

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: HAL049010	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED C 01/11/2016
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NAME OF PROVIDER OR SUPPLIER CROWN COLONY	STREET ADDRESS, CITY, STATE, ZIP CODE 291 COMMERCIAL DRIVE MOORESVILLE, NC 28115
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D 000	Initial Comments The Adult Care Licensure Section and the Iredell County Department of Social Services conducted a complaint investigation on January 8 and 11, 2016 . The complaint investigation was initiated by the Iredell County Department of Social Services on January 6, 2016.	D 000		
D 137	<p>10A NCAC 13F .0407(a)(5) Other Staff Qualifications</p> <p>10A NCAC 13F .0407 Other Staff Qualifications (a) Each staff person at an adult care home shall:</p> <p>(5) have no substantiated findings listed on the North Carolina Health Care Personnel Registry according to G.S. 131E-256;</p> <p>This Rule is not met as evidenced by: Based on interview and record review, the facility failed to assure 2 of 5 sampled staff (Staff A and C) had no substantiated findings listed on the North Carolina Health Care Personnel Registry (HCPR) prior to hire according to G.S. 131E-256.</p> <p>The findings are:</p> <p>A. Review of Staff A's personnel record revealed: -Staff A was hired on 2/10/15. -Staff A's first day of work was 2/11/15 as a Medication Aide/Supervisor-In-Charge (SIC). -Staff A's HCPR was performed 2/19/15 with no substantiated findings.</p> <p>Refer to the interview with the Business Office Manager on 1/11/16 at 1:15pm.</p> <p>Refer to the interview with the Administrator on 1/11/16 at 2:10pm.</p>	D 137		

Division of Health Service Regulation LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE	TITLE	(X6) DATE
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D 137	<p>Continued From page 1</p> <p>B. Review of Staff C's personnel record revealed: -Staff C was hired 1/12/15. -Staff C's first day of work was 1/16/15 as a Medication Aide/Supervisor-In-Charge (SIC). -Staff C's HCPR was performed 1/27/15 with no substantiated findings.</p> <p>Refer to the interview with the Business Office Manager on 1/11/16 at 1:15pm.</p> <p>Refer to the interview with the Administrator on 1/11/16 at 2:10pm.</p> <p>_____</p> <p>Interview with the Business Office Manager (BOM) on 1/11/16 at 1:15pm revealed: -When a job applicant filled out an application and the applicant had the experience the facility was looking to hire, the BOM would then complete a Health Care Personnel Registry check on the applicant. -If the Health Care Personnel Registry check had no finding the applicant would be sent to have a drug screen. -"Depending on the results of the drug screen we will go further with the process."</p> <p>Interview with the Administrator on 1/11/16 at 2:10pm revealed: -The HCPR check was to be completed before hiring an applicant. -The BOM was responsible for completing all the requirements for staff, before they were scheduled to work.</p>	D 137		
D 139	10A NCAC 13F .0407(a)(7) Other Staff Qualifications	D 139		

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D 139	<p>Continued From page 2</p> <p>10A NCAC 13F .0407 Other Staff Qualifications (a) Each staff person at an adult care home shall: (7) have a criminal background check in accordance with G.S. 114-19.10 and 131D-40;</p> <p>This Rule is not met as evidenced by: TYPE B VIOLATION</p> <p>Based on interview and record review, the facility failed to assure 4 of 5 sampled staff (Staff A, B, C, and D) had a criminal background check in accordance with G.S. 114-19.10 and 131D-40.</p> <p>The findings are:</p> <p>A. Review of Staff A's personnel record revealed: -On 1/27/15, Staff A signed a release for a criminal background check to be performed. -Staff A was hired on 2/10/15 as a Medication Aide / Supervisor. -Staff A's first day of work was 2/11/15. -Staff A's criminal background check release form was noted to be mailed to the State Bureau of Investigation on 3/9/15. -Staff A's criminal background check was completed on 3/13/15.</p> <p>Refer to the interview with the Business Office Manager on 1/11/16 at 1:15pm.</p> <p>Refer to the interview with the Administrator on 1/11/16 at 2:10pm.</p> <p>B. Review of Staff B's personnel record revealed: -Staff B was hired on 9/27/06 as a Personal Care Aide. -Staff B signed a release on 9/27/06 for a criminal background check to be performed. -Staff B's criminal background check was completed on 10/2/06.</p>	D 139		

