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| STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION | X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 15G757 | X2) MULTIPLE CONSTRUCTION A. BUILDING 00 B. WING _____ | X3) DATE SURVEY COMPLETED 12/05/2014 |
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| NAME OF PROVIDER OR SUPPLIER DUNGARVIN INDIANA LLC | STREET ADDRESS, CITY, STATE, ZIP CODE 304 3RD ST FLORA, IN 46929 |
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| W000000 | <p>This visit was for the investigation of complaint #IN00159794.</p> <p>COMPLAINT #IN00159794: SUBSTANTIATED. Federal/state deficiencies related to the allegations are cited at W102, W104, W120, W122, W149, W154, W157, W159, W210 and W227.</p> <p>Dates of Survey: November 24, 25, 26 and December 1 and 5, 2014.</p> <p>Facility number: 011817 Provider number: 15G757 AIM number: 200940180</p> <p>Surveyor: Christine Colon, QIDP</p> <p>The following federal deficiencies also reflect state findings in accordance with 460 IAC 9. Quality Review completed 12/19/14 by Ruth Shackelford, QIDP.</p> | W000000 | | |

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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| W000102 | <p>483.410 GOVERNING BODY AND MANAGEMENT The facility must ensure that specific governing body and management requirements are met.</p> <p>Based on record review and interview for 1 of 2 sampled clients (client A), the facility failed to meet the Condition of Participation: Governing Body. The governing body neglected to exercise operating direction over the facility to ensure the outside day program met the needs of client A. The governing body neglected to ensure the facility implemented their policy and procedures to prevent abuse/neglect of client A by not ensuring the outside day program prevented sexual abuse of a dependent client.</p> <p>Findings include:</p> <ol style="list-style-type: none"> Please refer to W104. The governing body failed for 2 of 2 sampled clients (clients A and B), to implement written policy and procedures to prevent abuse and neglect in regards to sexual abuse by a staff, ensuring staff provided supervision and conducting investigations. Please refer to W122. The governing body failed to exercise general policy and operating direction over the facility in regards to meeting the Condition of | W000102 | <p>W 102 483.410 GOVERNING BODY AND MANAGEMENT In conjunction with the Plans of Correction for W104, W120, W122, W149, W154, W157, W159, W210, and W227 the House Manager, QDDP, Nurse, and Behaviorist will review this Condition of Participation. Dungarvin has written policies and procedures that prohibit mistreatment, neglect, or abuse of our Individuals Served. The Individual's IDT met with the Individual's day program to discuss and address the Individual's needs in regards to supervision while at their day program, to prevent any further abuse/neglect. The day program agreed to provide line-of-sight supervision at all times while she is at the day program. Furthermore, the day program agreed that a staff person will walk her to the bathroom, ensure no unauthorized Individuals or staff are in the bathroom before she enters, then wait until the Individual exits to ensure no abuse/neglect occurs. The day program has agreed to immediately notify the facility of any actual or suspected abuse/neglect/exploitation of the agency's Individuals while they are at the day program. The</p> | 01/04/2015 | |

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| W000104 | <p>Participation: Client Protections. The governing body neglected to implement their abuse/neglect policy and neglected to protect 1 of 2 sampled clients (client A) from sexual abuse by staff.</p> <p>This federal tag relates to complaint #IN00159794.</p> <p>9-3-1(a)</p> <p>483.410(a)(1) GOVERNING BODY The governing body must exercise general policy, budget, and operating direction over the facility. Based on record review and interview for 1 of 2 sampled clients (client A), the governing body failed to exercise general policy and operating direction over the facility to prevent sexual abuse of client A and neglected to conduct thorough investigations of incidents of sexual abuse by an outside day program staff.</p> | W000104 | <p>agency will then immediately begin an investigation into the event, to ensure Client Protections. The needs of all of the facility's Individuals served who attend an outside day program have been reviewed by the IDT to ensure these needs are currently being met by the outside day program. Beginning 12/6/14 and continuing through 12/20/14, the QDDP, Behaviorist, and/or House Manager will observe the Individual at the outside day program at least weekly (the Individual attends three times per week) to ensure her identified needs are being met. Once compliance is demonstrated, the Individual will be observed at least every other week. Will be completed by: 1/4/15 Persons Responsible: Area Director, House Manager, Nurse, Behaviorist, and QDDP</p> <p>In conjunction with the Plans of Correction for W102, W120, W122, W149, W154, W157, W159, W210, and W227 the House Manager,</p> | 01/04/2015 | | | |

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| | <p>Findings include:</p> <p>Please refer to W120. The governing body failed for 1 of 2 sampled clients (client A), to ensure outside day program services had a written agreement between the facility and the outside day services to indicate what services were to be provided for client A. The governing body failed to ensure the outside day program services met the needs of the client by not ensuring the day program prevented sexual abuse by an employee and failed to ensure the outside day program ensured medication administration of client A's prescribed medications.</p> <p>Please refer to W149. The governing body failed for 2 of 2 sampled clients (clients A and B), to ensure the facility implemented written policy and procedures to prevent abuse and neglect in regards to sexual abuse by a staff, ensured staff provided supervision and conducted investigations.</p> <p>Please refer to W154. The governing body failed for 1 of 2 sampled clients (client A), to provide evidence thorough investigations were completed.</p> <p>Please refer to W157. The governing</p> | | <p>QDDP, Nurse, and Behaviorist will review this Standard. The House Manager, QDDP, Nurse, and Behaviorist have been retrained on this Standard. Dungarvin has written policies and procedures that prohibit mistreatment, neglect, or abuse of our Individuals Served. The Individual's IDT met with the Individual's day program to discuss and address the Individual's needs in regards to supervision while at their day program, to prevent any further abuse/neglect. The day program agreed to provide line-of-sight supervision at all times while she is at the day program. Furthermore, the day program agreed that a staff person will walk her to the bathroom, ensure no unauthorized Individuals or staff are in the bathroom before she enters, then wait until the Individual exits to ensure no abuse/neglect occurs. The day program has agreed to immediately notify the facility of any actual or suspected abuse/neglect/exploitation of the agency's Individuals while they are at the day program. The agency will then immediately put protective measures in place to ensure the Individual's safety and conduct an investigation into the event. The QDDP will then coordinate a meeting with the Individual's IDT to discuss the incident, develop and implement sufficient/effective corrective measures to ensure no future incidents. The needs of all of the facility's Individuals served who</p> | | |

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| | <p>body failed for 1 of 2 sampled clients (client A), to put sufficient/effective corrective measures in place to prevent sexual abuse.</p> <p>This federal tag relates to #IN00159794.</p> <p>9-3-1(a)</p> | | <p>attend an outside day program have been reviewed by the IDT to ensure these needs are currently being met by the outside day program. An MAR, medications, and Physician's order will be provided to the day program each month for any Individual who takes medications while at the day program. The agency/facility Nurse will monitor this MAR at least monthly to ensure all medications are administered according to Dr.'s orders. The day program has agreed to administer all medications per Dr.'s orders and promptly notify the facility Nurse in the event of a medication error. The facility will promptly conduct an investigation into any medication error that occurs at the day program, in order to ensure sufficient corrective action is implemented to avoid any future errors. The day program has agreed to provide the agency a written agreement to indicate what services will be provided to each Individual attending the day program.</p> <p>Beginning 12/6/14 and continuing through 12/20/14, the QDDP, Behaviorist, and/or House Manager will observe the Individual at the outside day program at least weekly (the Individual attends three times per week) to ensure her identified needs are being met, all medications are being administered per Dr.'s orders and documented on the</p> | | |

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| W000120 | <p>483.410(d)(3) SERVICES PROVIDED WITH OUTSIDE SOURCES The facility must assure that outside services meet the needs of each client.</p> <p>Based on record review and interview for 1 of 2 sampled clients (client A), the facility failed to ensure outside day program services had a written agreement between the facility and the outside day services to indicate what services were to be provided for client A. The facility failed to ensure the outside day program services met the needs of the client by not ensuring the day program prevented sexual abuse by an employee and failed to ensure the outside day program ensured medication administration of client A's prescribed medications.</p> <p>Findings include:</p> | W000120 | <p>MAR. Once compliance is demonstrated, the Individual will be observed at least every other week and the MAR checked by the Nurse at least monthly.</p> <p>Will be completed by: 1/4/15</p> <p>Persons Responsible: Area Director, House Manager, Nurse, Behaviorist, and QDDP</p> <p>W 120 483.410(d)(3) SERVICES PROVIDED WITH OUTSIDE SOURCES</p> <p>In conjunction with the Plans of Correction for W102, W104, W122, W149, W154, W157, W159, W210, and W227 the House Manager, QDDP, Nurse, and Behaviorist will review this Standard. The House Manager, QDDP, Nurse, and Behaviorist have been retrained on this Standard. Dungarvin has written policies and procedures that prohibit mistreatment, neglect, or abuse of our Individuals Served. The Individual's IDT met with the Individual's day program to discuss</p> | 01/04/2015 | |

