN BUSKIRK RD ANDERSON, IN 46011
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	<p>meantime client A has no roommate and is "eyes on" supervision."</p> <p>This federal tag relates to complaint #IN00113387.</p> <p>9-3-2(a)</p>			