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D 139	<p>Continued From page 3</p> <p>Interview with the Administrator on 1/11/16 at 1:30pm revealed: -It would be difficult to determine Staff B's actual first day worked, because the employee time cards from 2006 were in a storage building on campus. -It would take a significant amount of time to try and find Staff B's time card. -She did not have another way available to determine the exact date Staff B starting working with the residents.</p> <p>Refer to the interview with the Business Office Manager on 1/11/16 at 1:15pm.</p> <p>Refer to the interview with the Administrator on 1/11/16 at 2:10pm.</p> <p>C. Review of Staff C's personnel record revealed: -Staff C was hired 1/12/15 as a Medication Aide / Supervisor. -Staff C signed a release on 1/15/15 for a criminal background check to be performed. -Staff C's first day of work was 1/16/15. -Staff C's criminal background check release form was noted to be mailed to the State Bureau of Investigation on 1/29/15. -Staff C's criminal background check was completed on 2/10/15.</p> <p>Refer to the interview with the Business Office Manager on 1/11/16 at 1:15pm.</p> <p>Refer to the interview with the Administrator on 1/11/16 at 2:10pm.</p> <p>D. Review of Staff D's personnel record revealed: -Staff D was hired 10/18/15 as a Personal Care Aide.</p>	D 139		

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D 139	<p>Continued From page 4</p> <ul style="list-style-type: none"> -Staff D signed a release on 10/18/15 for a criminal background check to be performed. -Staff D's first day of work was 10/19/15. -Staff D's criminal background check release form was noted to be mailed to the State Bureau of Investigation on 12/16/15. -Staff D's criminal background check was completed on 12/30/15. <p>Refer to the interview with the Business Office Manager on 1/11/16 at 1:15pm.</p> <p>Refer to the interview with the Administrator on 1/11/16 at 2:10pm.</p> <hr/> <p>Interview with the Business Office Manager (BOM) on 1/11/16 at 1:15pm revealed:</p> <ul style="list-style-type: none"> -New hires were "probationary for the first 90 days" of their employment. -The employee could be let go within the 90 day probationary period "dependent on background check [results] or if they were not working out." - "The criminal background check is done just whenever I mail it in." - "The criminal background check release form is signed when I give the new hire their orientation packet to complete." -The criminal background check takes 2 weeks to result, once the signed release form is mailed to the State Bureau of Investigation. -The date on the top of the report from the State Bureau of Investigation is the date the criminal background check was completed, "We actually don't see the results [of the criminal background check] until a few days after that." <p>Interview with the Administrator on 1/11/16 at 2:10pm revealed:</p> <ul style="list-style-type: none"> -The BOM was responsible for completing all the 	D 139		

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D 139	<p>Continued From page 5</p> <p>requirements for staff before they were scheduled to work.</p> <ul style="list-style-type: none"> -The criminal background check was completed when the facility decided to hire someone. -She was aware the criminal background results were to be reviewed before a new hire was allowed to work around the residents. -She was unaware it was taking the BOM so much time to mail the release forms to get the criminal background checks done. <p>_____</p> <p>A Plan of Protection was received from the facility on 1/11/16 as follows:</p> <ul style="list-style-type: none"> -An audit of all current employee files will be conducted to ensure criminal background checks have been completed. -All criminal background check results are to be onsite before hiring a new employee. -Training will be provided for the office staff by the Administrator. <p>CORRECTION DATE FOR THE TYPE B VIOLATION SHALL NOT EXCEED FEBRUARY 25, 2016.</p>	D 139		
D 338	<p>10A NCAC 13F .0909 Resident Rights</p> <p>10A NCAC 13F .0909 Resident Rights An adult care home shall assure that the rights of all residents guaranteed under G.S. 131D-21, Declaration of Residents' Rights, are maintained and may be exercised without hindrance.</p> <p>This Rule is not met as evidenced by: TYPE A1 VIOLATION</p> <p>Based on observations, interviews and record</p>	D 338		