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| | <p>A review of the facility's Bureau of Developmental Disabilities Services reports (BDDS), Internal Reports (IR) and investigation records was conducted on 11/25/14 at 10:30 A.M.. Review of the reports indicated:</p> <p>-BDDS report dated 10/2/14 involving client A indicated: When staff picked [client A] from workshop, the lady there told staff that [client A] had not taken her noon meds yet. When they got into the van, staff administered [client A]'s noon meds. After [client A] swallowed her meds she stated, 'Oh my gosh, I already took this at workshop!' She is supposed to take 10 mg (milligrams) of Abilify (antipsychotic) at noon. Today she got 20 mg of Abilify at noon."</p> <p>-BDDS report dated 11/19/14 at the outside day program involving client A indicated: "[Client A] was found to be sharing a bathroom stall with [Outside day program staff], a temporary worker at the workshop. [Client A] had not returned from her fifteen minute 10:45 A.M. break. [Case Coordinator #1] was looking for her. [Case Coordinator #1] stepped into the women's bathroom in the main hallway near the adult services office and noticed two sets of feet in the larger stall. [Case Coordinator #1] stepped out of the bathroom and radioed</p> | | <p>and address the Individual's needs in regards to supervision while at their day program, to prevent any further abuse/neglect. The day program agreed to provide line-of-sight supervision at all times while she is at the day program. Furthermore, the day program agreed that a staff person will walk her to the bathroom, ensure no unauthorized Individuals or staff are in the bathroom before she enters, then wait until the Individual exits to ensure no abuse/neglect occurs. The day program has agreed to immediately notify the facility of any actual or suspected abuse/neglect/exploitation of the agency's Individuals while they are at the day program. The agency will then immediately put protective measures in place to ensure the Individual's safety and conduct an investigation into the event. The QDDP will then coordinate a meeting with the Individual's IDT to discuss the incident, develop and implement sufficient/effective corrective measures to ensure no future incidents. The needs of all of the facility's Individuals served who attend an outside day program have been reviewed by the IDT to ensure these needs are currently being met by the outside day program. An MAR, medications, and Physician's order will be provided to the day program each month for any Individual who takes medications while at the day program. The agency/facility Nurse will monitor</p> | | |

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| | <p>to [Production Supervisor] that she had been found. [Case Coordinator #1] asked [Production Supervisor] if [Outside Day Program Staff #1] was in his work area. [Production Supervisor] stated he was not. [Case Coordinator #1] stepped back into the women's bathroom. [Client A] was still in the larger staff (sic) and [Outside Day Program Staff #1] was in the smaller stall. [Case Coordinator #1] heard [Outside Day Program Staff #1] tell [client A] 'I'm gonna stay in here till the coast is clear. Tell me when the coast is clear.' [Client A] exited the stall and bathroom. She spoke with [Case Coordinator #2] prior to returning to work. [Case Coordinator #1] returned to the workshop."</p> <p>A request for the outside day program's investigations, contract and client A's MARs was made on 11/25/14 at 1:00 P.M.. The facility did not have any documentation to indicate investigations were conducted by the outside day program, client A's Medication Administration Records (MAR) and an agreement/contract between the outside day program and the facility. The Behavior Specialist contacted the outside day program and requested written documentation to indicate an investigation was conducted, client A's MARs and an agreement/contract.</p> | | <p>this MAR at least monthly to ensure all medications are administered according to Dr.'s orders. The day program has agreed to administer all medications per Dr.'s orders and promptly notify the facility Nurse in the event of a medication error. The facility will promptly conduct an investigation into any medication error that occurs at the day program, in order to ensure sufficient corrective action is implemented to avoid any future errors. The day program has agreed to provide the agency a written agreement to indicate what services will be provided to each Individual attending the day program.</p> <p>Beginning 12/6/14 and continuing through 12/20/14, the QDDP, Behaviorist, and/or House Manager will observe the Individual at the outside day program at least weekly (the Individual attends three times per week) to ensure her identified needs are being met, all medications are being administered per Dr.'s orders and documented on the MAR. Once compliance is demonstrated, the Individual will be observed at least every other week and the MAR checked by the Nurse at least monthly.</p> <p>Will be completed by: 1/4/15</p> | |

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| | The facility provided written documentation to indicate the outside day program conducted an investigation and an email in regard to client A's MAR on 11/26/14 at 8:26 A.M. via electronic mail. Review of the outside day program's "Investigation Summary" dated 11/19/14 was conducted on 11/26/14 at 11:00 A.M.. Review of the record indicated: "...Allegation/Incident: Sexual misconduct. On 11/19/14 at 11:30 A.M. [Client A] was found to be sharing a bathroom stall with [Outside Day Program Staff #1], a temporary worker at the workshop. Location of alleged incident: [Outside Day Program] women's bathroom in the main hallway near the adult services office...Interview with [Case Coordinator #1]: [Client A] was found to be sharing a bathroom stall with [Outside day program staff], a temporary worker at the workshop. [Client A] had not returned from her fifteen minute 10:45 A.M. break. [Case Coordinator #1] was looking for her. [Case Coordinator #1] stepped into the women's bathroom in the main hallway near the adult services office and noticed two sets of feet in the larger stall. [Case Coordinator #1] stepped out of the bathroom and radioed to [Production Supervisor] that she had been found. [Case Coordinator #1] asked [Production | | Persons Responsible: Area Director, House Manager, Nurse, Behaviorist, and QDDP | | | | |

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| | Supervisor] if [Outside day program staff] was in his work area. [Production Supervisor] stated he was not. [Case Coordinator #1] stepped back into the women's bathroom. [Client A] was still in the larger staff (sic) and [Day program staff] was in the smaller stall. [Case Coordinator #1] heard [Outside Day Program Staff #1] tell [client A] 'I'm gonna stay in here till the coast is clear. Tell me when the coast is clear.' [Client A] exited the stall and bathroom. She spoke with [Case Coordinator #2] prior to returning to work. [Case Coordinator #1] returned to the workshop....Interview with [Office Manager]: I received a call from [Investigator] stating that we need to end the assignment of [Outside Day Program Staff #1] as he was in the woman's restroom with a consumer. I asked her if she wanted me to come and get him out. She said that she would be sending him over to staffing office. [Outside Day Program Staff #1] did not show up. I saw him out by the fence so I went out to get him and told him I needed him to come to my office. I asked him what happened. He said that he and [client A] had exchanged phone numbers about a week ago. He stated that [client A] asked him to go into the woman's restroom today to talk. He knew he shouldn't have done it but he did. He stated that they only hugged; there was | | | |
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| | <p>no inappropriate behavior. I asked him several times in several different ways. Each time he denied anything other than the hug took place. He was embarrassed to come out of the restroom because he knew he shouldn't have been there. [Outside Day Program Staff #1] came out when [Outside Day Program Staff #2] went in and told him to come out. He stated he was sorry, he knew it was wrong. He knew he had flaw (sic). He understands the termination and the fact that he is not eligible to use our service again....[Facility Behavior Specialist] interview: [Client A] spoke with [BS] on the drive home about the incident. [Client A] told [BS] this was not the first encounter with [Day Program Staff #1]. [BS] (sic) and [Outside Day Program Staff #1] planned to meet in the bathroom approximately two weeks ago on a Wednesday. They discussed the meeting and agreed [client A] would enter the bathroom first. [Outside Day Program Staff #1] would follow her in. He helped her take her pants off. He remained fully clothed. [Client A] confirmed to [BS] that [Outside Day Program Staff #1] penetrated her. She dressed and returned to work. On this date, they carried out the same plan. [Client A] stated they both took off their pants and they succeeded in having intercourse....[Client A] indicated they did not use</p> | | | |

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| | <p>protection....Findings: Substantiated, the findings support the event/allegation as described. Summary and Determination of Investigation: Evidence supports the allegation of sexual misconduct. [Client A]'s statement to her Behavior Consultant, [client A] and [Outside Day Program Staff #1] planned and met on at least two separate occasions in the ladies bathroom to have intercourse...[Outside Day Program Staff #1] was a contracted temporary worker. He was informed that there should be no inappropriate contact with consumers, he also signed a document stating he understood and agreed. He understands the termination and the fact that he is not eligible to use our service again....Corrective Action to be taken: [Outside Day Program Staff #1] was terminated immediately and will not be eligible to use the [Day Program] placement service again. [Client A] was informed the work site is not the appropriate place for sexual encounters." Review of an email dated 11/26/14 from the outside day program indicated: "Sorry for not getting back with you on this. We don't have an individual contract for [client A]...Meds-It was discovered on November 13 during an investigation of medications that the staff that had been responsible for passing med had not completed a MAR for [client A] when she started in September. The</p> | | | |

