

Date: March 11, 2011

To: Byron Bartley, President

Provider: Door of Opportunity, Inc.  
Address: 108 South 14<sup>th</sup> St.  
State/Zip: Artesia, NM 88210

E-mail Address: [lsmith@doorofopp.org](mailto:lsmith@doorofopp.org)

CC: George Gandy, Board Chair  
Address: 1406 Vogel Rd.  
State/Zip: Artesia, NM 88210

Region: Southeast  
Verification Date: January 11 - 12, 2011  
Original Survey Date: June 7 – 9, 2010  
Program Surveyed: Developmental Disabilities Waiver  
Service Surveyed: Community Living (Supported Living & Independent Living) & Community Inclusion (Adult Habilitation, Community Access & Supported Employment)

Survey Type: Verification  
Team Leader: Deb Russell, BS, Healthcare Surveyor, Division of Health Improvement/Quality Management Bureau

Team Members: Tony Fragua, BFA, Healthcare Surveyor, Division of Health Improvement/Quality Management Bureau

Dear Mr. Bartley,

The Division of Health Improvement/Quality Management Bureau has completed a verification survey of the services identified above. The purpose of the survey was to determine compliance with your Plan of Correction submitted to DHI/DDSD regarding the Routine Survey on **June 7 – 9, 2010**.

These findings will be reviewed by the DOH – Internal Review Committee during an upcoming review meeting. The findings are attached. You will be contacted by the Department for further instructions regarding your plan of correction requirements.

Please call the Plan of Correction Coordinator at 505-222-8647, if you have questions about the survey or the report. Thank you for your cooperation and for the work you perform.

Sincerely,

*Deb Russell, BS*

Deb Russell, BS  
Team Lead/Healthcare Surveyor  
Division of Health Improvement  
Quality Management Bureau



*"Assuring safety and quality of care in New Mexico's health facilities and community-based programs."*

**Roger Gillespie, Acting Division Director • Division of Health Improvement**

Quality Management Bureau • 5301 Central Ave. NE Suite 400 • Albuquerque, New Mexico 87108  
(505) 222-8623 • FAX: (505) 222-8661 • <http://dhi.health.state.nm.us>

DHI Quality Review Survey Report – Door of Opportunity Verification - Southeast Region – January 11 - 12, 2011

Survey Report #: Q11.03.D0355.SE.001.VS.01

## Survey Process Employed:

Entrance Conference Date: January 11, 2011

Present: **Door of Opportunity**  
Veronica Watts, Bookkeeper

**DOH/DHI/QMB**  
Deb Russell, BS, Team Lead/Healthcare Surveyor

Exit Conference Date: January 12, 2011

Present: **Door of Opportunity**  
Leah Smith, Vice President  
Dale Caley, Clinical Liaison  
Shannon Waddell, Billing Specialist  
Maria Chavarria, Service Coordinator  
Karen Estrada, Case Manager

**DOH/DHI/QMB**  
Deb Russell, BS, Team Lead/Healthcare Surveyor  
Tony Fragua, BFA, Healthcare Surveyor

**DDSD - Southeast Regional Office**  
Jon Hellebust, Regional Manager, via teleconference

Homes Visited Number: 3

❖ Supported Homes Visited Number: 3

Administrative Locations Visited Number: 1

Total Sample Size Number: 10  
0 - Jackson Class Members  
10 - Non-Jackson Class Members  
7 - Supported Living  
3 - Independent Living  
9 - Adult Habilitation  
9 - Community Access  
9 - Supported Employment

Persons Served Interviewed Number: 3 (7 other Individuals had no issues which required verification)

Records Reviewed (Persons Served) Number: 10

Administrative Files Reviewed

- Medical Records
- Incident Management Records
- Personnel Files
- Training Records
- Agency Policy and Procedure
- Caregiver Criminal History Screening Records
- Employee Abuse Registry

CC: Distribution List: DOH - Division of Health Improvement  
DOH - Developmental Disabilities Supports Division  
DOH - Office of Internal Audit  
HSD - Medical Assistance Division

## QMB Scope and Severity Matrix of survey results

Each deficiency in your Report of Findings is scored on a Scope and Severity Scale. The culmination of each deficiency's Scope and Severity is used to determine degree of compliance to standards and regulations and level of QMB Certification.

			SCOPE		
			Isolated 01% - 15%	Pattern 16% - 79%	Widespread 80% - 100%
SEVERITY	High Impact	Immediate Jeopardy to individual health and or safety	J.	K.	L.
		Actual harm	G.	H.	I.
	Medium Impact	No Actual Harm Potential for more than minimal harm	D.	E.	F. (3 or more)
		D. (2 or less)	F. (no conditions of participation)		
	Low Impact	No Actual Harm Minimal potential for harm.	A.	B.	C.

**Scope and Severity Definitions:**

**Key to Scope scale:**

Isolated:

A deficiency that is limited to 1% to 15% of the sample, usually impacting no more than one or two individuals in the sample.

Pattern:

A deficiency that impacts a number or group of individuals from 16% to 79% of the sample is defined as a pattern finding. Pattern findings suggest the need for system wide corrective actions.

Widespread:

A deficiency that impacts most or all (80% to 100%) of the individuals in the sample is defined as widespread or pervasive. Widespread findings suggest the need for system wide corrective actions as well as the need to implement a Continuous Quality Improvement process to improve or build infrastructure. Widespread findings must be referred to the Internal Review Committee for review and possible actions or sanctions.

**Key to Findings:**

**“Substantial Compliance with Conditions of Participation”**

The QMB determination of “Substantial Compliance with Conditions of Participation” indicates that a provider is in substantial compliance with all ‘Conditions of Participation’ and other standards and regulations. The agency has obtained a level of compliance such that there is a minimal potential for harm to individuals’ health and safety. To qualify for a determination of Substantial Compliance with Conditions of Participation, the provider must not have any findings that meet the thresholds for determining non-compliance with any Condition of Participation.

**“Non-Compliance with Conditions of Participation”**

The QMB determination of “Non-Compliance with Conditions of Participation” indicates that a provider is out of compliance with one (1) or more ‘Conditions of Participation.’ This non-compliance, if not corrected, is likely to result in a serious negative outcome or the potential for more than minimal harm to individuals’ health and safety.

Providers receiving a repeat determination of Non-Compliance may be referred by QMB to the Internal Review Committee (IRC) for consideration of remedies and possible actions.

**“Sub-Standard Compliance with Conditions of Participation”:**

The QMB determination of “Sub-Standard Compliance with Conditions of Participation” indicates a provider is significantly out of compliance with Conditions of Participation and/or has:

Multiple findings of widespread non-compliance with any standard or regulation with a significant potential for more than minimal harm. Any finding of actual harm or Immediate Jeopardy.

Providers receiving a repeat determination of 'Substandard Compliance' will be referred by QMB to the Internal Review Committee (IRC) for consideration of remedies and possible actions.

## **Guidelines for the Provider Informal Reconsideration of Finding (IRF) Process**

### **Introduction:**

Throughout the process, surveyors are openly communicating with providers. Open communication means that surveyors have clarified issues and/or requested missing information before completing the review. Regardless, there may still be instances where the provider disagrees with a specific finding.

To informally dispute a finding the provider must request in writing an Informal Reconsideration of the Finding (IRF) to the QMB Deputy Bureau Chief **within 10 business days** of receipt of the final report.