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D 338	<p>Continued From page 6</p> <p>reviews, the facility failed to ensure a resident [Resident #1] was free from sexual abuse by a staff member [Staff A, Medication Aide (MA)].</p> <p>The findings are:</p> <p>Interview on on 1/11/16 at 7:10am with Staff F, Medication Aide (MA), revealed that on the morning of 1/5/16 the cook approached her about concerns she had about Staff A, MA being in Resident #1's room with the door shut. Staff F, MA went to Resident #1's room and attempted to open the door and noticed the door was locked. She unlocked the door and observed Staff A, MA sitting on the foot of Resident #1's bed with his pants pulled down, and Resident #1 was laying on the bed with her pants pulled down.</p> <p>Review of Resident #1's current FL2 dated 7/8/15 revealed:</p> <ul style="list-style-type: none"> -Diagnoses included dementia, anxiety, depression and history of anger outbursts. -Resident #1 was constantly disoriented. -She was ambulatory. -An admission date of 1/25/15. <p>Continued interview on 1/11/16 at 7:10am with Staff F, MA revealed:</p> <ul style="list-style-type: none"> -She had worked at the facility for 5 years. -Staff A, MA had changes in his behaviors starting in November 2015, but could not give any specific behavioral changes. -Prior to November 2015 Staff A, MA never came onto the female halls [Halls A and B]. -Prior to November 2015 Staff A, MA was a dependable and quiet employee. -The past few months Staff A, MA wanted to start working more with Resident #1. -Staff A, MA would have periods where he was very tired and seemed somewhat disoriented. 	D 338		

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D 338	<p>Continued From page 7</p> <ul style="list-style-type: none"> -Staff A, MA would sit and go to sleep, but she never reported this to anyone. -Staff A, MA was observed on B hall after 12/26/15, she did address this with Staff A, MA but did not report this to the Administrator. -Staff A, MA could not get his work completed on his assigned halls without help. -On one occasion she was looking for Staff A, MA and she found him coming out of Resident #1's room. -She had told Staff A, MA on several occasions that he was not to work on the female halls. -He had become more talkative than he had previously been. -On Christmas eve Staff A, PCA was in Resident #1's room with the door shut, but she did not know if it was locked. -On Christmas day Staff A, MA made a statement to Staff F, MA "Give me a hug and make your husband jealous". -On Christmas day he was going around singing which was uncharacteristic of him. -The two female hallways are A and B, and Staff A, MA would only want to be on B hall where Resident #1 resided. -On Christmas night Staff F, MA called the Administrator with concerns about Staff A, MA going into Resident #1's room and locking the door. -She had not previously spoken with the Administrator about Staff A, MA behavioral changes, but could not specify any specific changes. -She had been told that Staff A, MA had been coming into work early to get the dining room set up which she did not feel was appropriate. <p>Interview with the Administrator on 1/8/16 at 9:00am and 12:33pm revealed:</p> <ul style="list-style-type: none"> -On 1/5/16, camera footage had shown Staff A, 	D 338		

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D 338	<p>Continued From page 8</p> <p>MA going into Resident #1's room with the resident.</p> <ul style="list-style-type: none"> -The door had been shut and he was in there with the resident for 90 seconds. -Camera footage showed Staff A, MA come out of the room after the Medication Aide opened the door "adjusting his pants." -She had not known until this incident that Staff A, MA was hard of hearing. -The incident occurred at 6:35am. <p>Interview on 1/8/16 at 11:45am and 1/11/16 at 9:45am with the Administrator revealed:</p> <ul style="list-style-type: none"> -Staff F, MA did talk with her on 12/26/15 about her concerns with Staff A, MA. -She completed a hand written memo and had it delivered to the facility on 12/26/15 for all staff to sign. -She had not addressed the content of the memo with Staff A, MA specifically. <p>Review of a hand written document dated 12/26/15 signed by all employees, including Staff A, MA of the facility revealed "No male employee should be in a female resident's room without a female employee or family member! All staff sign!" The document was signed by the Administrator, and all facility staff.</p> <p>Interview on 1/11/16 at 11:45am with the investigating detective revealed:</p> <ul style="list-style-type: none"> -His first contact with Staff A, MA was on 1/5/16 at the facility. -Staff A, MA did admit during an interview with the law enforcement officer to having sexual contact with Resident #1 on 4 different occasions over a 3 month period. -Staff A, MA had no previous criminal history. -Staff A, MA could not remember the dates of these encounters. 	D 338		