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| | <p>MAR that we are currently using is a 12 month MAR and the procedure is to start a MAR when the consumer starts taking the med at the workshop. On the 13th when it was discovered that there was not a MAR, we started one. The individual responsible was not allowed to pass meds during the investigation and is no longer an employee of [Day Program]. We are going to start doing MARs on a monthly basis-if [Facility] could supply [Day Program] with a MAR with the medication listed that would be great."</p> <p>Further review of the record failed to indicate the facility provided a MAR with client A's medication to ensure the outside day program was properly documenting and administering client A's prescribed medications. The record failed to indicate client A received her prescribed medication as ordered.</p> <p>An interview with the Behavior Specialist (BS), Group Home Manager (GHM) and facility nurse was conducted on 11/25/14 at 2:15 P.M.. The Behavior Specialist (BS) indicated the outside day program did not submit any investigations in regard to any investigations conducted involving client A. The BS indicated every time she went to the outside day program to observe client A, she felt uneasy about the day program staff's interaction with client A.</p> | | | |

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| | <p>The BS further indicated she made the outside day program supervisors aware of her concerns. When asked for documentation to indicate she communicated her concerns with the day program, the BS indicated she did not have any written documentation to indicate her communication of her concerns with the outside day program. The nurse indicated client A received a double dose of her medication due to the day program staff telling staff she had not received her noon medication. The nurse indicated she did not know the outside day program did not have a MAR to document client A's medication administration. The BS indicated there was no contract/agreement available for review to indicate what services are to be provided between the facility and outside day program.</p> <p>This federal tag relates to #IN00159794.</p> <p>9-3-1(a)</p> | | | | |

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| W000122 | <p>483.420 CLIENT PROTECTIONS The facility must ensure that specific client protections requirements are met. Based on record review and interview, the Condition of Participation: Client Protections, is not met as the facility failed for 1 of 2 sampled clients (client A), to protect her from sexual abuse by the outside day program staff, to conduct investigations and to put sufficient/effective corrective measures in place to prevent sexual abuse.</p> <p>Findings include:</p> <ol style="list-style-type: none"> Please refer to W149. The facility failed for 2 of 2 sampled clients (clients A and B), to implement written policy and procedures to prevent abuse and neglect in regards to sexual abuse, ensuring staff provided supervision and conducting investigations. Please refer to W154. The facility failed for 1 of 2 sampled clients (client A), to provide evidence thorough investigations were completed. Please refer to W157. The facility | W000122 | <p>W 122 483.420 CLIENT PROTECTIONS</p> <p>In conjunction with the Plans of Correction for W102, W104, W120, W149, W154, W157, W159, W210, and W227 the House Manager, QDDP, Nurse, and Behaviorist will review this Condition of Participation. The House Manager, QDDP, Nurse, and Behaviorist have been retrained on this Condition. Dungarvin has written policies and procedures that prohibit mistreatment, neglect, or abuse of our Individuals Served. The Individual's IDT met with the Individual's day program to discuss and address the Individual's needs in regards to supervision while at their day program, to prevent any further abuse/neglect. The day program agreed to provide line-of-sight supervision at all times while she is at the day program. Furthermore, the day program agreed that a staff person will walk her to the bathroom, ensure no unauthorized Individuals</p> | 01/04/2015 |

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| | <p>failed for 1 of 2 sampled clients (client A), to put sufficient/effective corrective measures in place to prevent sexual abuse.</p> <p>This federal tag relates to complaint #IN00159794.</p> <p>9-3-2(a)</p> | | <p>or staff are in the bathroom before she enters, then wait until the Individual exits to ensure no abuse/neglect occurs. The day program has agreed to immediately notify the facility of any actual or suspected abuse/neglect/exploitation of the agency's Individuals while they are at the day program. The agency will then immediately put protective measures in place to ensure the Individual's safety and conduct an investigation into the event. The QDDP will then coordinate a meeting with the Individual's IDT to discuss the incident, develop and implement sufficient/effective corrective measures to ensure no future incidents. The needs of all of the facility's Individuals served who attend an outside day program have been reviewed by the IDT to ensure these needs are currently being met by the outside day program. An MAR, medications, and Physician's order will be provided to the day program each month for any Individual who takes medications while at the day program. The agency/facility Nurse will monitor this MAR at least monthly to ensure all medications are administered according to Dr.'s orders. The day program has agreed to administer all medications per Dr.'s orders and promptly notify the facility Nurse in the event of a medication error. The facility will promptly conduct an investigation into any medication error that occurs at the day program,</p> | | |

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| W000149 | 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>in order to ensure sufficient corrective action is implemented to avoid any future errors. The day program has agreed to provide the agency a written agreement to indicate what services will be provided to each Individual attending the day program.</p> <p>Beginning 12/6/14 and continuing through 12/20/14, the QDDP, Behaviorist, and/or House Manager will observe the Individual at the outside day program at least weekly (the Individual attends three times per week) to ensure her identified needs are being met, all medications are being administered per Dr.'s orders and documented on the MAR. Once compliance is demonstrated, the Individual will be observed at least every other week and the MAR checked by the Nurse at least monthly.</p> <p>Will be completed by: 1/4/15</p> <p>Persons Responsible: Area Director, House Manager, Nurse, Behaviorist, and QDDP</p> | |

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| | <p>Based on record review and interview for 2 of 2 sampled clients (clients A and B), the facility failed to implement written policy and procedures to prevent abuse and neglect in regards to sexual abuse, ensuring staff provided supervision and conducting investigations.</p> <p>Findings include:</p> <p>A review of the facility's Bureau of Developmental Disabilities Services (BDDS) reports, Internal Reports (IR) and investigations was conducted on 11/25/14 at 10:30 A.M.. Review of the records indicated:</p> <p>-BDDS report dated 9/12/14 involving clients A and B indicated: "On 9/12/14 at 1:30 A.M. the house manager received a call that a staff member was sleeping. The house manager went to the home and suspended her pending investigation." The "Follow Up Report" dated 9/18/14 indicated "Investigation is ongoing. Recommendation is termination."</p> <p>-BDDS report dated 10/2/14 involving client A indicated: When staff picked [client A] from workshop, the lady there told staff that [client A] had not taken her noon meds yet. When they got into the van, staff administered [client A]'s noon meds. After [client A] swallowed her</p> | W000149 | <p>W 149 483.420(d)(1) STAFF TREATMENT OF CLIENTS</p> <p>In conjunction with the Plans of Correction for W102, W104, W120, W122, W154, W157, W159, W210, and W227 the House Manager, QDDP, Nurse, and Behaviorist will review this Standard. The House Manager, QDDP, Nurse, and Behaviorist have been retrained on this Standard. Dungarvin has written policies and procedures that prohibit mistreatment, neglect, or abuse of our Individuals Served. The Individual's IDT met with the Individual's day program to discuss and address the Individual's needs in regards to supervision while at their day program, to prevent any further abuse/neglect. The day program agreed to provide line-of-sight supervision at all times while she is at the day program. Furthermore, the day program agreed that a staff person will walk her to the bathroom, ensure no unauthorized Individuals or staff are in the bathroom before she enters, then wait until the Individual exits to ensure no abuse/neglect occurs. The day program has agreed to immediately notify the facility of any actual or suspected abuse/neglect/exploitation of the agency's Individuals while they are at the day program. The agency will then immediately put protective measures in place to</p> | 01/04/2015 | | | |

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| | <p>meds she stated, 'Oh my gosh, I already took this at workshop!' She is supposed to take 10 mg (milligrams) of Abilify (antipsychotic) at noon. Today she got 20 mg of Abilify at noon." Further review of the record failed to indicate the facility conducted an investigation in regard to this incident.</p> <p>-BDDS report dated 11/19/14 at the outside day program involving client A indicated: "[Client A] was found to be sharing a bathroom stall with [Outside day program staff], a temporary worker at the workshop. [Client A] had not returned from her fifteen minute 10:45 A.M. break. [Case Coordinator #1] was looking for her. [Case Coordinator #1] stepped into the women's bathroom in the main hallway near the adult services office and noticed two sets of feet in the larger stall. [Case Coordinator #1] stepped out of the bathroom and radioed to [Production Supervisor] that she had been found. [Case Coordinator #1] asked [Production Supervisor] if [Outside Day Program Staff #1] was in his work area. [Production Supervisor] stated he was not. [Case Coordinator #1] stepped back into the women's bathroom. [Client A] was still in the larger staff (sic) and [Outside Day Program Staff #1] was in the smaller stall. [Case Coordinator #1] heard [Outside Day Program Staff #1]</p> | | <p>ensure the Individual's safety and conduct an investigation into the event. The QDDP will then coordinate a meeting with the Individual's IDT to discuss the incident, develop and implement sufficient/effective corrective measures to ensure no future incidents. The needs of all of the facility's Individuals served who attend an outside day program have been reviewed by the IDT to ensure these needs are currently being met by the outside day program. An MAR, medications, and Physician's order will be provided to the day program each month for any Individual who takes medications while at the day program. The agency/facility Nurse will monitor this MAR at least monthly to ensure all medications are administered according to Dr.'s orders. The day program has agreed to administer all medications per Dr.'s orders and promptly notify the facility Nurse in the event of a medication error. The facility will promptly conduct an investigation into any medication error that occurs at the day program, in order to ensure sufficient corrective action is implemented to avoid any future errors. The day program has agreed to provide the agency a written agreement to indicate what services will be provided to each Individual attending the day program.</p> | | |