The written request for an IRF **must be completed on the QMB Request for Informal Reconsideration of Finding Form** (available on the QMB website: <http://dhi.health.state.nm.us/qmb>) and must specify in detail the request for reconsideration and why the finding is inaccurate. The **IRF request must include all supporting documentation or evidence that was not previously reviewed during the survey process.**

### **The following limitations apply to the IRF process:**

- The request for an IRF and all supporting evidence must be received in 10 business days.
- Findings based on evidence requested during the survey and not provided may not be subject to reconsideration.
- The supporting documentation must be new evidence not previously reviewed by the survey team.
- Providers must continue to complete their plan of correction during the IRF process
- Providers may not request an IRF to challenge the Scope and Severity of a finding.
- Providers may not request an IRF to challenge the sampling methodology.
- Providers may not request an IRF based on disagreement with the nature of the standard or regulation.
- Providers may not request an IRF to challenge the team composition
- Providers may not request an IRF to challenge the QMB Quality Approval Rating and the length of their DDSD provider contract.

A Provider forfeits the right to an IRF if the request is not made within 10 business days of receiving the report and does not include all supporting documentation or evidence to show compliance with the standards and regulations.

QMB has 30 working days to complete the review and notify the provider of the decision. The request will be reviewed by the IRF committee. The Provider will be notified in writing of the ruling, no face to face meeting will be conducted.

When a Provider requests that a finding be reconsidered, it does not stop or delay the Plan of Correction process. **Providers must continue to complete the Plan of Correction, including the finding in dispute regardless of the IRF status.** If a finding is successfully reconsidered, it will be noted and will be removed or modified from the report. It should be noted that in some cases a Plan of Correction may be completed prior to the IRF process being completed. The provider will be notified in writing on the decisions of the IRF committee.

**Agency:** Door of Opportunity, Inc. – Southeast Region  
**Program:** Developmental Disabilities Waiver  
**Service:** Community Living (Supported Living & Independent Living) & Community Inclusion (Adult Habilitation, Community Access & Supported Employment)  
**Monitoring Type:** Verification Survey  
**Original Survey Date:** June 7 – 9, 2010  
**Verification Date:** January 11 - 12, 2011

Statute	June 7 – 9, 2010 Deficiencies	January 10 - 11, 2011 Verification Survey Deficiencies
<b>Tag # 1A08 Agency Case File</b>	<b>Scope and Severity Rating: B</b>	<b>Scope and Severity Rating: N/A</b>
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p><b>CHAPTER 1 II. PROVIDER AGENCY REQUIREMENTS:</b> The objective of these standards is to establish Provider Agency policy, procedure and reporting requirements for DD Medicaid Waiver program. These requirements apply to all such Provider Agency staff, whether directly employed or subcontracting with the Provider Agency. Additional Provider Agency requirements and personnel qualifications may be applicable for specific service standards.</p> <p><b>D. Provider Agency Case File for the Individual:</b> All Provider Agencies shall maintain at the administrative office a confidential case file for each individual. Case records belong to the individual receiving services and copies shall be provided to the receiving agency whenever an individual changes providers. The record must also be made available for review when requested by DOH, HSD or federal government representatives for oversight purposes. The individual's case file shall include the following requirements:</p> <p>(1) Emergency contact information, including the individual's address, telephone number, names and telephone numbers of relatives, or guardian or conservator, physician's name(s) and telephone number(s), pharmacy name, address and telephone number, and health plan if appropriate;</p>	<p>Based on record review, the Agency failed to maintain at the administrative office a confidential case file for 5 of 11 individuals.</p> <p>Review of the Agency individual case files found the following items were not found, incomplete, and/or not current:</p> <ul style="list-style-type: none"> <li>• <b>Annual ISP</b> <ul style="list-style-type: none"> <li>◦ Not Current (#1)</li> </ul> </li> <li>• ISP Signature Page (#1)</li> <li>• Individual Specific Training Section (ISP) (formerly known as Addendum B) (#1)</li> <li>• Positive Behavioral Crisis Plan (#6)</li> <li>• Speech Therapy Plan (#8)</li> <li>• Occupational Therapy Plan (#6, 7 &amp; 8)</li> <li>• Physical Therapy Plan (#1, 5, 6, 7 &amp; 8)</li> </ul>	<p>Completed during Plan of Correction process.</p>

<p>(2) The individual's complete and current ISP, with all supplemental plans specific to the individual, and the most current completed Health Assessment Tool (HAT);</p> <p>(3) Progress notes and other service delivery documentation;</p> <p>(4) Crisis Prevention/Intervention Plans, if there are any for the individual;</p> <p>(5) A medical history, which shall include at least demographic data, current and past medical diagnoses including the cause (if known) of the developmental disability, psychiatric diagnoses, allergies (food, environmental, medications), immunizations, and most recent physical exam;</p> <p>(6) When applicable, transition plans completed for individuals at the time of discharge from Fort Stanton Hospital or Los Lunas Hospital and Training School; and</p> <p>(7) Case records belong to the individual receiving services and copies shall be provided to the individual upon request.</p> <p>(8) The receiving Provider Agency shall be provided at a minimum the following records whenever an individual changes provider agencies:</p> <ul style="list-style-type: none"> <li>(a) Complete file for the past 12 months;</li> <li>(b) ISP and quarterly reports from the current and prior ISP year;</li> <li>(c) Intake information from original admission to services; and</li> <li>(d) When applicable, the Individual Transition Plan at the time of discharge from Los Lunas Hospital and Training School or Ft. Stanton Hospital.</li> </ul>		
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Tag # 1A09 Medication Delivery (MAR) - Routine Medication	Scope and Severity Rating: E	Scope and Severity Rating: N/A
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p><b>CHAPTER 1 II. PROVIDER AGENCY REQUIREMENTS:</b> The objective of these standards is to establish Provider Agency policy, procedure and reporting requirements for DD Medicaid Waiver program. These requirements apply to all such Provider Agency staff, whether directly employed or subcontracting with the Provider Agency. Additional Provider Agency requirements and personnel qualifications may be applicable for specific service standards.</p> <p><b>E. Medication Delivery:</b> Provider Agencies that provide Community Living, Community Inclusion or Private Duty Nursing services shall have written policies and procedures regarding medication(s) delivery and tracking and reporting of medication errors in accordance with DDSD Medication Assessment and Delivery Policy and Procedures, the Board of Nursing Rules and Board of Pharmacy standards and regulations.</p> <p>(2) When required by the DDSD Medication Assessment and Delivery Policy, Medication Administration Records (MAR) shall be maintained and include:</p> <ol style="list-style-type: none"> <li>The name of the individual, a transcription of the physician's written or licensed health care provider's prescription including the brand and generic name of the medication, diagnosis for which the medication is prescribed;</li> <li>Prescribed dosage, frequency and method/route of administration, times and dates of administration;</li> <li>Initials of the individual administering or assisting with the medication;</li> <li>Explanation of any medication irregularity;</li> <li>Documentation of any allergic reaction or adverse medication effect; and</li> </ol>	<p>Medication Administration Records (MAR) were reviewed for the months of February, March, April &amp; June 2010.</p> <p>Based on record review, 5 of 10 individuals had Medication Administration Records, which contained missing medications entries and/or other errors:</p> <p>Individual #1 March 2010 Medication Administration Records did not contain the diagnosis for which the medication is prescribed:</p> <ul style="list-style-type: none"> <li>Prednisone 10mg (1 time every other day)</li> </ul> <p>April 2010 Medication Administration Records did not contain the diagnosis for which the medication is prescribed:</p> <ul style="list-style-type: none"> <li>Prednisone 10mg (1 time every other day)</li> </ul> <p>Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries:</p> <ul style="list-style-type: none"> <li>Depakote ER 500mg (1 time daily) – Blank 4/25 (8:00 PM)</li> </ul> <p>Individual #2 February 2010 Medication Administration Records did not contain the diagnosis for which the medication is prescribed:</p> <ul style="list-style-type: none"> <li>Lisinopril 20mg (1 time daily)</li> </ul> <p>Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries:</p> <ul style="list-style-type: none"> <li>Clotrimazole 1% (2 times daily) – Blank 2/10 (8:00 AM)</li> </ul>	<p>Completed during Plan of Correction process.</p>