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D 338	<p>Continued From page 9</p> <p>-On the morning of 1/5/16 at 3:00am Staff A, MA admitted to oral sex with Resident #1.</p> <p>-On the morning of 1/5/16 at 6:30am Staff A, MA admitted to attempting to have sexual intercourse with Resident #1 before he was interrupted by Staff F, MA.</p> <p>-Staff A, MA said he had asked the Administrator in December 2015 if there was a position available at another facility that he could transfer to, but did not ask him why he wanted to transfer.</p> <p>Review of a hand written statement given to the Administrator on 1/5/15 by Staff A, MA when he came to the facility to speak to the police detective revealed:</p> <p>-Staff A, MA had assisted Resident #1 all night on third shift.</p> <p>-"[Resident #1 Name] very needful" .</p> <p>-Staff A, MA spoke with Resident #1 that morning "I ask [Resident #1 Name] was she OK, and [Resident #1 Name] said to me are we in trouble."</p> <p>Interview on 1/8/16 at 11:45am and 1/11/16 at 9:45am with the Administrator revealed:</p> <p>-Staff A, MA had worked at the facility years ago and she had known him for a long time.</p> <p>-Staff A, MA had been back at the facility working for about a year.</p> <p>-She did recall before Christmas Staff A, MA "Sticking his head in the door and asking if there was a position available at the other facility managed by the Administrator."</p> <p>-He had always been a good employee and he had always worked well with other staff and residents.</p> <p>-He had never been disrespectful to anyone at the facility.</p> <p>-She had not addressed his behavioral changes with Staff A, MA because no one had reported anything to her.</p>	D 338		

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D 338	<p>Continued From page 10</p> <ul style="list-style-type: none"> -She did not instruct the supervisory staff to monitor Staff A, MA for adherence to the memo. -No staff had reported to her about Staff A, MA coming into work early. -No staff had ever reported to her that Staff A, MA was sleeping on duty at night. -She was not aware that Staff A, MA had started paying more attention to Resident #1. -She felt like she had done all that she should have. -She had known Staff A, MA for quite awhile. -He had worked for her for 7 years then left to go to another assisted facility where he had stayed for 3 years, and had returned to work for her in January 2015 until the incident on 1/5/16. -Staff A, MA had always been "pleasant and professional." -The other staff had noticed "a change" in Staff A, MA starting the end of November 2015. -Staff A, MA had become "friendlier" to the other staff at the end of November 2015. -Staff A, MA had told one staff member she looked "nice in jeans," but it wasn't taken by the staff as "sexual or ugly just a complement." -Staff A, MA gave the RCC a hug on Christmas Eve which wasn't taken by the RCC as sexual, but him hugging her because it was Christmas. -Staff A, MA had told one staff "Let me give you a hug to make your husband jealous" which had been refused by the staff member. -Staff A, MA had never been written up for anything before in all the years he had worked at the facility. -She had performed a criminal background check on him at hire and nothing had been on the background check. -Resident #1 was confused and had short term memory deficits and some long term memory deficits. 	D 338		

