

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

PRINTED: 01/02/2020
FORM APPROVED
OMB NO. 0938-0391

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 15G159	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____ B. WING _____	(X3) DATE SURVEY COMPLETED 12/13/2019
NAME OF PROVIDER OR SUPPLIER RES CARE COMMUNITY ALTERNATIVES SE IN		STREET ADDRESS, CITY, STATE, ZIP CODE 1337 E SOUTHVIEW LN PAOLI, IN 47454		
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W 000	INITIAL COMMENTS This visit was for a focused fundamental recertification and state licensure survey. Dates of Survey: December 9, 10, 11 and 13, 2019. Facility Number: 000695 AIM Number: 100243150 Provider Number: 15G159 These federal deficiencies reflect findings in accordance with 460 IAC 9. Quality Review of this report completed by #15068 on 12/23/19.	W 000		
W 149	STAFF TREATMENT OF CLIENTS CFR(s): 483.420(d)(1) The facility must develop and implement written policies and procedures that prohibit mistreatment, neglect or abuse of the client. This STANDARD is not met as evidenced by: Based on observation, record review, and interview for 1 of 3 sampled clients (client #1), and for 1 of 1 investigation of staff to client verbal/physical abuse, the facility failed to implement their policy/procedure which prohibited abuse/neglect/exploitation of clients by failing to protect client #1 from verbal abuse by staff #10. Findings include: The facility's BDDS/Bureau of Developmental Disabilities Services reports, investigations and incident reports were reviewed on 12/10/19 at 11:30 AM and on 12/11/19 at 1:00 PM and	W 149		

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

TITLE

(X6) DATE

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

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W 149	<p>Continued From page 1 indicated the following:</p> <p>An investigation dated 2/20 to 22/19 indicated an incident of alleged staff to client verbal and physical abuse.</p> <p>"An investigation was initiated after [client #2] reported [staff #10] got in her face and hit her on her left arm while at AATP (alternate active treatment program) on 2/19/2019."</p> <p>Review of the investigation conducted by QAM/Quality Assurance Manager #1 indicated, in part, the allegation of verbal abuse was substantiated and the staff was terminated from employment.</p> <p>Interview with QAM #1 on 12/09/19 at 2:08 PM indicated there had been a substantiated allegation of staff to client abuse. The interview indicated the agency's policies prohibited abuse/neglect/exploitation of clients served.</p> <p>The agency's "Operation Standard Reporting and Investigating Abuse, Neglect, Exploitation, Mistreatment or Violation of an Individual's Rights" dated 7/10/2019 was reviewed on 12/11/19 at 8:30 AM and indicated the agency prohibited, reported, investigated and implemented corrective measures in regards to abuse/neglect/exploitation/mistreatment of the clients it served. The review of the agency's policy indicated, in part, the following:</p> <p>"ResCare staff actively advocate for the rights and safety of all individuals. All allegations or occurrences of abuse, neglect, exploitation, mistreatment or violation of an Individual's rights shall be reported to the appropriate authorities</p>	W 149		

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W 149	<p>Continued From page 2</p> <p>through the appropriate supervisory channels and will be thoroughly investigated under the policies of ResCare, local, state and federal guidelines. Although ResCare staff are instructed and encouraged to use the internal reporting system outlined below, any staff has the right to contact Adult Protective Services directly, should they suspect abuse, neglect, exploitation, mistreatment or violation of an Individual's rights.</p> <p>ResCare strictly prohibits abuse, neglect, exploitation, mistreatment, or violation of an Individual's rights. These include but are not limited to any of the following: corporal punishment i.e. forced physical activity, prone restraints, contingent exercise, hitting, pinching, the application of pain or noxious stimuli, the use of electric shock, the infliction of physical pain, seclusion in an area which exit is prohibited, an example of seclusion is locking an individual in their bedroom and not allowing them to leave, negative practice or overcorrecting, visual or facial screening, verbal abuse including screaming, swearing, name-calling, belittling, damaging an individual's self-respect or dignity, failure to follow physician's orders, denial of sleep, shelter, food, drink, physical movement for prolonged periods of time, Medical treatment or care or use of bathroom facilities. The use of mechanical restraints except for when ordered as a medical restraint by a licensed physician or dentist is strictly prohibited. ResCare strictly prohibits the use of any other technique that incorporates the use of painful or noxious stimuli; incorporates denial of any health-related necessity; or degrades the dignity of an individual. Abuse, neglect, exploitation, mistreatment or violation of an Individual's rights may also be defined as forcing an individual to complete</p>	W 149		