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| | <p>tell [client A] 'I'm gonna stay in here till the coast is clear. Tell me when the coast is clear.' [Client A] exited the stall and bathroom. She spoke with [Case Coordinator #2] prior to returning to work. [Case Coordinator #1] returned to the workshop."</p> <p>A request for the outside day program's investigation was made on 11/25/14 at 1:00 P.M.. The facility did not have any documentation to indicate an investigation was conducted by the outside day program. The Behavior Specialist contacted the outside day program and requested written documentation to indicate an investigation was conducted.</p> <p>The facility provided written documentation to indicate the outside day program conducted an investigation on 11/26/14 at 8:26 A.M. via electronic mail. Review of the outside day program's "Investigation Summary" dated 11/19/14 was conducted on 11/26/14 at 9:30 A.M.. Review of the record indicated: "...Allegation/Incident: Sexual misconduct. On 11/19/14 at 11:30 A.M. [Client A] was found to be sharing a bathroom stall with [Outside Day Program Staff #1], a temporary worker at the workshop. Location of alleged incident: [Outside Day Program]</p> | | <p>Beginning 12/6/14 and continuing through 12/20/14, the QDDP, Behaviorist, and/or House Manager will observe the Individual at the outside day program at least weekly (the Individual attends three times per week) to ensure her identified needs are being met, all medications are being administered per Dr.'s orders and documented on the MAR. Once compliance is demonstrated, the Individual will be observed at least every other week and the MAR checked by the Nurse at least monthly.</p> <p>Will be completed by: 1/4/15</p> <p>Persons Responsible: Area Director, House Manager, Nurse, Behaviorist, and QDDP</p> | | | | |

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| | women's bathroom in the main hallway near the adult services office...Interview with [Case Coordinator #1]: [Client A] was found to be sharing a bathroom stall with [Outside day program staff], a temporary worker at the workshop. [Client A] had not returned from her fifteen minute 10:45 A.M. break. [Case Coordinator #1] was looking for her. [Case Coordinator #1] stepped into the women's bathroom in the main hallway near the adult services office and noticed two sets of feet in the larger stall. [Case Coordinator #1] stepped out of the bathroom and radioed to [Production Supervisor] that she had been found. [Case Coordinator #1] asked [Production Supervisor] if [Outside day program staff] was in his work area. [Production Supervisor] stated he was not. [Case Coordinator #1] stepped back into the women's bathroom. [Client A] was still in the larger staff (sic) and [Day program staff] was in the smaller stall. [Case Coordinator #1] heard [Outside Day Program Staff #1] tell [client A] 'I'm gonna stay in here till the coast is clear. Tell me when the coast is clear.' [Client A] exited the stall and bathroom. She spoke with [Case Coordinator #2] prior to returning to work. [Case Coordinator #1] returned to the workshop....Interview with [Office Manager]: I received a call from [Investigator] stating that we need | | | |

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| | <p>to end the assignment of [Outside Day Program Staff #1] as he was in the woman's restroom with a consumer. I asked her if she wanted me to come and get him out. She said that she would be sending him over to staffing office. [Outside Day Program Staff #1] did not show up. I saw him out by the fence so I went out to get him and told him I needed him to come to my office. I asked him what happened. He said that he and [client A] had exchanged phone numbers about a week ago. He stated that [client A] asked him to go into the woman's restroom today to talk. He knew he shouldn't have done it but he did. He stated that they only hugged; there was no inappropriate behavior. I asked him several times in several different ways. Each time he denied anything other than the hug took place. He was embarrassed to come out of the restroom because he knew he shouldn't have been there. [Outside Day Program Staff #1] came out when [Outside Day Program Staff #2] went in and told him to come out. He stated he was sorry, he knew it was wrong. He knew he had flaw (sic). He understands the termination and the fact that he is not eligible to use our service again....[Facility Behavior Specialist] interview: [Client A] spoke with [BS] on the drive home about the incident. [Client A] told [BS] this was not the first</p> | | | | | | |

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| | <p>encounter with [Day Program Staff #1]. [BS] (sic) and [Outside Day Program Staff #1] planned to meet in the bathroom approximately two weeks ago on a Wednesday. They discussed the meeting and agreed [client A] would enter the bathroom first. [Outside Day Program Staff #1] would follow her in. He helped her take her pants off. He remained fully clothed. [Client A] confirmed to [BS] that [Outside Day Program Staff #1] penetrated her. She dressed and returned to work. On this date, they carried out the same plan. [Client A] stated they both took off their pants and they succeeded in having intercourse...[Client A] indicated they did not use protection....Findings: Substantiated, the findings support the event/allegation as described. Summary and Determination of Investigation: Evidence supports the allegation of sexual misconduct. [Client A]'s statement to her Behavior Consultant, [client A] and [Outside Day Program Staff #1] planned and met on at least two separate occasions in the ladies bathroom to have intercourse...[Outside Day Program Staff #1] was a contracted temporary worker. He was informed that there should be no inappropriate contact with consumers, he also signed a document stating he understood and agreed. He understands the termination and the fact that he is not eligible to use</p> | | | | |

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| | <p>our service again....Corrective Action to be taken: [Outside Day Program Staff #1] was terminated immediately and will not be eligible to use the [Day Program] placement service again. [Client A] was informed the work site is not the appropriate place for sexual encounters."</p> <p>A review of the facility's records was conducted at the facility's administrative office on 11/25/14 at 1:30 P.M.. Review of the facility's "Policy and Procedure Concerning Abuse, Neglect and Exploitation", dated 2/27/14, indicated, in part, the following: "Dungarvin believes that each individual has the right to be free from mental, emotional and physical abuse in his/her daily life....Abuse, neglect or exploitation of the individuals' served is strictly prohibited in any Dungarvin service delivery setting....Physical abuse is defined as any act which constitutes a violation of the assault, prostitution or criminal sexual conduct statues including intentionally touching another person in a rude, insolent or angry manner, willful infliction of injury, unauthorized restraint/confinement resulting from physical or chemical intervention....Emotional/verbal abuse is defined as non-therapeutic conduct which produces or could reasonably be expected to produce pain or injury and is not</p> | | | | |

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| | <p>accidental, or any repeated conduct which produces or could reasonably be expected to produce mental or emotional distress, including communicating with words or actions in a individual's presence with intent to cause fear of retaliation, fear of confinement or restraint, cause an individual to experience emotional humiliation or distress...Neglect is defined as failure to provide appropriate care, supervision, or training, failure to provide food and medical services as needed, failure to provide a safe, clean and sanitary environment and failure to provide medical supplies/safety equipment as indicated in the individual's Individual Support Plan (ISP)...The Supervisor, or Program Coordinator/Senior Director, or his/her delegate will conduct a thorough investigation of the reported incident. The investigation will include the following:</p> <ol style="list-style-type: none"> 1. Review of witnesses. 2. Any evidence or previous abuse or neglect. 3. All other evidence to determine the veracity and seriousness of the charge. <p>...The facility investigation will be completed within five (5) business days, and a summary of results of the investigation will be forwarded to the administrator within five (5) business</p> | | | |

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| | <p>days of the incident."</p> <p>An interview with the Behavior Specialist (BS) and Group Home Manager (GHM) was conducted on 11/25/14 at 2:15 P.M.. The BS indicated staff should follow the facility's abuse/neglect policy. The BS indicated clients should be free of sexual abuse. The BS indicated the facility did not conduct an investigation in regard to the incident of sexual abuse and the neglect of the outside day program to administer client A's prescribed medication. The BS indicated she did not know the facility needed to conduct an investigation in regard to the incidents. The BS indicated she made the outside day program aware of her having concerns in regard to the day program staff's inappropriate interactions with client A. The BS indicated when she observed client A at the outside day program, day program staff #1 would be observed in client A's work area instead of his assigned work area communicating with client A. The BS indicated the outside day program should supervise client A at all times while at the outside day program. The GHM indicated the staff was terminated for sleeping during the overnight asleep shift and further indicated group home staff should be up monitoring clients at all times. There was no Qualified</p> | | | | |

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| W000154 | <p>Intellectual Disabilities Professional (QIDP) available for interview.</p> <p>This federal tag relates to complaint #IN00159794.</p> <p>9-3-2(a)</p> <p>483.420(d)(3) STAFF TREATMENT OF CLIENTS The facility must have evidence that all alleged violations are thoroughly investigated.</p> | | | |