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D 338	<p>Continued From page 11</p> <p>Interview on 1/11/16 at 6:30am with Staff G, Medication Aide (MA) revealed:</p> <ul style="list-style-type: none"> -Staff A, MA spent a lot of time on B hall. -Staff A, MA wanted to work with Resident #1. -She had told him that he [Staff A, MA] did not need to be on the female hallway. - "We had to help him on his assigned halls" . -His behaviors changed several months ago. -She did observe Staff A, MA on B hall after 12/26/15, she did not report this to anyone. -She had seen Staff A, MA walking Resident #1 down to her room on several occasions. -Staff A would go into Resident #1's room with her. -There was one incident where Staff A, MA went down B hall and went into an unoccupied room that did not connect beside of Resident #1's room and when asked what he was doing he replied "Technically I am not in [Resident #1's name] room." -She had seen Staff A, MA in Resident #1's room with her door closed and she asked him what he was doing and he replied he was taking Resident #1 to the bathroom. -On one occasion Staff A, MA ask her "What would you do if you were attacked by a man". -She had told Staff F, MA about Staff A being in Resident #1's room with door locked. -Staff A, MA would sit and sleep at night. -She had been told that Staff A, MA would come in to work early. <p>Confidential interview with a staff member revealed:</p> <ul style="list-style-type: none"> -They were uncomfortable around Staff A, MA. -They had notice Staff A, MA staring at them. -Staff A, MA started acting strange several months ago. -They had not told anyone of their concerns. -Staff A, MA would come into work early and "Set 	D 338		

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NAME OF PROVIDER OR SUPPLIER CROWN COLONY	STREET ADDRESS, CITY, STATE, ZIP CODE 291 COMMERCIAL DRIVE MOORESVILLE, NC 28115
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D 338	<p>Continued From page 12</p> <p>up the dining room and sometimes walk [Resident #1 name] down to her room". -They had never seen Staff A, MA doing anything inappropriate with any residents.</p> <p>Confidential interviews with two staff members revealed Staff A, MA would come into work an hour to an hour and a half early to set up the dining room and look at his electronic tablet, but they never had any concerns or witnessed anything inappropriate.</p> <p>Interview with Staff H, MA, on 1/8/16 at 3:45pm revealed: -Staff F, MA had approached her on 12/25/15 to share a "concern about a situation" with Staff A, MA. -Staff F, MA "just stated [Staff A] had just wanted to be on B hall more than he had before" even though Staff A, MA had been assigned to care for the residents on C and D halls [Male Hallways]. -Staff F, MA had asked Staff A, MA why he had been going down on B hall and Staff A, MA had said Resident #1 was up and he was just taking her back to her room. -"[Staff F] said she just didn't have a good feeling about [Staff A] going down that hallway and had a feeling something wasn't right." -"I told [Staff F] she needed to contact the [Administrator's name] immediately" and report the concerns she had about Staff A, MA. -On 12/26/15, Staff F, MA called Staff H to tell her she had spoken with the Administrator about her concerns about Staff A's recent behavior. -Shortly after the telephone conversation with Staff F, MA the Administrator called Staff H, MA and told her she was having another staff member to bring over a new form for all employees to read and sign. -The form stated no male was allowed in a</p>	D 338		

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D 338	<p>Continued From page 13</p> <p>female resident's room without another staff member present.</p> <p>-She had presented the form to the staff on her shift and had them read and sign it.</p> <p>-She had presented the form to Staff A, MA and after reading it he had stated "Why because I was hanging up her clothes" and then signed the form.</p> <p>Interview with Staff I, PCA, on 1/11/16 at 11:15am revealed:</p> <p>-She worked 1st shift.</p> <p>-At times when she would come in to find Staff A, MA "standing at the cart and [the residents he was responsible for getting up and dressed] on his hall wouldn't be up."</p> <p>-"He would say they wouldn't get up, but I would say well let's go get them up."</p> <p>-She had never gone in to any rooms on the men's hall and "found anyone soaked" from not being changed properly.</p> <p>-"He was a good worker."</p> <p>-Other than not getting residents up like he was supposed to on occasion, she had never noticed anything else being left undone.</p> <p>Interview with the Cook on 1/8/16 at 3:05pm revealed:</p> <p>-"I was working the morning of the incident."</p> <p>-"I got here at 5:15am" that morning.</p> <p>-"Sometimes I come in early and sit down and relax before going to work."</p> <p>-"I was talking to [Staff F's name] and she said to me why is [Staff A's name] on my hall."</p> <p>-Staff A, MA was assigned to care for the male resident halls.</p> <p>-The Cook went on in the kitchen and started to work and then "I happened to go in the dining room and I saw through the window [Staff A] was motioning for [Resident #1's name] to come on"</p>	D 338		