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W 149	<p>Continued From page 3</p> <p>chores benefiting others without pay unless: (A) The Provider has obtained a certificate from the US Department of Labor to authorize employment; (B) The services are being performed in the individual's own home as a normal and customary part of housekeeping duties; or (C) Individual desires to perform volunteer work in the community. This includes that the individual should not be compelled to provide services for a provider, either by request of the provider, enticements or aversive techniques.</p> <p>All employees receive training upon hire regarding definitions/causes of different types of, how to identify and how to report abuse, neglect, exploitation, mistreatment or violation of an Individual's rights, as well as what to expect from an investigation. All employees receive this training upon hire and annually, thereafter.</p> <p>Procedures:</p> <ol style="list-style-type: none"> 1. Any ResCare staff person who suspects an individual is the victim of abuse, neglect, exploitation or mistreatment of an individual should immediately notify the Program Manager, and then complete an Incident Report. The Program Manager will then notify the Executive Director. This step should be done within 24 hours. 2. The Program Manager, or designee, will report the suspected abuse, neglect, exploitation, mistreatment or violations of Individual's rights within 24 hours of the initial report to the appropriate contacts, which may include: <ol style="list-style-type: none"> a. Local law enforcement authority (as applicable) b. Adult # 1-800-992-6978 or Child # 1-800-800-5556 Protective Services 	W 149		

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W 149	<p>Continued From page 4</p> <p>c. Case management services (as applicable/ Find in the ISP)</p> <p>d. The individual's guardian (as applicable/ Find in the ISP)</p> <p>e. The designated person identified by the individual</p> <p>f. Bureau of Developmental Disabilities Service Coordinator # 1-877-218-3061 or</p> <p>g. Division of Disability, Aging, and Rehabilitative Services # 1-800-545-7763</p> <p>3. Any staff person who is suspected of abuse, neglect, exploitation, mistreatment or violation of an Individual's rights toward an individual will be immediately suspended until the allegation can be fully investigated. After the investigation, if the allegation is not substantiated, the employee will be paid for missed scheduled hours.</p> <p>4. The Program Manager will assign an investigative team. A full investigation will be conducted by investigators who have received training from Labor Relations Association and ResCare's internal procedures on investigations. ResCare will not allow for nepotism during the conducting, directing, reviewing or other managerial activity of an investigation into an allegation of abuse, neglect, exploitation or mistreatment, by prohibiting friends and relatives of an alleged perpetrator from engaging in these managerial activities. One of the investigators will complete a detailed investigative case summary based on witness statements and other evidence collected. The report will be maintained in a confidential, secured file at the office.</p> <p>5. An investigative peer review committee chosen by the Executive Director will meet to discuss the outcome of the investigation and to ensure that a</p>	W 149		

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W 149	<p>Continued From page 5</p> <p>thorough investigation has been completed.</p> <p>Members of the committee must include at least one of the investigators, the Executive Director or designee, Program Manager for Supported Living, and a Human Resources representative.</p> <p>6. After investigation, any allegations that are substantiated as abuse, neglect, exploitation, mistreatment or violation of an Individual's rights will be reported to ResCare's Critical Incident line by a member of the investigative team. A Critical Incident Report form will be filled out and sent to the Resource Center and the Regional office.</p> <p>7. If the allegation is substantiated, the staff person accused will follow progressive corrective action up to and including termination.</p> <p>8. Any staff person who is discovered withholding information about alleged or observed abuse, neglect, exploitation, mistreatment or violation of an Individual's rights toward an individual may be subject to disciplinary action up to and including suspension or termination.</p> <p>9. Any individual who has been a victim of substantiated abuse, neglect, exploitation, mistreatment or violation of an Individual's rights will be offered formal or informal counseling, as determined to be appropriate for the individual by the Interdisciplinary Team."</p>	W 149		
W 249	<p>9-3-2(a)</p> <p>PROGRAM IMPLEMENTATION</p> <p>CFR(s): 483.440(d)(1)</p> <p>As soon as the interdisciplinary team has formulated a client's individual program plan,</p>	W 249		