<p>(f) For PRN medication, an explanation for the use of the PRN medication shall include observable signs/symptoms or circumstances in which the medication is to be used, and documentation of effectiveness of PRN medication administered.</p> <p>(3) The Provider Agency shall also maintain a signature page that designates the full name that corresponds to each initial used to document administered or assisted delivery of each dose;</p> <p>(4) MARs are not required for individuals participating in Independent Living who self-administer their own medications;</p> <p>(5) Information from the prescribing pharmacy regarding medications shall be kept in the home and community inclusion service locations and shall include the expected desired outcomes of administering the medication, signs and symptoms of adverse events and interactions with other medications;</p> <p><b>NMAC 16.19.11.8 MINIMUM STANDARDS:</b>  <b>A. MINIMUM STANDARDS FOR THE DISTRIBUTION, STORAGE, HANDLING AND RECORD KEEPING OF DRUGS:</b></p> <p>(d) The facility shall have a Medication Administration Record (MAR) documenting medication administered to residents, <b>including over-the-counter medications.</b> This documentation shall include:</p> <ul style="list-style-type: none"> <li>(i) Name of resident;</li> <li>(ii) Date given;</li> <li>(iii) Drug product name;</li> <li>(iv) Dosage and form;</li> <li>(v) Strength of drug;</li> <li>(vi) Route of administration;</li> <li>(vii) How often medication is to be taken;</li> <li>(viii) Time taken and staff initials;</li> <li>(ix) Dates when the medication is discontinued or changed;</li> <li>(x) The name and initials of all staff</li> </ul>	<p>Medication Administration Record document did not contain a signature page that designates the full name that corresponds to each initial used to document administered or assisted delivery of each dose for the following medications:</p> <ul style="list-style-type: none"> <li>• 70/30 Insulin (2 times daily)</li> </ul> <p>March 2010  Medication Administration Records did not contain the diagnosis for which the medication is prescribed:</p> <ul style="list-style-type: none"> <li>• Lisinopril 20mg (1 time daily)</li> </ul> <p>Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries:</p> <ul style="list-style-type: none"> <li>• Clotrimazole 1% (2 times daily) – Blank 3/9 (8:00 AM) &amp; 3/7, 26 &amp; 27 (8:00 PM)</li> <li>• Colace 100mg (2 times daily) – Blank 3/7 (8:00 PM)</li> <li>• Lactulose 15ml (2 times daily) – Blank 3/7 (8:00 PM)</li> <li>• Prune Juice 8oz (1 time daily) – Blank 3/7</li> <li>• Check Blood Sugar (4 times daily) – Blank 3/21 (11:00 AM)</li> </ul> <p>Medication Administration Record document did not contain a signature page that designates the full name that corresponds to each initial used to document administered or assisted delivery of each dose for the following medications:</p> <ul style="list-style-type: none"> <li>• 70/30 Insulin (2 times daily)</li> </ul> <p>April 2010  Medication Administration Records did not contain the diagnosis for which the medication is</p>	
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<p>administering medications.</p> <p><b>Model Custodial Procedure Manual</b>  <b>D. Administration of Drugs</b>  Unless otherwise stated by practitioner, patients will not be allowed to administer their own medications. Document the practitioner's order authorizing the self-administration of medications.</p> <p>All PRN (As needed) medications shall have complete detail instructions regarding the administering of the medication. This shall include:</p> <ul style="list-style-type: none"> <li>➤ symptoms that indicate the use of the medication,</li> <li>➤ exact dosage to be used, and</li> <li>➤ the exact amount to be used in a 24 hour period.</li> </ul>	<p>prescribed:</p> <ul style="list-style-type: none"> <li>• Lisinopril 20mg (1 time daily)</li> <li>• Risperdal M 0.5mg (1 time daily)</li> </ul> <p>Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries:</p> <ul style="list-style-type: none"> <li>• Clotrimazole 1% (2 times daily) – Blank 4/2, 3, 4 &amp; 10 (8:00 PM)</li> <li>• Check Blood Sugar (4 times daily) – Blank 4/10 &amp; 24 (11:00 AM); 4/2, 3, 4 &amp; 11 (4:00 PM) &amp; 4/2, 3, 4 &amp; 17 (8:00 PM)</li> <li>• 7/30 Insulin (2 times daily) – Blank 4/17 (8:00 PM)</li> <li>• Clonazepam 0.5mg (1 time daily) – Blank 4/2, 3, 4 &amp; 10 (8:00 PM)</li> <li>• Lisinopril 20mg – Blank 4/23 (8:00 AM)</li> <li>• Lactulose 15ml – Blank 4/2, 3, 4, 10 &amp; 16 (8:00 PM)</li> <li>• Prune Juice 8oz – Blank 4/2, 3 &amp; 4 (8:00 PM)</li> </ul> <p>Medication Administration Record document did not contain a signature page that designates the full name that corresponds to each initial used to document administered or assisted delivery of each dose for the following medications:</p> <ul style="list-style-type: none"> <li>• 70/30 Insulin (2 times daily)</li> </ul> <p>Individual #5  March 2010  Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries:</p> <ul style="list-style-type: none"> <li>• Ativan 0.5mg (3 times daily) – Blank 3/22 (2:00</li> </ul>	
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	<p>PM)</p> <p>April 2010 Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries:</p> <ul style="list-style-type: none"> <li>• Welchol 625mg (2 times daily) – Blank 4/12 (6:00 AM)</li> </ul> <p>Individual #6 Medication Administration Records did not contain the diagnosis for which the medication is prescribed:</p> <ul style="list-style-type: none"> <li>• Nystatin Cream (2 times daily)</li> <li>• Cylcobenzaprine 10mg (2 times daily)</li> </ul> <p>Medication Administration Record document did not contain a signature page that designates the full name that corresponds to each initial used to document administered or assisted delivery of each dose for the following medications:</p> <ul style="list-style-type: none"> <li>• Colace 100mg (2 times daily)</li> <li>• Ammonium Lactate 12% (2 times daily)</li> <li>• Cyclobenzaprine 10mg (2 times daily)</li> <li>• Depakote ER 500mg (2 times daily)</li> <li>• Dilantin 100mg (2 times daily)</li> <li>• Gabapentin 300mg (2 times daily)</li> <li>• Lovaza 1Gm (2 times daily)</li> <li>• Nystatin Cream (2 times daily)</li> </ul> <p>March 2010 Medication Administration Records did not contain the diagnosis for which the medication is</p>	
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	<p>prescribed:</p> <ul style="list-style-type: none"> <li>• Cyclobenzaprine 10mg (2 times daily)</li> </ul> <p>Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries:</p> <ul style="list-style-type: none"> <li>• Nystatin Cream (2 times daily) – Blank 3/22, 23, 24, 25, 26, 27, 28, 29, 30 &amp; 31 (7:00 AM) &amp; 3/22, 23, 24, 25, 26, 27, 28, 29 &amp; 31 (7:00 PM)</li> </ul> <p>April 2010</p> <p>Medication Administration Records did not contain the diagnosis for which the medication is prescribed:</p> <ul style="list-style-type: none"> <li>• Cyclobenzaprine 10mg (2 times daily)</li> <li>• Lisinopril 10mg (1 time daily)</li> </ul> <p>Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries:</p> <ul style="list-style-type: none"> <li>• Nystatin Cream (2 times daily) – Blank 4/5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29 &amp; 30 (7:00 AM) &amp; 4/2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 &amp; 30 (7:00 PM)</li> </ul> <p>June 2010</p> <p>Medication Administration Records did not contain the diagnosis for which the medication is prescribed:</p> <ul style="list-style-type: none"> <li>• Cyclobenzaprine 10mg (2 times daily)</li> <li>• Lisinopril 10mg (1 time daily)</li> </ul> <p>Individual #8</p> <p>February 2010</p> <p>Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries:</p>	
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- Tylenol Extra Strength 500mg (2 times daily) –  
Blank 2/11, 12, 13 & 14 (8:00 AM) & 2/12 & 13  
(8:00 PM)

