

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  <b>FCL011234</b>	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____  B. WING _____	(X3) DATE SURVEY COMPLETED  <b>03/04/2016</b>
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NAME OF PROVIDER OR SUPPLIER  <b>SOUNDVIEW FAMILY CARE HOMES - UNIT G</b>	STREET ADDRESS, CITY, STATE, ZIP CODE <b>132 CENTER AVENUE BLACK MOUNTAIN, NC 28711</b>
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C 185	<p>10A NCAC 13G .0601(a) Management and Other Staff</p> <p>10A NCAC 13G .0601Mangement and Other Staff</p> <p>(a) A family care home administrator shall be responsible for the total operation of a family care home and shall also be responsible to the Division of Health Service Regulation and the county department of social services for meeting and maintaining the rules of this Subchapter. The co-administrator, when there is one, shall share equal responsibility with the administrator for the operation of the home and for meeting and maintaining the rules of this Subchapter. The term administrator also refers to co-administrator where it is used in this Subchapter.</p> <p>This Rule is not met as evidenced by: TYPE B VIOLATION</p> <p>Based on observations, interviews and record reviews, the administrator failed to ensure the rules of this Subchapter were met and maintained as evidenced by the failure to ensure implementation of resident rights.</p> <p>The findings are:</p> <p>A. Based on interviews and record reviews, the facility failed to assure residents were free of neglect, abuse and exploitation as evidenced by continued employment of an employee (Staff B) on the premises, who had allegations of sexual assault and had acknowledged inappropriately touching and kissing a former resident of another home on the premises, and free from the mental</p>	C 185		

Division of Health Service Regulation LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE	TITLE	(X6) DATE
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C 185	<p>Continued From page 1</p> <p>abuse as evidenced by staff (Staff D) yelling, name calling, by staff and significant others screaming and cursing at each other in the presence of residents. [Refer to Tag 311, 10A NCAC 13G .0909 Resident Rights (Type B Violation).]</p> <p>B. Based on interviews and record reviews, the facility failed to ensure residents were free of neglect, abuse and exploitation as evidenced by mental abuse by staff and continued employment of staff on the premises who had allegations of sexual assault to residents. [Refer to Tag 914, G.S. 131D-21 (4) Declaration of Resident Rights]</p> <hr/> <p>Plans of Protection were received from the Administrator on 2/26/16 and 2/29/16 by the Office Manager for houses G, H, I, and J. which included:</p> <ul style="list-style-type: none"> <li>-Accused individual will be removed from the site, and will not return until investigation is complete.</li> <li>-Accused individual will be instructed to have no contact with residents on the site pending the outcome of the investigation.</li> </ul> <p>THE CORRECTION DATE FOR THIS TYPE B VIOLATION SHALL NOT EXCEED APRIL 18, 2016.</p>	C 185		
C 311	<p>10A NCAC 13G .0909 Residents' Rights</p> <p>10A NCAC 13G .0909 Resident Rights A family 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>	C 311		

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C 311	<p>Continued From page 2</p> <p>This Rule is not met as evidenced by: TYPE B VIOLATION</p> <p>Based on interviews and record reviews, the facility failed to assure residents were free of neglect, abuse and exploitation as evidenced by continued employment of an employee (Staff B) on the premises, who had allegations of sexual assault and had acknowledged inappropriately touching and kissing a former resident of another home on the premises, and free from the mental abuse as evidenced by staff (Staff D) yelling, name calling, by staff and significant others screaming and cursing at each other in the presence of residents.</p> <p>The findings are:</p> <p>Based on interviews and record reviews, the facility neglected to assure residents were free of abuse as evidenced by the Supervisor-in-Charge (Staff D) and his spouse cursing, yelling and fighting in the presence of residents and failed to ensure residents were free of abuse as evidenced by the continued employment of staff (Staff B) on the premises, who had allegations of sexual assault.</p> <p>A review of the facility's policy regarding abuse revealed: -Abuse, both verbal and physical, or neglect of a client by facility staff will not be tolerated. -Allegations of this nature will result in an immediate investigation by the Administration of the facility as well as immediate notification of such allegations to the Department of Social Services and local law enforcement (if</p>	C 311		