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D 338	<p>Continued From page 14</p> <p>down the hall towards the resident's room. -"So when I seen [Staff A] take [Resident #1] down the hall, I went and told [Staff F's name] that [Staff A's name] was taking [Resident #1's name] back to her room." -"I never thought no more about it. I went back and started cooking."</p> <p>Interview with Resident #1's Power of Attorney (POA) on 1/8/16 at 11:50am revealed: -She visited Resident #1 one to two times a week. -Resident #1 had vascular dementia. -Resident #1's short term memory "was gone." -There were "some days" the resident struggled to hold a conversation due to the advancing dementia. -The POA had not noticed any recent behavioral changes in Resident #1. -Resident #1 had never mentioned any inappropriate "encounters" to her. -Resident #1 had "recently been very content here." -Resident #1 met with a mental health provider 3 times since the event on 1/5/16 and the resident "hasn't remembered anything." -The POA had never had any concerns with the care given to Resident #1 in the facility until the recent event that had occurred with Staff A, MA. -"The facility had been nothing but good to [Resident #1's name]."</p> <p>Interview with Resident #1 and POA on 1/8/16 at 12:21pm revealed: -Resident #1 denied ever having been forced to do anything she did not want to do by anyone in the facility. -Resident #1 denied anyone in the facility forced her to have sex with them. -When Resident #1 was asked did she feel safe</p>	D 338		

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D 338	Continued From page 15 in the facility? The resident stated "Yes." -The POA stated "I want to make sure its safe and happy here?" and Resident #1 responded "I like it here." Interview with the Resident Care Coordinator (RCC) on 1/8/16 at 9:50am revealed: -The only concern that had ever been brought up to her concerning Staff A, MA, was some residents complained he had awakened them too early during the night to do fingerstick blood sugars. -She had counseled Staff A on 11/14/15 and told him he could not wake any of the residents until after 6am to perform fingerstick blood sugars. -On Christmas Eve she had come to the facility to hand out some small gifts to the staff and Staff F had said Staff A "was not himself" and I told her to talk to the Administrator about it. -Staff F "didn't mention any concerns about involvement with female residents, but that he just wasn't himself." _____	D 338		
D912	G.S. 131D-21(2) Declaration of Residents' Rights	D912		

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D912	<p>Continued From page 16</p> <p>G.S. 131D-21 Declaration of Residents' Rights Every resident shall have the following rights: 2. To receive care and services which are adequate, appropriate, and in compliance with relevant federal and state laws and rules and regulations.</p> <p>This Rule is not met as evidenced by: Based on observation, interviews and record reviews, the facility failed to assure all residents received care and services which were adequate, appropriate, and in compliance with relevant federal and state laws and rule and regulations related to criminal background checks.</p> <p>The findings are:</p> <p>Based on interview and record review, the facility failed to assure 4 of 5 sampled staff (Staff A, B, C, and D) had a criminal background check in accordance with G.S. 114-19.10 and 131D-40. [Refer to Tag 0139 10A NCAC 13F .0407 (a)(7) Other Staff Qualifications (Type B Violation)].</p>	D912		
D914	<p>G.S. 131D-21(4) Declaration of Residents' Rights</p> <p>G.S. 131D-21 Declaration of Residents' Rights Every resident shall have the following rights: 4. To be free of mental and physical abuse, neglect, and exploitation.</p> <p>This Rule is not met as evidenced by: Based on observation, interview and record review, the facility failed to assure a resident (Resident #1) was free of sexual abuse, from staff (Staff A).</p>	D914		

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D914	Continued From page 17 The findings are: Based on observations, interviews and record reviews, the facility failed to ensure a resident [Resident #1] was free from sexual abuse by a staff member [Staff A, Medication Aide (MA)]. [Refer to Tag 0338 10A NCAC 13F .0909 Resident Rights TYPE A1 VIOLATION].	D914		