Tag # 1A09 Medication Delivery - PRN Medication	Scope and Severity Rating: D	Scope and Severity Rating: N/A
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p><b>CHAPTER 1 II. PROVIDER AGENCY REQUIREMENTS:</b> The objective of these standards is to establish Provider Agency policy, procedure and reporting requirements for DD Medicaid Waiver program. These requirements apply to all such Provider Agency staff, whether directly employed or subcontracting with the Provider Agency. Additional Provider Agency requirements and personnel qualifications may be applicable for specific service standards.</p> <p><b>E. Medication Delivery:</b> Provider Agencies that provide Community Living, Community Inclusion or Private Duty Nursing services shall have written policies and procedures regarding medication(s) delivery and tracking and reporting of medication errors in accordance with DDS D Medication Assessment and Delivery Policy and Procedures, the Board of Nursing Rules and Board of Pharmacy standards and regulations.</p> <p>(2) When required by the DDS D Medication Assessment and Delivery Policy, Medication Administration Records (MAR) shall be maintained and include:</p> <ol style="list-style-type: none"> <li>The name of the individual, a transcription of the physician's written or licensed health care provider's prescription including the brand and generic name of the medication, diagnosis for which the medication is prescribed;</li> <li>Prescribed dosage, frequency and method/route of administration, times and dates of administration;</li> <li>Initials of the individual administering or assisting with the medication;</li> <li>Explanation of any medication irregularity;</li> <li>Documentation of any allergic reaction or adverse medication effect; and</li> </ol>	<p>Based on record review, the Agency failed to maintain PRN Medication Administration Records which contained all elements required by standard for 2 of 10 Individuals.</p> <p>Individual #4 March 2010</p> <p>No Signs/Symptoms were noted on the Medication Administration Record for the following PRN medication:</p> <ul style="list-style-type: none"> <li>• Haloperidol 5mg – PRN – 3/20 &amp; 31 (given 1 time)</li> <li>• Benztropine – 3/24 &amp; 25 (given 1 time)</li> </ul> <p>No Effectiveness was noted on the Medication Administration Record for the following PRN medication:</p> <ul style="list-style-type: none"> <li>• Haloperidol 5mg – PRN – 3/20 &amp; 31 (given 1 time)</li> <li>• Benztropine – 3/24 &amp; 25 (given 1 time)</li> </ul> <p>Medication Administration Records do not indicate whether the following medications are Routine or PRN medications and do not include required information as per standard:</p> <ul style="list-style-type: none"> <li>• Benztropine</li> </ul> <p>Medication Administration Records did not contain the route of administration for the following medications:</p> <ul style="list-style-type: none"> <li>• Benztropine</li> </ul> <p>Medication Administration Record did not contain the form (i.e. liquid, tablet, capsule, etc.) of medication to be taken for the following:</p> <ul style="list-style-type: none"> <li>• Benztropine</li> </ul>	<p>Completed during Plan of Correction process.</p>

<p>(f) For PRN medication, an explanation for the use of the PRN medication shall include observable signs/symptoms or circumstances in which the medication is to be used, and documentation of effectiveness of PRN medication administered.</p> <p>(3) The Provider Agency shall also maintain a signature page that designates the full name that corresponds to each initial used to document administered or assisted delivery of each dose;</p> <p>(4) MARs are not required for individuals participating in Independent Living who self-administer their own medications;</p> <p>(5) Information from the prescribing pharmacy regarding medications shall be kept in the home and community inclusion service locations and shall include the expected desired outcomes of administering the medication, signs and symptoms of adverse events and interactions with other medications;</p> <p><b>NMAC 16.19.11.8 MINIMUM STANDARDS: A. MINIMUM STANDARDS FOR THE DISTRIBUTION, STORAGE, HANDLING AND RECORD KEEPING OF DRUGS:</b></p> <p>(d) The facility shall have a Medication Administration Record (MAR) documenting medication administered to residents, <b>including over-the-counter medications.</b> This documentation shall include:</p> <ul style="list-style-type: none"> <li>(i) Name of resident;</li> <li>(ii) Date given;</li> <li>(iii) Drug product name;</li> <li>(iv) Dosage and form;</li> <li>(v) Strength of drug;</li> <li>(vi) Route of administration;</li> <li>(vii) How often medication is to be taken;</li> <li>(viii) Time taken and staff initials;</li> <li>(ix) Dates when the medication is discontinued</li> </ul>	<p>Medication Administration Records did not contain the strength of the medication which is to be given:</p> <ul style="list-style-type: none"> <li>•Benzotropine</li> </ul> <p>April 2010 No Signs/Symptoms were noted on the Medication Administration Record for the following PRN medication:</p> <ul style="list-style-type: none"> <li>•Haloperidol 5mg – PRN – 4/22 &amp; 23 (given 1 time)</li> <li>•Lactulose – 4/1, 3, 5, 10 &amp; 17 (given 1 time)</li> </ul> <p>No Effectiveness was noted on the Medication Administration Record for the following PRN medication:</p> <ul style="list-style-type: none"> <li>•Haloperidol 5mg – PRN – 4/22 &amp; 23 (given 1 time)</li> <li>•Lactulose – 4/1, 3, 5, 10 &amp; 17 (given 1 time)</li> </ul> <p>Medication Administration Records did not contain the strength of the medication which is to be given:</p> <ul style="list-style-type: none"> <li>•Lactulose</li> </ul> <p>June 2010 No Signs/Symptoms were noted on the Medication Administration Record for the following PRN medication:</p> <ul style="list-style-type: none"> <li>•Lactulose – 6/6 (given 1 time)</li> </ul> <p>Medication Administration Records did not contain the strength of the medication which is to be given:</p> <ul style="list-style-type: none"> <li>•Lactulose – 6/6 (given 1 time)</li> </ul> <p>Individual #8 March 2010 No Signs/Symptoms were noted on the Medication Administration Record for the following PRN medication:</p> <ul style="list-style-type: none"> <li>•Darvocet N 100 – PRN – 3/28 (given 1 time)</li> </ul>	
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- or changed;
- (x) The name and initials of all staff administering medications.

**Model Custodial Procedure Manual**

**D. Administration of Drugs**

Unless otherwise stated by practitioner, patients will not be allowed to administer their own medications. Document the practitioner's order authorizing the self-administration of medications.

All PRN (As needed) medications shall have complete detail instructions regarding the administering of the medication. This shall include:

- symptoms that indicate the use of the medication,
- exact dosage to be used, and
- the exact amount to be used in a 24 hour period.