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C 311	<p>Continued From page 3</p> <p>applicable). If the allegation is substantiated the staff position will be terminated and the findings reported to the Health Care Personnel Registry.</p> <p>A. Interview on 02/26/16 at 11:00am with Staff D's spouse revealed:</p> <ul style="list-style-type: none"> <li>-She cooks, cleans but never gives meds.</li> <li>-She used to work in the facility and gave meds but quit in July to take care of her personal needs.</li> <li>- "I didn't want to do the work anymore."</li> <li>- "We usually try and handle arguments away from residents."</li> <li>- "We never disagree in front of the residents."</li> <li>- "I interact with all the residents in all the buildings."</li> </ul> <p>Confidential staff interviews revealed:</p> <ul style="list-style-type: none"> <li>- "(Staff D's spouse name) gets moody and takes it out on (Staff D's name)."</li> <li>- Staff D and his spouse "keep the TV loud so the residents can't hear them argue".</li> <li>- Staff D and his spouse "don't get along".</li> <li>- "They have a very volatile relationship."</li> <li>- "There was a time when she wasn't allowed on the property" by management.</li> <li>- Staff D's spouse "was screaming on the porch."</li> <li>- Staff D's spouse "wasn't to have contact with the residents but it ' s impossible not to have contact and live in the house."</li> <li>- "She is a big drinker, she fusses and fights."</li> <li>- "People have seen them (Staff D and spouse) argue on the porch."</li> <li>- Staff D's spouse didn't pass meds.</li> </ul> <p>Confidential resident interviews revealed:</p> <ul style="list-style-type: none"> <li>- Staff D's spouse "spends a lot of time at (Staff B's name) house."</li> <li>- Staff D's spouse "gets drunk and raises hell."</li> <li>- "The police have been out here."</li> </ul>	C 311		

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C 311	<p>Continued From page 4</p> <ul style="list-style-type: none"> <li>- "(A resident's name) called the police because they were yelling."</li> <li>- "I have seen her (Staff D spouse's name) hit him."</li> <li>- "You can hear them (Staff D and his spouse) all the way down here at our house". "(Staff D's spouse's name) goes over to Staff B's a lot."</li> <li>- Staff B (Supervisor-in-Charge form Unit H) and Staff D and his wife "have been drinking while on duty".</li> <li>- "I get along with Staff D."</li> <li>- "They (Staff D and spouse) fuss a lot here."</li> <li>- "(Staff D's name) and his spouse fight at least 1 time a week."</li> <li>- "They (Staff D and his spouse) fight in there quarters."</li> <li>- "I don't know if it gets physical."</li> <li>- "Both of them have been yelling, screaming and cursing and it wakes me up at night."</li> <li>- Sometimes residents had to bang on the wall for them to get quiet.</li> <li>- "I argued with Staff D and his spouse."</li> <li>- Staff D's spouse "didn't touch me."</li> <li>- "Me and (Staff D's name) got into a fight about not signing out."</li> <li>- "Staff D was upset with me and went out slamming the door and I went to my room" and hurt herself.</li> <li>- "He (Staff D) made me angry."</li> <li>- Staff D and his spouse were "always loud arguing and sometimes it was late at night".</li> </ul> <p>Interview on 03/01/16 at 3:47pm with the Property Manager (PM) revealed:</p> <ul style="list-style-type: none"> <li>- She oversees the daily operation of the 4 cluster homes.</li> <li>- "I don't know if I'm not told" she was unaware of any problems with Staff D and his spouse.</li> <li>- "My expectations are to treat people with respect."</li> </ul>	C 311		