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W 249	<p>Continued From page 6</p> <p>each client must receive a continuous active treatment program consisting of needed interventions and services in sufficient number and frequency to support the achievement of the objectives identified in the individual program plan.</p> <p> This STANDARD is not met as evidenced by: Based on observation, record review and interview, for 1 of 3 sampled clients, (#2), the facility failed to ensure the staff implemented client #2's behavior plan during formal and informal training opportunities.</p> <p>Findings include:</p> <p>Observations were conducted at facility on 12/09/19 from 3:30 PM until 5:40 PM and on 12/10/19 from 6:00 AM until 8:15 AM. During observations of the evening meal, client #2 went into the bathroom to use the facilities and left the door open. Client #2 could be heard making sounds from the dining area, but staff #2 and #3 did not redirect the client to shut the bathroom door to protect her privacy.</p> <p>Observations were conducted at facility on 12/10/19 from 6:00 AM until 8:15 AM. During the breakfast meal, client #2 went into the bathroom to use the facilities and left the door open. Client #2 could be heard by the other clients as they ate their breakfast. Client #2 was redirected.</p> <p>Review of client #2's BSP/Behavior Support Plan dated 5/22/19 (revised 8/30/19) on 12/10/19 at 12:30 PM indicated she had an intervention for attention seeking:</p>	W 249		

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W 249	<p>Continued From page 7</p> <p>"TARGET BEHAVIORS AND GOALS:...</p> <p>Inappropriate Toileting: defined as, but not limited to, urinates in inappropriate places and bedwetting.</p> <p>Goal: [Client #2] will have 5 or fewer occurrences of Inappropriate Toileting per week for 12 consecutive months by 05/22/20.</p> <p>Precursors:</p> <p>It is important for staff to recognize [Client #2]'s antecedent behaviors and to know her maladaptive behaviors. [Client #2] will tend to engage in target behaviors when she is not receiving attention...</p> <p>PREVENTATIVE PROCEDURES...</p> <p>Inappropriate Toileting:</p> <p>Prompt [Client #2] to use the restroom every 2-3 hours, prior to leaving the home, meals and bed.</p> <p>Provide verbal praise and positive reinforcement for [Client #2] appropriately using the toilet.</p> <p>[Client #2] should be allowed to use the restroom any time that she asks...</p> <p>[Client #2] has a history of having incidents of inappropriate toileting whenever she is yelled at and thinks she is in trouble. It is important to be kind when correcting [Client #2]'s behaviors and to remind her that it is her behavior that is inappropriate; not her as a person.</p> <p>REACTIVE PROCEDURES...</p> <p>3. Inappropriate Toileting:</p> <p>a. If [Client #2] engages in inappropriate toileting, do not draw attention to the matter. Simply ask her to go to the bathroom and finish in the restroom.</p>	W 249		

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W 249	<p>Continued From page 8</p> <p>b. Prompt [Client #2] to clean herself up as needed.</p> <p>c. Once [Client #2] has finished in the toilet, prompt [Client #2] to come back to the area she had the accident and clean it up.</p> <p>d. Provide positive reinforcement for [Client #2] cleaning up appropriately."</p> <p>Interview with QIDP/Qualified Intellectual Disability Professional #1 on 12/13/19 at 2:46 PM indicated staff should have implemented client #2's BSP by redirecting her when she left the bathroom door open. The interview indicated client #2 exhibited this behavior as a way of getting attention.</p> <p>9-3-4(a)</p>	W 249		