**Department of Health**

**Developmental Disabilities Supports Division (DDSD) Medication Assessment and Delivery Policy - Eff. November 1, 2006**

**F. PRN Medication**

3. Prior to self-administration, self-administration with physical assist or assisting with delivery of PRN medications, the direct support staff must contact the agency nurse to describe observed symptoms and thus assure that the PRN medication is being used according to instructions given by the ordering PCP. In cases of fever, respiratory distress (including coughing), severe pain, vomiting, diarrhea, change in responsiveness/level of consciousness, the nurse must strongly consider the need to conduct a face-to-face assessment to assure that the PRN does not mask a condition better treated by seeking medical attention. This does not apply to home based/family living settings where the provider is related by affinity or by consanguinity to the individual.

4. The agency nurse shall review the utilization of

No Effectiveness was noted on the Medication Administration Record for the following PRN medication:

- Darvocet N 100 – PRN – 3/28 (given 1 time)

Medication Administration Record document did not contain a signature page that designates the full name that corresponds to each initial used to document administered or assisted delivery of each dose for the following medications:

- Darvocet N 100 – PRN

PRN medications routinely. Frequent or escalating use of PRN medications must be reported to the PCP and discussed by the Interdisciplinary for changes to the overall support plan (see Section H of this policy).

**H. Agency Nurse Monitoring**

1. Regardless of the level of assistance with medication delivery that is required by the individual or the route through which the medication is delivered, the agency nurses must monitor the individual's response to the effects of their routine and PRN medications. The frequency and type of monitoring must be based on the nurse's assessment of the individual and consideration of the individual's diagnoses, health status, stability, utilization of PRN medications and level of support required by the individual's condition and the skill level and needs of the direct care staff. Nursing monitoring should be based on prudent nursing practice and should support the safety and independence of the individual in the community setting. The health care plan shall reflect the planned monitoring of the individual's response to medication.

**Department of Health Developmental Disabilities Supports Division (DDSD) - Procedure Title: Medication Assessment and Delivery Procedure Eff Date: November 1, 2006**

C. 3. Prior to delivery of the PRN, direct support staff must contact the agency nurse to describe observed symptoms and thus assure that the PRN is being used according to instructions given by the ordering PCP. In cases of fever, respiratory distress (including coughing), severe pain, vomiting, diarrhea, change in responsiveness/level of consciousness, the nurse must strongly consider the need to conduct a face-to-face assessment to assure that the PRN does not mask a condition better treated by seeking medical attention. (References: Psychotropic Medication Use Policy, Section D, page 5 Use of PRN Psychotropic Medications; and, Human Rights Committee Requirements Policy, Section B, page 4 Interventions

Requiring Review and Approval – Use of PRN Medications).

a. Document conversation with nurse including all reported signs and symptoms, advice given and action taken by staff.

4. Document on the MAR each time a PRN medication is used and describe its effect on the individual (e.g., temperature down, vomiting lessened, anxiety increased, the condition is the same, improved, or worsened, etc.).

Tag # 1A11 (CoP) Transportation Training	Scope and Severity Rating: E	Scope and Severity Rating: N/A
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p><b>CHAPTER 1 II. PROVIDER AGENCY REQUIREMENTS:</b> The objective of these standards is to establish Provider Agency policy, procedure and reporting requirements for DD Medicaid Waiver program. These requirements apply to all such Provider Agency staff, whether directly employed or subcontracting with the Provider Agency. Additional Provider Agency requirements and personnel qualifications may be applicable for specific service standards.</p> <p><b>G. Transportation:</b> Provider agencies that provide Community Living, Community Inclusion or Non-Medical Transportation services shall have a written policy and procedures regarding the safe transportation of individuals in the community, which comply with New Mexico regulations governing the operation of motor vehicles to transport individuals, and which are consistent with DDSD guidelines issued July 1, 1999 titled "Client Transportation Safety". The policy and procedures must address at least the following topics:</p> <ol style="list-style-type: none"> <li>(1) Drivers' requirements,</li> <li>(2) Individual safety, including safe locations for boarding and disembarking passengers, appropriate responses to hazardous weather and other adverse driving conditions,</li> <li>(3) Vehicle maintenance and safety inspections,</li> <li>(4) Staff training regarding the safe operation of the vehicle, assisting passengers and safe lifting procedures,</li> <li>(5) Emergency Plans, including vehicle evacuation techniques,</li> <li>(6) Documentation, and</li> <li>(7) Accident Procedures.</li> </ol> <p><b>Department of Health (DOH) Developmental Disabilities Supports Division (DDSD) Policy Training Requirements for Direct Service Agency</b></p>	<p>Based on record review, the Agency failed to provide staff training regarding the safe operation of the vehicle, assisting passengers and safe lifting procedures for 13 of 76 Direct Service Personnel.</p> <p>No documented evidence was found of the following required training:</p> <ul style="list-style-type: none"> <li>• Transportation (DSP #46, 55, 68, 70, 87, 96, 99, 105, 106, 107, 110, 113 &amp; 115)</li> </ul>	<p>Completed during Plan of Correction process.</p>

Staff Policy **Eff Date:** March 1, 2007

**II. POLICY STATEMENTS:**

I. Staff providing direct services shall complete safety training within the first thirty (30) days of employment and before working alone with an individual receiving services. The training shall address at least the following:

1. Operating a fire extinguisher
2. Proper lifting procedures
3. General vehicle safety precautions (e.g., pre-trip inspection, removing keys from the ignition when not in the driver's seat)
4. Assisting passengers with cognitive and/or physical impairments (e.g., general guidelines for supporting individuals who may be unaware of safety issues involving traffic or those who require physical assistance to enter/exit a vehicle)
5. Operating wheelchair lifts (if applicable to the staff's role)
6. Wheelchair tie-down procedures (if applicable to the staff's role)
7. Emergency and evacuation procedures (e.g., roadside emergency, fire emergency)

Tag # 1A15 Healthcare Documentation	Scope and Severity Rating: E	Scope and Severity Rating: N/A
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p><b>CHAPTER 1. III. PROVIDER AGENCY DOCUMENTATION OF SERVICE DELIVERY AND LOCATION - Healthcare Documentation by Nurses For Community Living Services, Community Inclusion Services and Private Duty Nursing Services:</b> Nursing services must be available as needed and documented for Provider Agencies delivering Community Living Services, Community Inclusion Services and Private Duty Nursing Services.</p> <p><b>Chapter 1. III. E. (1 - 4) (1) Documentation of nursing assessment activities</b></p> <p>(a) The following hierarchy shall be used to determine which provider agency is responsible for completion of the HAT and MAAT and related subsequent planning and training:</p> <ul style="list-style-type: none"> <li>(i) Community living services provider agency;</li> <li>(ii) Private duty nursing provider agency;</li> <li>(iii) Adult habilitation provider agency;</li> <li>(iv) Community access provider agency; and</li> <li>(v) Supported employment provider agency.</li> </ul> <p>(b) The provider agency must arrange for their nurse to complete the Health Assessment Tool (HAT) and the Medication Administration Assessment Tool (MAAT) on at least an annual basis for each individual receiving community living, community inclusion or private duty nursing services, unless the provider agency arranges for the individual's Primary Care Practitioner (PCP) to voluntarily complete these assessments in lieu of the agency nurse. Agency nurses may also complete these assessments in collaboration with the Primary Care Practitioner if they believe such consultation is necessary for an accurate assessment. Family Living Provider Agencies have the option of having the subcontracted caregiver complete the HAT instead of the nurse or PCP, if the caregiver is comfortable doing so. However, the agency nurse must be available to</p>	<p>Based on record review, the Agency failed to maintain the required documentation in the Individuals Agency Record as required per standard for 3 of 11 individuals.</p> <p>The following were not found, incomplete and/or not current:</p> <ul style="list-style-type: none"> <li>• <b>Quarterly Nursing Review of HCP/Crisis Plans:</b> <ul style="list-style-type: none"> <li>◦ None found for 6/2009 - 6/2010 (#10)</li> </ul> </li> <li>• <b>Special Health Care Needs:</b> <ul style="list-style-type: none"> <li>• Nutritional Review</li> <li>◦ Individual #8 - According to the Nutritional Plan 7/2009 the individual is required to have a quarterly review. No evidence of quarterly review found.</li> </ul> </li> <li>• <b>Crisis Plans</b> <ul style="list-style-type: none"> <li>• Seizures</li> <li>◦ Individual #3 - As indicated by the IST section of ISP the individual is required to have a plan.</li> </ul> </li> </ul>	<p>Completed during Plan of Correction process.</p>

assist the caregiver upon request.