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C 311	<p>Continued From page 5</p> <ul style="list-style-type: none"> <li>- She had no concerns about Staff D and his spouse.</li> <li>- She had never seen Staff D and his spouse get into an argument.</li> <li>- The facility does not expect her (Staff D's spouse) to do things, but if she wants to she can, she is trained and we have her paperwork.</li> <li>- Staff D's spouse is not a Supervisor-in-Charge (SIC) nor an employee.</li> </ul> <p>Interview with Administrator on 03/03/16 at 2:22pm revealed:</p> <ul style="list-style-type: none"> <li>- Her expectations would be "if there are arguments or disagreements they should keep it at a reasonable volume so it does not interfere with any of the residents".</li> <li>- She was unaware of any problems between Staff D and his spouse.</li> <li>- A mental health agency "did talk to me about him (Staff B) being rude/abrasive but its been a log time since I have had to talk to (Staff B's name) about it".</li> <li>- Every complaint is handled the same.</li> <li>- "Everything is done everytime" in an investigation.</li> </ul> <p>B. Confidential interview with a staff members revealed:</p> <ul style="list-style-type: none"> <li>- The Property Manager had spoken with the Administrator regarding Staff B, Supervisor-in-Charge, and inappropriate behaviors after each incident.</li> <li>- "It ' s an ongoing issue."</li> <li>- "Property Manager hears it all and then she tells Administrator."</li> <li>- "I heard it from the Property Manager and the Administrator."</li> </ul> <p>An interview on 02/26/16 at 1:00pm with Staff B revealed:</p>	C 311		

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C 311	<p>Continued From page 6</p> <ul style="list-style-type: none"> <li>- He had been sent to this facility and had been there for the past 3 years.</li> <li>- He had been a SIC at a sister facility for 4 years.</li> <li>- He has an all-male building.</li> <li>- "Females are only allowed on the porch and not inside" of his house.</li> <li>- "I work hard with my guys."</li> <li>- "I never interact with the other buildings."</li> <li>- " I do go to Staff D's building for Easter, summertime, coffee socials and special occasions."</li> <li>- " Everyone has access to each of the buildings."</li> <li>- Male and female residents "go to the football parties."</li> <li>- He doesn't have any problems with any of the residents.</li> <li>- "I stay at the building 98% of the time."</li> <li>- He usually goes to Staff D in Unit G for paperwork, help or food but "usually don't interact with the other 4 buildings."</li> <li>- He has seen residents outside of the facility when he is off but does not interact with them.</li> <li>- He only has 10 hours off a week and the rest of his time is spent in his building.</li> <li>- "I don't interact with females and I have no reason to do so."</li> <li>- When female residents come to my house they are allowed on the porch not in the residents ' rooms.</li> <li>- No one talked to him 2 weeks ago about the accusation of sexual exploitation.</li> <li>- "I have never had a physical relationship with any resident."</li> <li>- He does walk his dog around the property daily and does walk the dog by the house where Resident #4 resides.</li> <li>- He could not imagine why anyone would say he had done anything with a resident.</li> </ul> <p>Confidential resident interviews revealed:</p>	C 311		

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C 311	<p>Continued From page 7</p> <ul style="list-style-type: none"> <li>- "Staff B comes down on people."</li> <li>- "I don't like the way he (Staff B) talks to other residents."</li> <li>- "Staff B would yell and call us names and say we were useless! I would leave because of him, (Staff B) if I had somewhere to go, if I thought he was coming back."</li> <li>- "I don't want to be around that kind of thing (referring to Staff B, the ladies and his yelling)."</li> <li>- I pray with all my heart (Staff B's name) don't come back.</li> <li>- "Nothing surprises me here, it's a zoo."</li> <li>- "Some of the residents are more comfortable since (called Staff B by name) is gone." Staff B had been drinking beer at different times, he leaves us here and spends a lot of time over at unit G with Staff D and his spouse.</li> </ul> <p>Interview on 03/01/16 at 3:47pm with the Property Manager (PM) revealed:</p> <ul style="list-style-type: none"> <li>- She informed the Administrator of the accusations regarding Staff B and the results of her interviews with the residents.</li> <li>- If anything was going on she felt it was "consensual to go to his room and perform oral sex".</li> <li>- "I never had any concerns about Staff B."</li> <li>- "He never had anything of a sexual nature on the premises."</li> <li>- "You should never mistreat a resident it doesn't matter who it is."</li> <li>- "We really care about these residents."</li> <li>- There was another issue involving Staff B but it was off the premises.</li> </ul> <p>Interview with Administrator on 03/03/16 at 2:22pm revealed:</p> <ul style="list-style-type: none"> <li>- On 02/11/16 Adult Protective Services (APS) had to come out on an allegation that was made of sexual exploitation involving Staff B.</li> </ul>	C 311		