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| | <p>Based on record review and interview, the facility failed for 1 of 1 incident of sexual abuse involving 1 of 2 sampled clients (client A), to provide evidence a thorough investigation was completed.</p> <p>Findings include:</p> <p>A review of the facility's Bureau of Developmental Disabilities Services reports (BDDS), Internal Reports (IR) and investigation records was conducted on 11/25/14 at 10:30 A.M.. Review of the reports indicated:</p> <p>-BDDS report dated 11/19/14 at the outside day program involving client A indicated: "[Client A] was found to be sharing a bathroom stall with [Outside day program staff], a temporary worker at the workshop. [Client A] had not returned from her fifteen minute 10:45 A.M. break. [Case Coordinator #1] was looking for her. [Case Coordinator #1] stepped into the women's bathroom in the main hallway near the adult services office and noticed two sets of feet in the larger stall. [Case Coordinator #1] stepped out of the bathroom and radioed to [Production Supervisor] that she had been found. [Case Coordinator #1] asked [Production Supervisor] if [Outside day program staff] was in his work area.</p> | W000154 | <p>W 154 483.420(d)(3) STAFF TREATMENT OF CLIENTS</p> <p>In conjunction with the Plans of Correction for W102, W104, W120, W122, W149, W157, W159, W210, and W227 the House Manager, QDDP, Nurse, and Behaviorist will review this Standard. The House Manager, QDDP, Nurse, and Behaviorist have been retrained on this Standard. Dungarvin has written policies and procedures that prohibit mistreatment, neglect, or abuse of our Individuals Served. The Individual's IDT met with the Individual's day program to discuss and address the Individual's needs in regards to supervision while at their day program, to prevent any further abuse/neglect. The day program agreed to provide line-of-sight supervision at all times while she is at the day program. Furthermore, the day program agreed that a staff person will walk her to the bathroom, ensure no unauthorized Individuals or staff are in the bathroom before she enters, then wait until the Individual exits to ensure no abuse/neglect occurs. The day program has agreed to immediately notify the facility of any actual or suspected abuse/neglect/exploitation of the agency's Individuals while they are at the day program. The agency will then immediately put protective measures in place to</p> | 01/04/2015 | | | |

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| | <p>[Production Supervisor] stated he was not. [Case Coordinator #1] stepped back into the women's bathroom. [Client A] was still in the larger staff (sic) and [Day program staff] was in the smaller stall. [Case Coordinator #1] heard [Day program staff] tell [client A] 'I'm gonna stay in here till the coast is clear. Tell me when the coast is clear.' [Client A] exited the stall and bathroom. She spoke with [Case Coordinator #2] prior to returning to work. [Case Coordinator #1] returned to the workshop." Review of the record indicated client A admitted she and the day program staff had sexual encounters on two separate occasions. Review of the report indicated the outside day program staff was terminated immediately.</p> <p>Further review of the record failed to indicate the facility conducted an investigation in regard to the allegation of sexual abuse.</p> <p>A request for written documentation to indicate the facility conducted an investigation in regard to the incident of sexual abuse while attending the outside day program was made on 11/25/14 at 11:15 A.M.. No written documentation was submitted for review to indicate the facility conducted an investigation in regard to this allegation of sexual abuse.</p> | | <p>ensure the Individual's safety and conduct an investigation into the event. The QDDP will then coordinate a meeting with the Individual's IDT to discuss the incident, develop and implement sufficient/effective corrective measures to ensure no future incidents. The needs of all of the facility's Individuals served who attend an outside day program have been reviewed by the IDT to ensure these needs are currently being met by the outside day program. An MAR, medications, and Physician's order will be provided to the day program each month for any Individual who takes medications while at the day program. The agency/facility Nurse will monitor this MAR at least monthly to ensure all medications are administered according to Dr.'s orders. The day program has agreed to administer all medications per Dr.'s orders and promptly notify the facility Nurse in the event of a medication error. The facility will promptly conduct an investigation into any medication error that occurs at the day program, in order to ensure sufficient corrective action is implemented to avoid any future errors. The day program has agreed to provide the agency a written agreement to indicate what services will be provided to each Individual attending the day program.</p> | | | | |

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| | <p>An interview with the Behavior Specialist (BS) and Group Home Manager (GHM) was conducted on 11/25/14 at 2:15 P.M.. The Behavior Specialist (BS) indicated the facility did not conduct an investigation in regard to the incident of sexual abuse. The BS indicated she did not know an investigation should be conducted since the outside day program conducted an investigation. When asked if the facility participated in conducting the investigation, the BS indicated they did not participated in conducting the investigation. When asked if the facility had the written investigation record from the outside day program to indicate a thorough investigation had been conducted, the BS indicated they did not have any written documentation to indicate the outside day program had conducted a thorough investigation.</p> <p>This federal tag relates to complaint #IN00159794.</p> <p>9-3-2(a)</p> | | <p>Beginning 12/6/14 and continuing through 12/20/14, the QDDP, Behaviorist, and/or House Manager will observe the Individual at the outside day program at least weekly (the Individual attends three times per week) to ensure her identified needs are being met, all medications are being administered per Dr.'s orders and documented on the MAR. Once compliance is demonstrated, the Individual will be observed at least every other week and the MAR checked by the Nurse at least monthly.</p> <p>Will be completed by: 1/4/15</p> <p>Persons Responsible: Area Director, House Manager, Nurse, Behaviorist, and QDDP</p> | | |

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| W000157 | <p>483.420(d)(4) STAFF TREATMENT OF CLIENTS If the alleged violation is verified, appropriate corrective action must be taken. Based on record review and interview, for 1 of 2 sampled clients (client A), the facility failed to put sufficient/effective corrective measures in place to prevent sexual abuse.</p> <p>Findings include:</p> <p>A review of the facility's Bureau of Developmental Disabilities Services reports (BDDS), Internal Reports (IR) and investigation records was conducted on 11/25/14 at 10:30 A.M.. Review of the reports indicated:</p> <p>-BDDS report dated 11/19/14 at the outside day program involving client A indicated: "[Client A] was found to be sharing a bathroom stall with [Outside day program staff], a temporary worker at the workshop. [Client A] had not returned from her fifteen minute 10:45 A.M. break. [Case Coordinator #1] was looking for her. [Case Coordinator #1] stepped into the women's bathroom in the</p> | W000157 | <p>W 157 483.420(d)(4) STAFF TREATMENT OF CLIENTS</p> <p>In conjunction with the Plans of Correction for W102, W104, W120, W122, W149, W154, W159, W210, and W227 the House Manager, QDDP, Nurse, and Behaviorist will review this Standard. The House Manager, QDDP, Nurse, and Behaviorist have been retrained on this Standard. Dungarvin has written policies and procedures that prohibit mistreatment, neglect, or abuse of our Individuals Served. The Individual's IDT met with the Individual's day program to discuss and address the Individual's needs in regards to supervision while at their day program, to prevent any further abuse/neglect. The day program agreed to provide line-of-sight supervision at all times while she is at the day program. Furthermore, the day program agreed that a staff person will walk her to the bathroom, ensure no unauthorized Individuals</p> | 01/04/2015 |
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| | <p>main hallway near the adult services office and noticed two sets of feet in the larger stall. [Case Coordinator #1] stepped out of the bathroom and radioed to [Production Supervisor] that she had been found. [Case Coordinator #1] asked [Production Supervisor] if [Outside Day Program Staff #1] was in his work area. [Production Supervisor] stated he was not. [Case Coordinator #1] stepped back into the women's bathroom. [Client A] was still in the larger staff (sic) and [Outside Day Program Staff #1] was in the smaller stall. [Case Coordinator #1] heard [Outside Day Program Staff #1] tell [client A] 'I'm gonna stay in here till the coast is clear. Tell me when the coast is clear.' [Client A] exited the stall and bathroom. She spoke with [Case Coordinator #2] prior to returning to work. [Case Coordinator #1] returned to the workshop."</p> <p>Review of the outside day program's "Investigation Summary" dated 11/19/14 was conducted on 11/26/14 at 11:00 A.M.. Review of the record indicated: "...Allegation/Incident: Sexual misconduct. On 11/19/14 at 11:30 A.M. [Client A] was found to be sharing a bathroom stall with [Outside Day Program Staff #1], a temporary worker at the workshop. Location of alleged incident: [Outside Day Program]</p> | | <p>or staff are in the bathroom before she enters, then wait until the Individual exits to ensure no abuse/neglect occurs. The day program has agreed to immediately notify the facility of any actual or suspected abuse/neglect/exploitation of the agency's Individuals while they are at the day program. The agency will then immediately put protective measures in place to ensure the Individual's safety and conduct an investigation into the event. The QDDP will then coordinate a meeting with the Individual's IDT to discuss the incident, develop and implement sufficient/effective corrective measures to ensure no future incidents. The needs of all of the facility's Individuals served who attend an outside day program have been reviewed by the IDT to ensure these needs are currently being met by the outside day program. An MAR, medications, and Physician's order will be provided to the day program each month for any Individual who takes medications while at the day program. The agency/facility Nurse will monitor this MAR at least monthly to ensure all medications are administered according to Dr.'s orders. The day program has agreed to administer all medications per Dr.'s orders and promptly notify the facility Nurse in the event of a medication error. The facility will promptly conduct an investigation into any medication error that occurs at the day program,</p> | | | | |