(c) For newly allocated individuals, the HAT and the MAAT must be completed within seventy-two (72) hours of admission into direct services or two weeks following the initial ISP, whichever comes first.

(d) For individuals already in services, the HAT and the MAAT must be completed at least fourteen (14) days prior to the annual ISP meeting and submitted to all members of the interdisciplinary team. The HAT must also be completed at the time of any significant change in clinical condition and upon return from any hospitalizations. In addition to annually, the MAAT must be completed at the time of any significant change in clinical condition, when a medication regime or route change requires delivery by licensed or certified staff, or when an individual has completed additional training designed to improve their skills to support self-administration (see DDS Medication Assessment and Delivery Policy).

(e) Nursing assessments conducted to determine current health status or to evaluate a change in clinical condition must be documented in a signed progress note that includes time and date as well as *subjective* information including the individual complaints, signs and symptoms noted by staff, family members or other team members; *objective* information including vital signs, physical examination, weight, and other pertinent data for the given situation (e.g., seizure frequency, method in which temperature taken); *assessment* of the clinical status, and *plan* of action addressing relevant aspects of all active health problems and follow up on any recommendations of medical consultants.

**(2) Health related plans**

(a) For individuals with chronic conditions that have the potential to exacerbate into a life-threatening situation, a medical crisis prevention and intervention plan must be written by the nurse or other appropriately designated healthcare professional.

(b) Crisis prevention and intervention plans must be written in user-friendly language that is easily understood by those implementing the plan.

(c) The nurse shall also document training regarding the crisis prevention and intervention plan delivered to agency staff and other team members, clearly indicating competency determination for each trainee.

(d) If the individual receives services from separate agencies for community living and community inclusion services, nurses from each agency shall collaborate in the development of and training delivery for crisis prevention and intervention plans to assure maximum consistency across settings.

(3) For all individuals with a HAT score of 4, 5 or 6, the nurse shall develop a comprehensive healthcare plan that includes health related supports identified in the ISP (The healthcare plan is the equivalent of a nursing care plan; two separate documents are not required nor recommended):

(a) Each healthcare plan must include a statement of the person's healthcare needs and list measurable goals to be achieved through implementation of the healthcare plan. Needs statements may be based upon supports needed for the individual to maintain a current strength, ability or skill related to their health, prevention measures, and/or supports needed to remediate, minimize or manage an existing health condition.

(b) Goals must be measurable and shall be revised when an individual has met the goal and has the potential to attain additional goals or no longer requires supports in order to maintain the goal.

(c) Approaches described in the plan shall be individualized to reflect the individual's unique needs, provide guidance to the caregiver(s) and designed to support successful interactions. Some interventions may be carried out by staff, family members or other team members, and other interventions may be carried out directly by the nurse – persons responsible for each intervention shall be specified in the plan.

(d) Healthcare plans shall be written in language that will be easily understood by the person(s) identified as implementing the interventions.

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(e) The nurse shall also document training on the healthcare plan delivered to agency staff and other team members, clearly indicating competency determination for each trainee. If the individual receives services from separate agencies for community living and community inclusion services, nurses from each agency shall collaborate in the development of and training delivery for healthcare plans to assure maximum consistency across settings.

(f) Healthcare plans must be updated to reflect relevant discharge orders whenever an individual returns to services following a hospitalization.

(g) All crisis prevention and intervention plans and healthcare plans shall include the individual's name and date on each page and shall be signed by the author.

(h) Crisis prevention and intervention plans as well as healthcare plans shall be reviewed by the nurse at least quarterly, and updated as needed.

**(4) General Nursing Documentation**

(a) The nurse shall complete legible and signed progress notes with date and time indicated that describe all interventions or interactions conducted with individuals served as well as all interactions with other healthcare providers serving the individual. All interactions shall be documented whether they occur by phone or in person.

(b) For individuals with a HAT score of 4, 5 or 6, or who have identified health concerns in their ISP, the nurse shall provide the interdisciplinary team with a quarterly report that indicates current health status and progress to date on health related ISP desired outcomes and action plans as well as progress toward goals in the healthcare plan.

Tag # 1A20 DSP Training Documents	Scope and Severity Rating: E	Scope and Severity Rating: N/A
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p><b>CHAPTER 1 IV. GENERAL REQUIREMENTS FOR PROVIDER AGENCY SERVICE PERSONNEL:</b> The objective of this section is to establish personnel standards for DD Medicaid Waiver Provider Agencies for the following services: Community Living Supports, Community Inclusion Services, Respite, Substitute Care and Personal Support Companion Services. These standards apply to all personnel who provide services, whether directly employed or subcontracting with the Provider Agency. Additional personnel requirements and qualifications may be applicable for specific service standards.</p> <p><b>C. Orientation and Training Requirements:</b> Orientation and training for direct support staff and his or her supervisors shall comply with the DDS/DOH Policy Governing the Training Requirements for Direct Support Staff and Internal Service Coordinators Serving Individuals with Developmental Disabilities to include the following:</p> <p>(1) Each new employee shall receive appropriate orientation, including but not limited to, all policies relating to fire prevention, accident prevention, incident management and reporting, and emergency procedures; and</p> <p>(2) Individual-specific training for each individual under his or her direct care, as described in the individual service plan, prior to working alone with the individual.</p> <p><b>Department of Health (DOH) Developmental Disabilities Supports Division (DDSD) Policy - Policy Title: Training Requirements for Direct Service Agency Staff Policy - Eff. March 1, 2007 - II. POLICY STATEMENTS:</b></p> <p>A. Individuals shall receive services from competent and qualified staff.</p> <p>B. Staff shall complete individual-specific (formerly known as "Addendum B") training requirements in accordance with the specifications described in the</p>	<p>Based on record review, the Agency failed to ensure that Orientation and Training requirements were met for 18 of 76 Direct Service Personnel.</p> <p>Review of Direct Service Personnel training records found no evidence of the following required DOH/DDSD trainings and certification being completed:</p> <ul style="list-style-type: none"> <li>• Pre- Service (DSP #41 &amp; 115)</li> <li>• Basic Health/Orientation (DSP #41, 62, 63, 113 &amp; 115)</li> <li>• Person-Centered Planning (1-Day) (DSP #55, 84, 113 &amp; 115)</li> <li>• First Aid (DSP #67, 70, 81, 82, 109, 112 &amp; 116)</li> <li>• CPR (DSP #67, 70, 81, 82, 109, 112 &amp; 116)</li> <li>• Assisting With Medication Delivery (DSP #55, 59, 72, 108, 113 &amp; 115)</li> <li>• Rights &amp; Advocacy (DSP #113)</li> <li>• Level 1 Health (DSP #112 &amp; 113)</li> <li>• Teaching &amp; Support Strategies (DSP #113)</li> <li>• Positive Behavior Supports Strategies (DSP #87 &amp; 113)</li> <li>• Participatory Communication &amp; Choice Making (DSP #87, 112 &amp; 113)</li> </ul>	<p>Completed during Plan of Correction process.</p>

individual service plan (ISP) of each individual served.