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C 311	<p>Continued From page 8</p> <ul style="list-style-type: none"> <li>- "APS told me they had reviewed a report" that involved Staff B sexually abusing a resident.</li> <li>- She was unaware until that time of any concerns with Staff B relating to sexual abuse.</li> <li>- Staff B remained in the facility until 02/26/16.</li> <li>- A 24 hour report was made to the Health Care Personnel Registry on 02/12/16 by the Administrator.</li> <li>- A 5 day report was made to the Health Care Personnel Registry on 02/18/16 by the Administrator.</li> <li>- Residents in the house where Staff B resided were interviewed by the Property Manager as well as the female resident involved.</li> <li>-There was no documentation that Staff B had been interviewed by the facility Administration.</li> <li>- The County Adult Home Specialist (AHS) was not notified as the complaint came from the County APS.</li> <li>- The Administrator did not think they needed to notify their AHS since the County Department of Social Services had called her about it.</li> <li>- She determines if it's necessary by "looking at the residents historical pattern, talking with their therapist and then I makes a judgement call".</li> <li>- "There was another allegation in the past (08/07/14)" on Staff B.</li> <li>- She "could not remember" what Staff B had told her.</li> <li>- The Property Manager had "filed a report and contacted the police" for the previous event.</li> <li>- "No one recommended taking out charges" for the 08/07/14 incident.</li> <li>- "There were no charges filed" and" he returned to work" for the 08/07/14 event.</li> <li>- "There was no reason for him not to be working after the 08/07/14 incident."</li> </ul> <p>A. Based on interviews and record reviews, the facility neglected to assure residents were free of</p>	C 311		

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C 311	<p>Continued From page 9</p> <p>abuse as evidenced by the Supervisor-in-Charge (SIC) and his spouse cursing, yelling and fighting in the presence of residents.</p> <p>Interview on 02/26/16 at 11:00am with Staff D's spouse revealed:</p> <ul style="list-style-type: none"> <li>-She cooks, cleans but never gives meds.</li> <li>-She used to work in the facility and gave meds but quit in July to take care of her personal needs.</li> <li>- "I didn't want to do the work anymore."</li> <li>- "We usually try and handle arguments away from residents."</li> <li>- "We never disagree in front of the residents."</li> <li>- "I interact with all the residents in all the buildings."</li> </ul> <p>Confidential staff interviews revealed:</p> <ul style="list-style-type: none"> <li>- "(Staff D's spouse name) gets moody and takes it out on (Staff D's name)."</li> <li>- Staff D and his spouse "keep the TV loud so the residents can't hear them argue".</li> <li>- Staff D and his spouse "don't get along".</li> <li>- "They have a very volatile relationship."</li> <li>- "There was a time when she wasn't allowed on the property" by management.</li> <li>- Staff D's spouse "was screaming on the porch."</li> <li>- Staff D's spouse "wasn't to have contact with the residents but it 's impossible not to have contact and live in the house."</li> <li>- "She is a big drinker, she fusses and fights."</li> <li>- "People have seen them (Staff D and spouse) argue on the porch."</li> <li>- "It could have been sexual with Resident #7 as Resident #7 wanted to be wanted."</li> <li>- Staff D's spouse didn't pass meds.</li> </ul> <p>Confidential resident interviews revealed:</p> <ul style="list-style-type: none"> <li>- Staff D's spouse "spends a lot of time at (Staff B's name) house."</li> </ul>	C 311		

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C 311	<p>Continued From page 10</p> <ul style="list-style-type: none"> <li>- Staff D's spouse "gets drunk and raises hell."</li> <li>- "The police have been out here."</li> <li>- "(A resident's name) called the police because they were yelling."</li> <li>- "I have seen her (Staff D spouse's name) hit him."</li> <li>- "You can hear them (Staff D and his spouse) all the way down here at our house". "(Staff D's spouse's name) goes over to Staff B's a lot."</li> <li>- Staff B and Staff D and his wife "have been drinking while on duty".</li> <li>- "I get along with Staff D."</li> <li>- "They (Staff D and spouse) fuss a lot here."</li> <li>- "(Staff D's name) and his spouse fight at least 1 time a week."</li> <li>- "They (Staff D and his spouse) fight in there quarters."</li> <li>- "I don't know if it gets physical."</li> <li>- "Both of them have been yelling, screaming and cursing and it wakes me up at night."</li> <li>- Sometimes residents had to bang on the wall for them to get quiet.</li> <li>- "I argued with Staff D and his spouse."</li> <li>- Staff D's spouse "didn't touch me."</li> <li>- "Me and (Staff D's name) got into a fight about not signing out."</li> <li>- "Staff D was upset with me and went out slamming the door and I went to my room" and hurt herself.</li> <li>- "He (Staff D) made me angry."</li> <li>- Staff D and his spouse were "always loud arguing and sometimes it was late at night".</li> </ul> <p>Interview on 03/01/16 at 3:47pm with the Property Manager (PM) revealed:</p> <ul style="list-style-type: none"> <li>- She oversees the daily operation of the 4 cluster homes.</li> <li>- "I don't know if I'm not told" she was unaware of any problems with Staff D and his spouse.</li> <li>- "My expectations are to treat people with</li> </ul>	C 311		