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| | women's bathroom in the main hallway near the adult services office...Interview with [Case Coordinator #1]: [Client A] was found to be sharing a bathroom stall with [Outside day program staff], a temporary worker at the workshop. [Client A] had not returned from her fifteen minute 10:45 A.M. break. [Case Coordinator #1] was looking for her. [Case Coordinator #1] stepped into the women's bathroom in the main hallway near the adult services office and noticed two sets of feet in the larger stall. [Case Coordinator #1] stepped out of the bathroom and radioed to [Production Supervisor] that she had been found. [Case Coordinator #1] asked [Production Supervisor] if [Outside day program staff] was in his work area. [Production Supervisor] stated he was not. [Case Coordinator #1] stepped back into the women's bathroom. [Client A] was still in the larger staff (sic) and [Day program staff] was in the smaller stall. [Case Coordinator #1] heard [Outside Day Program Staff #1] tell [client A] 'I'm gonna stay in here till the coast is clear. Tell me when the coast is clear.' [Client A] exited the stall and bathroom. She spoke with [Case Coordinator #2] prior to returning to work. [Case Coordinator #1] returned to the workshop....Interview with [Office Manager]: I received a call from [Investigator] stating that we need | | in order to ensure sufficient corrective action is implemented to avoid any future errors. The day program has agreed to provide the agency a written agreement to indicate what services will be provided to each Individual attending the day program. Beginning 12/6/14 and continuing through 12/20/14, the QDDP, Behaviorist, and/or House Manager will observe the Individual at the outside day program at least weekly (the Individual attends three times per week) to ensure her identified needs are being met, all medications are being administered per Dr.'s orders and documented on the MAR. Once compliance is demonstrated, the Individual will be observed at least every other week and the MAR checked by the Nurse at least monthly. Will be completed by: 1/4/15 Persons Responsible: Area Director, House Manager, Nurse, Behaviorist, and QDDP | | |

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| | <p>to end the assignment of [Outside Day Program Staff #1] as he was in the woman's restroom with a consumer. I asked her if she wanted me to come and get him out. She said that she would be sending him over to staffing office. [Outside Day Program Staff #1] did not show up. I saw him out by the fence so I went out to get him and told him I needed him to come to my office. I asked him what happened. He said that he and [client A] had exchanged phone numbers about a week ago. He stated that [client A] asked him to go into the woman's restroom today to talk. He knew he shouldn't have done it but he did. He stated that they only hugged; there was no inappropriate behavior. I asked him several times in several different ways. Each time he denied anything other than the hug took place. He was embarrassed to come out of the restroom because he knew he shouldn't have been there. [Outside Day Program Staff #1] came out when [Outside Day Program Staff #2] went in and told him to come out. He stated he was sorry, he knew it was wrong. He knew he had flaw (sic). He understands the termination and the fact that he is not eligible to use our service again....[Facility Behavior Specialist] interview: [Client A] spoke with [BS] on the drive home about the incident. [Client A] told [BS] this was not the first</p> | | | | | | |

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| | <p>encounter with [Day Program Staff #1]. [BS] (sic) and [Outside Day Program Staff #1] planned to meet in the bathroom approximately two weeks ago on a Wednesday. They discussed the meeting and agreed [client A] would enter the bathroom first. [Outside Day Program Staff #1] would follow her in. He helped her take her pants off. He remained fully clothed. [Client A] confirmed to [BS] that [Outside Day Program Staff #1] penetrated her. She dressed and returned to work. On this date, they carried out the same plan. [Client A] stated they both took off their pants and they succeeded in having intercourse...[Client A] indicated they did not use protection....Findings: Substantiated, the findings support the event/allegation as described. Summary and Determination of Investigation: Evidence supports the allegation of sexual misconduct. [Client A]'s statement to her Behavior Consultant, [client A] and [Outside Day Program Staff #1] planned and met on at least two separate occasions in the ladies bathroom to have intercourse...[Outside Day Program Staff #1] was a contracted temporary worker. He was informed that there should be no inappropriate contact with consumers, he also signed a document stating he understood and agreed. He understands the termination and the fact that he is not eligible to use</p> | | | |

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| | <p>our service again....Corrective Action to be taken: [Outside Day Program Staff #1] was terminated immediately and will not be eligible to use the [Day Program] placement service again. [Client A] was informed the work site is not the appropriate place for sexual encounters."</p> <p>A review of client A's record was conducted on 11/25/14 at 1:30 P.M.. Client A's Individual Program Plan (IPP) and Behavioral Support Plan (BSP) dated 9/11/14 failed to address sexual behavior. Further review of the records failed to indicate the facility put measures in place to prevent/protect client A from sexual abuse. Review of the record failed to indicate client A's BSP had been reviewed and addressed her sexual behaviors with others.</p> <p>An interview with the Behavior Specialist (BS) and Group Home Manager (GHM) was conducted on 11/25/14 at 2:15 P.M.. The Behavior Specialist (BS) indicated the facility did not review client A's IPP and BSP to address and prevent recurrence of sexual abuse. The BS further indicated client A's IPP and BSP did not address her sexual behaviors. The BS indicated the facility did not take client A to the physician after the incident to test for Sexually Transmitted Diseases (STDs) or</p> | | | |
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| W000159 | <p>pregnancy because client A received the birth control shot.</p> <p>This federal tag relates to complaint #IN00159794.</p> <p>9-3-2(a)</p> <p>483.430(a) QUALIFIED MENTAL RETARDATION PROFESSIONAL Each client's active treatment program must be integrated, coordinated and monitored by a qualified mental retardation professional. Based on record review and interview, the PD/Qualified Intellectual Disabilities Professional (PD/QIDP) failed for 1 of 2 sampled clients (client A), to coordinate with the Inter Disciplinary Team (IDT) and review incidents of sexual abuse and</p> | W000159 | <p>W 159 483.430(a) QUALIFIED MENTAL RETARDATION PROFESSIONAL</p> <p>In conjunction with the Plans of</p> | 01/04/2015 |
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| | <p>to complete assessments for client A.</p> <p>Findings include:</p> <p>A review of the facility's Bureau of Developmental Disabilities Services (BDDS) reports, Internal Reports (IR) and investigations was conducted on 11/25/14 at 10:30 A.M.. Review of the records indicated:</p> <p>-BDDS report dated 11/19/14 at the outside day program involving client A indicated: "[Client A] was found to be sharing a bathroom stall with [Outside day program staff], a temporary worker at the workshop. [Client A] had not returned from her fifteen minute 10:45 A.M. break. [Case Coordinator #1] was looking for her. [Case Coordinator #1] stepped into the women's bathroom in the main hallway near the adult services office and noticed two sets of feet in the larger stall. [Case Coordinator #1] stepped out of the bathroom and radioed to [Production Supervisor] that she had been found. [Case Coordinator #1] asked [Production Supervisor] if [Outside Day Program Staff #1] was in his work area. [Production Supervisor] stated he was not. [Case Coordinator #1] stepped back into the women's bathroom. [Client A] was still in the larger staff (sic) and [Outside Day Program Staff #1] was in</p> | | <p>Correction for W102, W104, W120, W122, W149, W154, W157, W210, and W227 the House Manager, QDDP, Nurse, and Behaviorist will review this Standard. The House Manager, QDDP, Nurse, and Behaviorist have been retrained on this Standard. The QDDP has completed all missing assessments for the Individual and reviewed the other Individuals' assessments to ensure they are complete, thorough, and accurate. Dungarvin has written policies and procedures that prohibit mistreatment, neglect, or abuse of our Individuals Served. The Individual's IDT met with the Individual's day program to discuss and address the Individual's needs in regards to supervision while at their day program, to prevent any further abuse/neglect. The day program agreed to provide line-of-sight supervision at all times while she is at the day program. Furthermore, the day program agreed that a staff person will walk her to the bathroom, ensure no unauthorized Individuals or staff are in the bathroom before she enters, then wait until the Individual exits to ensure no abuse/neglect occurs. The day program has agreed to immediately notify the facility of any actual or suspected abuse/neglect/exploitation of the agency's Individuals while they are at the day program. The agency will then immediately put protective measures in place to ensure the Individual's safety and conduct an investigation into the</p> | | |