C. Staff shall complete training on DOH-approved incident reporting procedures in accordance with 7 NMAC 1.13.

D. Staff providing direct services shall complete training in universal precautions on an annual basis. The training materials shall meet Occupational Safety and Health Administration (OSHA) requirements.

E. Staff providing direct services shall maintain certification in first aid and CPR. The training materials shall meet OSHA requirements/guidelines.

F. Staff who may be exposed to hazardous chemicals shall complete relevant training in accordance with OSHA requirements.

G. Staff shall be certified in a DDSD-approved behavioral intervention system (e.g., Mandt, CPI) before using physical restraint techniques. Staff members providing direct services shall maintain certification in a DDSD-approved behavioral intervention system if an individual they support has a behavioral crisis plan that includes the use of physical restraint techniques.

H. Staff shall complete and maintain certification in a DDSD-approved medication course in accordance with the DDSD Medication Delivery Policy M-001.

I. Staff providing direct services shall complete safety training within the first thirty (30) days of employment and before working alone with an individual receiving services.

Tag # 1A22 Staff Competence	Scope and Severity Rating: E	Scope and Severity Rating: N/A
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p><b>CHAPTER 1 IV. GENERAL REQUIREMENTS FOR PROVIDER AGENCY SERVICE PERSONNEL:</b> The objective of this section is to establish personnel standards for DD Medicaid Waiver Provider Agencies for the following services: Community Living Supports, Community Inclusion Services, Respite, Substitute Care and Personal Support Companion Services. These standards apply to all personnel who provide services, whether directly employed or subcontracting with the Provider Agency. Additional personnel requirements and qualifications may be applicable for specific service standards.</p> <p><b>F. Qualifications for Direct Service Personnel:</b> The following employment qualifications and competency requirements are applicable to all Direct Service Personnel employed by a Provider Agency:</p> <ol style="list-style-type: none"> <li>(1) Direct service personnel shall be eighteen (18) years or older. Exception: Adult Habilitation can employ direct care personnel under the age of eighteen 18 years, but the employee shall work directly under a supervisor, who is physically present at all times;</li> <li>(2) Direct service personnel shall have the ability to read and carry out the requirements in an ISP;</li> <li>(3) Direct service personnel shall be available to communicate in the language that is functionally required by the individual or in the use of any specific augmentative communication system utilized by the individual;</li> <li>(4) Direct service personnel shall meet the qualifications specified by DDS in the Policy Governing the Training Requirements for Direct Support Staff and Internal Service Coordinators, Serving Individuals with Developmental</li> </ol>	<p>Based on interview, the Agency failed to ensure that training competencies were met for 6 of 10 Direct Service Personnel.</p> <p><b>When DSP were asked if they received training on the Individual's Positive Behavioral Supports Plan and what the plan covered, the following was reported:</b></p> <ul style="list-style-type: none"> <li>• DSP #45 stated, "I did not receive it." According to the Individual Specific Training Section of the ISP, the Individual requires a Positive Behavioral Supports Plan. (Individual #6)</li> <li>• DSP #84 stated, "I don't remember." According to the Individual Specific Training Section of the ISP, the Individual requires a Positive Behavioral Supports Plan. (Individual #4)</li> <li>• DSP #100 stated, "I have not received training. I was just placed two months ago." According to the Individual Specific Training Section of the ISP, the Individual requires a Positive Behavioral Crisis Plan. (Individual #4)</li> </ul> <p><b>When DSP were asked if the individual had a Positive Behavioral Crisis Plan and what the plan covered, the following was reported:</b></p> <ul style="list-style-type: none"> <li>• DSP #45 stated, "I did not receive it." According to the Individual Specific Training Section of the ISP, the Individual requires a Positive Behavioral Crisis Plan. (Individual #6)</li> </ul> <p><b>When DSP were asked if they received training on the Individual's Speech Therapy Plan and what the plan covered, the following was reported:</b></p> <ul style="list-style-type: none"> <li>• DSP #84 stated, "I haven't been trained." According to the Individual Specific Training</li> </ul>	<p>Completed during Plan of Correction process.</p>

<p>Disabilities; and</p> <p>(5) Direct service Provider Agencies of Respite Services, Substitute Care, Personal Support Services, Nutritional Counseling, Therapists and Nursing shall demonstrate basic knowledge of developmental disabilities and have training or demonstrable qualifications related to the role he or she is performing and complete individual specific training as required in the ISP for each individual he or she support.</p> <p>(6) Report required personnel training status to the DDS Statewide Training Database as specified in DDS policies as related to training requirements as follows:</p> <p>(a) Initial comprehensive personnel status report (name, date of hire, Social Security number category) on all required personnel to be submitted to DDS Statewide Training Database within the first ninety (90) calendar days of providing services;</p> <p>(b) Staff who do not wish to use his or her Social Security Number may request an alternative tracking number; and</p> <p>(c) Quarterly personnel update reports sent to DDS Statewide Training Database to reflect new hires, terminations, inter-provider Agency position changes, and name changes.</p> <p><b>Department of Health (DOH) Developmental Disabilities Supports Division (DDSD) Policy - Policy Title: Training Requirements for Direct Service Agency Staff Policy - Eff. March 1, 2007 - II. POLICY STATEMENTS:</b></p> <p>A. Individuals shall receive services from competent and qualified staff.</p>	<p>Section of the ISP, the Individual requires a Speech Therapy Plan. (Individual #4)</p> <ul style="list-style-type: none"> <li>• DSP #95 stated, "No." According to the Individual Specific Training Section of the ISP, the Individual requires a Speech Therapy Plan. (Individual #8)</li> <li>• DSP #100 stated, "No. I was just placed in the home two months ago." According to the Individual Specific Training Section of the ISP, the Individual requires a Speech Therapy Plan. (Individual #6)</li> </ul> <p><b>When DSP were asked if they received training on the Individual's Occupational Therapy Plan and what the plan covered, the following was reported:</b></p> <ul style="list-style-type: none"> <li>• DSP #45 stated, "I did not receive it." According to the Individual Specific Training Section of the ISP, the Individual requires an Occupational Therapy Plan. (Individual #6)</li> <li>• DSP #49 stated, "I didn't know he had that to tell you the truth." According to the Individual Specific Training Section of the ISP, the Individual requires an Occupational Therapy Plan. (Individual #8)</li> <li>• DSP #95 stated, "No." According to the Individual Specific Training Section of the ISP, the Individual requires an Occupational Therapy Plan. (Individual #8)</li> </ul> <p><b>When DSP were asked if they received training on the Individual's Physical Therapy Plan and what the plan covered, the following was reported:</b></p> <ul style="list-style-type: none"> <li>• DSP #45 stated, "I did not receive it." According to the Individual Specific Training Section of the ISP, the Individual requires a Physical Therapy Plan. (Individual #6)</li> </ul>	
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	<ul style="list-style-type: none"><li>• DSP #100 stated, “No.” According to the Individual Specific Training Section of the ISP, the Individual requires a Physical Therapy Plan. (Individual #4)</li></ul> <p><b>When DSP were asked if they received training on the Individual’s Crisis Plans and what the plan(s) covered, the following was reported:</b></p> <ul style="list-style-type: none"><li>• DSP #95 stated, “No.” As indicated by the Agency file, the Individual has Crisis Plans for Aspiration, GERD &amp; Mobility. (Individual #8)</li></ul> <p><b>When DSP were asked to describe signs of high blood sugar and what to do when there is high blood sugar, the following was reported:</b></p> <ul style="list-style-type: none"><li>• DSP #42 stated, “I don’t know.” The individual has a diagnosis of diabetes. (Individual #2)</li></ul>	
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Tag # 1A25 (CoP) CCHS	Scope and Severity Rating: D	Scope and Severity Rating: N/A
<p><b>NMAC 7.1.9.8 CAREGIVER AND HOSPITAL CAREGIVER EMPLOYMENT REQUIREMENTS:</b>  <b>F. Timely Submission:</b> Care providers shall submit all fees and pertinent application information for all individuals who meet the definition of an applicant, caregiver or hospital caregiver as described in Subsections B, D and K of 7.1.9.7 NMAC, no later than twenty (20) calendar days from the first day of employment or effective date of a contractual relationship with the care provider.</p> <p><b>NMAC 7.1.9.9 CAREGIVERS OR HOSPITAL CAREGIVERS AND APPLICANTS WITH DISQUALIFYING CONVICTIONS:</b>  <b>A. Prohibition on Employment:</b> A care provider shall not hire or continue the employment or contractual services of any applicant, caregiver or hospital caregiver for whom the care provider has received notice of a disqualifying conviction, except as provided in Subsection B of this section.</p> <p><b>NMAC 7.1.9.11 DISQUALIFYING CONVICTIONS.</b>  The following felony convictions disqualify an applicant, caregiver or hospital caregiver from employment or contractual services with a care provider:  <b>A.</b> homicide;  <b>B.</b> trafficking, or trafficking in controlled substances;  <b>C.</b> kidnapping, false imprisonment, aggravated assault or aggravated battery;  <b>D.</b> rape, criminal sexual penetration, criminal sexual contact, incest, indecent exposure, or other related felony sexual offenses;  <b>E.</b> crimes involving adult abuse, neglect or financial exploitation;  <b>F.</b> crimes involving child abuse or neglect;  <b>G.</b> crimes involving robbery, larceny, extortion, burglary, fraud, forgery, embezzlement, credit card fraud, or receiving stolen property; or  <b>H.</b> an attempt, solicitation...</p>	<p>Based on record review, the Agency failed to maintain documentation indicating no “disqualifying convictions” or documentation of the timely submission of pertinent application information to the Caregiver Criminal History Screening Program was on file for 5 of 78 Agency Personnel.</p> <p><b>The following Agency Personnel Files contained no evidence of Caregiver Criminal History Screenings:</b></p> <ul style="list-style-type: none"> <li>• #52 – Date of hire 6/2/2008</li> <li>• #63 – Date of hire 3/16/2010</li> <li>• #71 – Date of hire 2/10/2010</li> <li>• #84 – Date of hire 3/31/2010</li> <li>• #102 – Date of hire 7/24/2009</li> </ul>	<p>Completed during Plan of Correction process.</p>