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  <b>FCL011234</b>	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____  B. WING _____	(X3) DATE SURVEY COMPLETED  <b>03/04/2016</b>
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NAME OF PROVIDER OR SUPPLIER  <b>SOUNDVIEW FAMILY CARE HOMES - UNIT G</b>	STREET ADDRESS, CITY, STATE, ZIP CODE <b>132 CENTER AVENUE BLACK MOUNTAIN, NC 28711</b>
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C 311	<p>Continued From page 11</p> <p>respect."</p> <ul style="list-style-type: none"> <li>- She had no concerns about Staff D and his spouse.</li> <li>- She had never seen Staff D and his spouse get into an argument.</li> <li>- The facility does not expect her (Staff D's spouse) to do things, but if she wants to she can, she is trained and we have her paperwork.</li> <li>- Staff D's spouse is not a Supervisor-in-Charge (SIC) nor an employee.</li> </ul> <p>Interview with Administrator on 03/03/16 at 2:22pm revealed:</p> <ul style="list-style-type: none"> <li>- Her expectations would be "if there are arguments or disagreements they should keep it at a reasonable volume so it does not interfere with any of the residents".</li> <li>- She was unaware of any problems between Staff D and his spouse.</li> <li>- A mental health agency "did talk to me about him (Staff B) being rude/abrasive but its been a log time since I have had to talk to (Staff B's name) about it".</li> <li>- Every complaint is handled the same.</li> <li>- "Everything is done everytime" in an investigation.</li> </ul> <hr/> <p>Plans of Protection were received from the Administrator on 2/26/16 and 2/29/16 by the Office Manager for houses G, H, I, and J. which included:</p> <ul style="list-style-type: none"> <li>-Accused individual will be removed from the site, and will not return until investigation is complete.</li> <li>-Accused individual will be instructed to have no contact with residents on the site pending the outcome of the investigation.</li> </ul> <p>THE CORRECTION DATE FOR THIS TYPE B VIOLATION SHALL NOT EXCEED APRIL 18,</p>	C 311		

Division of Health Service Regulation

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C 311	Continued From page 12 2016.	C 311		
C 914	<p>G.S 131D-21(4) Declaration Of Resident's Rights</p> <p>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 interviews and record reviews, the facility failed to ensure residents were free of neglect, abuse and exploitation as evidenced by mental abuse by staff and continued employment of staff on the premises who had allegations of sexual assault to residents.</p> <p>The findings are:</p> <p>A. Based on observations, interviews and record reviews, the administrator failed to ensure the rules of this Subchapter were met and maintained as evidenced by the failure to ensure implementation of resident rights. [Refer to Tag 185, 10A NCAC 13G .0601(a)Resident Rights (Type B Violation).]</p> <p>B. Based on interviews and record reviews, the facility failed to assure residents were free of neglect, abuse and exploitation as evidenced by continued employment of an employee (Staff B) on the premises, who had allegations of sexual assault and had acknowledged inappropriately touching and kissing a former resident of another home on the premises, and free from the mental abuse as evidenced by staff (Staff D) yelling, name calling, by staff and significant others screaming and cursing at each other in the presence of residents. [Refer to Tag 311, 10A</p>	C 914		

Division of Health Service Regulation

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C 914	Continued From page 13  NCAC 13G .0909 Resident Rights (Type B Violation).]	C 914		