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| | <p>the smaller stall. [Case Coordinator #1] heard [Outside Day Program Staff #1] tell [client A] 'I'm gonna stay in here till the coast is clear. Tell me when the coast is clear.' [Client A] exited the stall and bathroom. She spoke with [Case Coordinator #2] prior to returning to work. [Case Coordinator #1] returned to the workshop."</p> <p>A request for the outside day programs investigation was made on 11/25/14 at 1:00 P.M.. The facility did not have any documentation to indicate an investigation was conducted by the outside day program. The Behavior Specialist contacted the outside day program and requested written documentation to indicate an investigation was conducted.</p> <p>The facility provided written documentation to indicate the outside day program conducted an investigation on 11/26/14 at 8:26 A.M. via electronic mail. Review of the outside day program's "Investigation Summary" dated 11/19/14 was conducted on 11/26/14 at 9:30 A.M.. Review of the record indicated: "...Allegation/Incident: Sexual misconduct. On 11/19/14 at 11:30 A.M. [Client A] was found to be sharing a bathroom stall with [Outside Day Program Staff #1], a temporary</p> | | <p>event. The QDDP will then coordinate a meeting with the Individual's IDT to discuss the incident, develop and implement sufficient/effective corrective measures to ensure no future incidents. The needs of all of the facility's Individuals served who attend an outside day program have been reviewed by the IDT to ensure these needs are currently being met by the outside day program. An MAR, medications, and Physician's order will be provided to the day program each month for any Individual who takes medications while at the day program. The agency/facility Nurse will monitor this MAR at least monthly to ensure all medications are administered according to Dr.'s orders. The day program has agreed to administer all medications per Dr.'s orders and promptly notify the facility Nurse in the event of a medication error. The facility will promptly conduct an investigation into any medication error that occurs at the day program, in order to ensure sufficient corrective action is implemented to avoid any future errors. The day program has agreed to provide the agency a written agreement to indicate what services will be provided to each Individual attending the day program.</p> <p>Beginning 12/6/14 and continuing through 12/20/14, the QDDP,</p> | | | | |

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| | <p>worker at the workshop. Location of alleged incident: [Outside Day Program] women's bathroom in the main hallway near the adult services office...Interview with [Case Coordinator #1]: [Client A] was found to be sharing a bathroom stall with [Outside day program staff], a temporary worker at the workshop. [Client A] had not returned from her fifteen minute 10:45 A.M. break. [Case Coordinator #1] was looking for her. [Case Coordinator #1] stepped into the women's bathroom in the main hallway near the adult services office and noticed two sets of feet in the larger stall. [Case Coordinator #1] stepped out of the bathroom and radioed to [Production Supervisor] that she had been found. [Case Coordinator #1] asked [Production Supervisor] if [Outside day program staff] was in his work area. [Production Supervisor] stated he was not. [Case Coordinator #1] stepped back into the women's bathroom. [Client A] was still in the larger staff (sic) and [Day program staff] was in the smaller stall. [Case Coordinator #1] heard [Outside Day Program Staff #1] tell [client A] 'I'm gonna stay in here till the coast is clear. Tell me when the coast is clear.' [Client A] exited the stall and bathroom. She spoke with [Case Coordinator #2] prior to returning to work. [Case Coordinator #1] returned to the workshop....Interview</p> | | <p>Behaviorist, and/or House Manager will observe the Individual at the outside day program at least weekly (the Individual attends three times per week) to ensure her identified needs are being met, all medications are being administered per Dr.'s orders and documented on the MAR. Once compliance is demonstrated, the Individual will be observed at least every other week and the MAR checked by the Nurse at least monthly. Ongoing, all assessments will be reviewed at least annually by the QDDP and revised as needed throughout the year based on IDT discussion/review.</p> <p>Will be completed by: 1/4/15</p> <p>Persons Responsible: Area Director, House Manager, Nurse, Behaviorist, and QDDP</p> | | |

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| | <p>with [Office Manager]: I received a call from [Investigator] stating that we need to end the assignment of [Outside Day Program Staff #1] as he was in the woman's restroom with a consumer. I asked her if she wanted me to come and get him out. She said that she would be sending him over to staffing office. [Outside Day Program Staff #1] did not show up. I saw him out by the fence so I went out to get him and told him I needed him to come to my office. I asked him what happened. He said that he and [client A] had exchanged phone numbers about a week ago. He stated that [client A] asked him to go into the woman's restroom today to talk. He knew he shouldn't have done it but he did. He stated that they only hugged; there was no inappropriate behavior. I asked him several times in several different ways. Each time he denied anything other than the hug took place. He was embarrassed to come out of the restroom because he knew he shouldn't have been there. [Outside Day Program Staff #1] came out when [Outside Day Program Staff #2] went in and told him to come out. He stated he was sorry, he knew it was wrong. He knew he had flaw (sic). He understands the termination and the fact that he is not eligible to use our service again....[Facility Behavior Specialist] interview: [Client A] spoke with [BS]</p> | | | | | | |

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| | <p>on the drive home about the incident. [Client A] told [BS] this was not the first encounter with [Day Program Staff #1]. [BS] (sic) and [Outside Day Program Staff #1] planned to meet in the bathroom approximately two weeks ago on a Wednesday. They discussed the meeting and agreed [client A] would enter the bathroom first. [Outside Day Program Staff #1] would follow her in. He helped her take her pants off. He remained fully clothed. [Client A] confirmed to [BS] that [Outside Day Program Staff #1] penetrated her. She dressed and returned to work. On this date, they carried out the same plan. [Client A] stated they both took off their pants and they succeeded in having intercourse....[Client A] indicated they did not use protection....Findings: Substantiated, the findings support the event/allegation as described. Summary and Determination of Investigation: Evidence supports the allegation of sexual misconduct. [Client A]'s statement to her Behavior Consultant, [client A] and [Outside Day Program Staff #1] planned and met on at least two separate occasions in the ladies bathroom to have intercourse...[Outside Day Program Staff #1] was a contracted temporary worker. He was informed that there should be no inappropriate contact with consumers, he also signed a document stating he understood and</p> | | | | |

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| | <p>agreed. He understands the termination and the fact that he is not eligible to use our service again....Corrective Action to be taken: [Outside Day Program Staff #1] was terminated immediately and will not be eligible to use the [Day Program] placement service again. [Client A] was informed the work site is not the appropriate place for sexual encounters."</p> <p>A review of client A's record was conducted on 11/25/14 at 1:30 P.M.. Client A's Individual Program Plan (IPP) and Behavioral Support Plan (BSP) dated 9/11/14 failed to address sexual behavior. Further review of the records failed to indicate the facility put measures in place to prevent/protect client A from sexual abuse. Review of the record failed to indicate client A's BSP had been reviewed and addressed her sexual behaviors with others. The record failed to indicate the facility completed assessments for client A.</p> <p>Further review of the records failed to indicate the PD/QIDP coordinated with client A's IDT to review, address and put measures in place to protect client A from sexual abuse. The record failed to indicate the PD/QIDP ensured the facility completed a "Comprehensive Functional Assessment" for client A.</p> | | | | |

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| W000210 | <p>An interview with the Behavior Specialist (BS) and Group Home Manager (GHM) was conducted on 11/25/14 at 2:15 P.M.. The BS and GHM indicated they had not coordinated with client A's IDT to review, address and put measures in place to protect client A from sexual abuse. The BS and GHM further indicated there was no written documentation available for review to indicate assessments were completed for client A.</p> <p>This federal tag relates to complaint #IN00159794.</p> <p>9-3-3(a)</p> <p>483.440(c)(3) INDIVIDUAL PROGRAM PLAN Within 30 days after admission, the interdisciplinary team must perform accurate assessments or reassessments as needed to supplement the preliminary evaluation conducted prior to admission.</p> <p>Based on record review and interview for</p> | W000210 | W 210 483.440(c) INDIVIDUAL PROGRAM PLAN | 01/04/2015 | | | |

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| | <p>1 of 2 sampled clients (client A), the facility failed to ensure a Comprehensive Functional Assessment (CFA) was completed.</p> <p>Findings include:</p> <p>A review of client A's record was conducted on 11/25/14 at 1:30 P.M.. Review of client A's record indicated she resided at the group home over 30 days. The record failed to indicate a Comprehensive Functional Assessment (CFA).</p> <p>An interview with the Behavior Specialist (BS), Group Home Manager (GHM) and facility nurse was conducted on 11/25/14 at 2:15 P.M.. The BS, GHM and facility nurse indicated client A did not have a CFA in their record. No further documentation was available for review to indicate client A had a completed CFA.</p> <p>This federal tag relates to complaint #IN00159794.</p> <p>9-3-4(a)</p> | | <p>In conjunction with the Plans of Correction for W102, W104, W120, W122, W149, W154, W157, W159, and W227 the House Manager, QDDP, Nurse, and Behaviorist will review this Standard. The House Manager, QDDP, Nurse, and Behaviorist have been retrained on this Standard. The QDDP has completed all missing assessments for the Individual, including their Comprehensive Functional Assessment (CFA), and reviewed the other Individuals' assessments to ensure they are complete, thorough, and accurate.</p> <p>Ongoing, all required assessments will be reviewed at least annually by the QDDP and revised as needed throughout the year based on IDT discussion/review, or change in status.</p> <p>Will be completed by: 1/4/15</p> <p>Persons Responsible: Area Director, House Manager, Nurse, Behaviorist, and QDDP</p> | | |

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| W000227 | <p>483.440(c)(4) INDIVIDUAL PROGRAM PLAN The individual program plan states the specific objectives necessary to meet the client's needs, as identified by the comprehensive assessment required by paragraph (c)(3) of this section.</p> <p>Based on record review and interview, the facility failed for 1 of 2 sampled clients (client A), to ensure protective/preventive measures and teaching/training programs for sexual awareness were included in client A's Individual Program Plan (IPP) and Behavioral Support Plan (BSP).</p> <p>Findings include:</p> <p>A review of the facility's Bureau of Developmental Disabilities Services reports (BDDS), Internal Reports (IR) and investigation records was conducted on 11/25/14 at 10:30 A.M.. Review of the reports indicated:</p> <p>-BDDS report dated 11/19/14 at the outside day program involving client A indicated: "[Client A] was found to be sharing a bathroom stall with [Outside day program staff], a temporary worker at the workshop. [Client A] had not returned from her fifteen minute 10:45 A.M. break. [Case Coordinator #1] was looking for her. [Case Coordinator #1]</p> | W000227 | <p>W 227 483.440(c)(4) INDIVIDUAL PROGRAM PLAN</p> <p>In conjunction with the Plans of Correction for W102, W104, W120, W122, W149, W154, W157, W159, and W210 the House Manager, QDDP, Nurse, and Behaviorist will review this Standard. The House Manager, QDDP, Nurse, and Behaviorist have been retrained on this Standard. The QDDP and Behaviorist have completed the teaching/training programs for the Individual regarding sexual awareness to ensure protective/preventative measures are in place; these plans are in their ISP and BSP. All missing assessments for the Individual, including their Comprehensive Functional Assessment (CFA), have been completed and reviewed. All other Individuals' assessments have been reviewed by the QDDP, Behaviorist, and Nurse, to ensure they are complete, thorough, and accurate. All identified needs revealed through the assessments are addressed in either the Individuals' ISP, BSP, or both.</p> | 01/04/2015 | | | |

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| | <p>stepped into the women's bathroom in the main hallway near the adult services office and noticed two sets of feet in the larger stall. [Case Coordinator #1] stepped out of the bathroom and radioed to [Production Supervisor] that she had been found. [Case Coordinator #1] asked [Production Supervisor] if [Outside Day Program Staff #1] was in his work area. [Production Supervisor] stated he was not. [Case Coordinator #1] stepped back into the women's bathroom. [Client A] was still in the larger staff (sic) and [Outside Day Program Staff #1] was in the smaller stall. [Case Coordinator #1] heard [Outside Day Program Staff #1] tell [client A] 'I'm gonna stay in here till the coast is clear. Tell me when the coast is clear.' [Client A] exited the stall and bathroom. She spoke with [Case Coordinator #2] prior to returning to work. [Case Coordinator #1] returned to the workshop."</p> <p>Review of the outside day program's "Investigation Summary" dated 11/19/14 was conducted on 11/26/14 at 11:00 A.M.. Review of the record indicated: "...Allegation/Incident: Sexual misconduct. On 11/19/14 at 11:30 A.M. [Client A] was found to be sharing a bathroom stall with [Outside Day Program Staff #1], a temporary worker at the workshop. Location of alleged</p> | | <p>Ongoing, all required assessments will be reviewed at least annually by the QDDP and revised as needed throughout the year based on IDT discussion/review, or change in status.</p> <p>Will be completed by: 1/4/15</p> <p>Persons Responsible: Area Director, House Manager, Nurse, Behaviorist, and QDDP</p> | | | | |

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| | <p>incident: [Outside Day Program] women's bathroom in the main hallway near the adult services office...Interview with [Case Coordinator #1]: [Client A] was found to be sharing a bathroom stall with [Outside day program staff], a temporary worker at the workshop. [Client A] had not returned from her fifteen minute 10:45 A.M. break. [Case Coordinator #1] was looking for her. [Case Coordinator #1] stepped into the women's bathroom in the main hallway near the adult services office and noticed two sets of feet in the larger stall. [Case Coordinator #1] stepped out of the bathroom and radioed to [Production Supervisor] that she had been found. [Case Coordinator #1] asked [Production Supervisor] if [Outside day program staff] was in his work area. [Production Supervisor] stated he was not. [Case Coordinator #1] stepped back into the women's bathroom. [Client A] was still in the larger staff (sic) and [Day program staff] was in the smaller stall. [Case Coordinator #1] heard [Outside Day Program Staff #1] tell [client A] 'I'm gonna stay in here till the coast is clear. Tell me when the coast is clear.' [Client A] exited the stall and bathroom. She spoke with [Case Coordinator #2] prior to returning to work. [Case Coordinator #1] returned to the workshop....Interview with [Office Manager]: I received a call</p> | | | | | | |

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| | <p>from [Investigator] stating that we need to end the assignment of [Outside Day Program Staff #1] as he was in the woman's restroom with a consumer. I asked her if she wanted me to come and get him out. She said that she would be sending him over to staffing office. [Outside Day Program Staff #1] did not show up. I saw him out by the fence so I went out to get him and told him I needed him to come to my office. I asked him what happened. He said that he and [client A] had exchanged phone numbers about a week ago. He stated that [client A] asked him to go into the woman's restroom today to talk. He knew he shouldn't have done it but he did. He stated that they only hugged; there was no inappropriate behavior. I asked him several times in several different ways. Each time he denied anything other than the hug took place. He was embarrassed to come out of the restroom because he knew he shouldn't have been there. [Outside Day Program Staff #1] came out when [Outside Day Program Staff #2] went in and told him to come out. He stated he was sorry, he knew it was wrong. He knew he had flaw (sic). He understands the termination and the fact that he is not eligible to use our service again....[Facility Behavior Specialist] interview: [Client A] spoke with [BS] on the drive home about the incident.</p> | | | | | | |

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| STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION | X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 15G757 | X2) MULTIPLE CONSTRUCTION A. BUILDING 00 B. WING _____ | X3) DATE SURVEY COMPLETED 12/05/2014 |
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| | <p>[Client A] told [BS] this was not the first encounter with [Day Program Staff #1]. [BS] (sic) and [Outside Day Program Staff #1] planned to meet in the bathroom approximately two weeks ago on a Wednesday. They discussed the meeting and agreed [client A] would enter the bathroom first. [Outside Day Program Staff #1] would follow her in. He helped her take her pants off. He remained fully clothed. [Client A] confirmed to [BS] that [Outside Day Program Staff #1] penetrated her. She dressed and returned to work. On this date, they carried out the same plan. [Client A] stated they both took off their pants and they succeeded in having intercourse....[Client A] indicated they did not use protection....Findings: Substantiated, the findings support the event/allegation as described. Summary and Determination of Investigation: Evidence supports the allegation of sexual misconduct. [Client A]'s statement to her Behavior Consultant, [client A] and [Outside Day Program Staff #1] planned and met on at least two separate occasions in the ladies bathroom to have intercourse...[Outside Day Program Staff #1] was a contracted temporary worker. He was informed that there should be no inappropriate contact with consumers, he also signed a document stating he understood and agreed. He understands the termination</p> | | | |
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| | <p>and the fact that he is not eligible to use our service again....Corrective Action to be taken: [Outside Day Program Staff #1] was terminated immediately and will not be eligible to use the [Day Program] placement service again. [Client A] was informed the work site is not the appropriate place for sexual encounters."</p> <p>A review of client A's record was conducted on 11/25/14 at 1:30 P.M.. Client A's Individual Program Plan (IPP) and Behavioral Support Plan (BSP) dated 9/11/14 failed to address sexual behavior. Further review of the records failed to indicate the facility put measures in place to prevent/protect client A from sexual abuse. Review of the record failed to indicate client A's BSP had been reviewed and addressed her sexual behaviors with others. Review of the record failed to indicate client A had programs in place to teach sexual awareness on Sexually Transmitted Diseases (STDs), pregnancy and how to prevent sexual abuse.</p> <p>An interview with the Behavior Specialist (BS), Group Home Manager (GHM) and facility nurse was conducted on 11/25/14 at 2:15 P.M.. The BS, GHM and facility nurse indicated client A's Inter Disciplinary Team (IDT) did not address the incident of sexual abuse and</p> | | | |

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| | <p>further indicated the facility did not provide training for client A in regard to sexual awareness to prevent STDs, pregnancy and how to prevent sexual abuse.</p> <p>This federal tag relates to complaint #IN00159794.</p> <p>9-3-4(a)</p> | | | | |