Tag # 1A26 (CoP) COR / EAR	Scope and Severity Rating: D	Scope and Severity Rating: D
<p><b>NMAC 7.1.12.8</b>  <b>REGISTRY ESTABLISHED; PROVIDER INQUIRY REQUIRED:</b> Upon the effective date of this rule, the department has established and maintains an accurate and complete electronic registry that contains the name, date of birth, address, social security number, and other appropriate identifying information of all persons who, while employed by a provider, have been determined by the department, as a result of an investigation of a complaint, to have engaged in a substantiated registry-referred incident of abuse, neglect or exploitation of a person receiving care or services from a provider. Additions and updates to the registry shall be posted no later than two (2) business days following receipt. Only department staff designated by the custodian may access, maintain and update the data in the registry.</p> <p>A. <b>Provider requirement to inquire of registry.</b> A provider, prior to employing or contracting with an employee, shall inquire of the registry whether the individual under consideration for employment or contracting is listed on the registry.</p> <p>B. <b>Prohibited employment.</b> A provider may not employ or contract with an individual to be an employee if the individual is listed on the registry as having a substantiated registry-referred incident of abuse, neglect or exploitation of a person receiving care or services from a provider.</p> <p>D. <b>Documentation of inquiry to registry.</b> The provider shall maintain documentation in the employee's personnel or employment records that evidences the fact that the provider made an inquiry to the registry concerning that employee prior to employment. Such documentation must include evidence, based on the response to such inquiry received from the custodian by the provider, that the employee was not listed on the registry as having a substantiated registry-referred incident of abuse, neglect or exploitation.</p> <p>E. <b>Documentation for other staff.</b> With</p>	<p>Based on record review, the Agency failed to maintain documentation in the employee's personnel records that evidenced inquiry to the Employee Abuse Registry prior to employment for 11 of 78 Agency Personnel.</p> <p><b>The following Agency personnel records contained NO evidence of the Employee Abuse Registry being completed:</b></p> <ul style="list-style-type: none"> <li>• #52 – Date of hire 6/2/2008</li> <li>• #68 – Date of hire 6/30/2008</li> <li>• #70 – Date of hire 6/12/2009</li> <li>• #81 – Date of hire 2/25/2010</li> <li>• #106 – Date of hire 10/27/2005</li> <li>• #108 – Date of hire 10/30/2008</li> <li>• #116 – Date of hire 3/3/2010</li> </ul> <p><b>The following Agency Personnel records contained evidence that indicated the Employee Abuse Registry was completed after hire:</b></p> <ul style="list-style-type: none"> <li>• #45 – Date of hire 3/16/2009. Completed 3/18/2009.</li> <li>• #49 – Date of hire 10/16/2009. Completed 12/9/2009.</li> <li>• #113 – Date of hire 8/9/2007. Document was not dated.</li> <li>• #118 – Date of hire 6/8/2009. Completed 7/8/2009.</li> </ul>	<p><b>New &amp; Repeat Finding:</b></p> <p>Based on record review, the Agency failed to maintain documentation in the employee's personnel records that evidenced inquiry to the Employee Abuse Registry prior to employment for 4 of 104 Agency Personnel.</p> <p><b>The following Agency Personnel records contained evidence that indicated the Employee Abuse Registry was completed after hire:</b></p> <ul style="list-style-type: none"> <li>• #122 – Date of hire 6/1/2010. Completed 7/9/2010.</li> <li>• #136 – Date of hire 7/27/2010. Completed 8/25/2010.</li> <li>• #143 – Date of hire 6/21/2010. Completed 7/9/2010.</li> <li>• #146 – Date of hire 11/30/2010. Completed 12/21/2010.</li> </ul>

respect to all employed or contracted individuals providing direct care who are licensed health care professionals or certified nurse aides, the provider shall maintain documentation reflecting the individual's current licensure as a health care professional or current certification as a nurse aide.

F. **Consequences of noncompliance.** The department or other governmental agency having regulatory enforcement authority over a provider may sanction a provider in accordance with applicable law if the provider fails to make an appropriate and timely inquiry of the registry, or fails to maintain evidence of such inquiry, in connection with the hiring or contracting of an employee; or for employing or contracting any person to work as an employee who is listed on the registry. Such sanctions may include a directed plan of correction, civil monetary penalty not to exceed five thousand dollars (\$5000) per instance, or termination or non-renewal of any contract with the department or other governmental agency.

Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007

**Chapter 1.IV. General Provider Requirements. D. Criminal History Screening:** All personnel shall be screened by the Provider Agency in regard to the employee's qualifications, references, and employment history, prior to employment. All Provider Agencies shall comply with the Criminal Records Screening for Caregivers 7.1.12 NMAC and Employee Abuse Registry 7.1.12 NMAC as required by the Department of Health, Division of Health Improvement.

Tag # 1A27 (CoP) Late & Failure to Report	Scope and Severity Rating: F	Scope and Severity Rating: N/A
<p><b>7.1.13.9 INCIDENT MANAGEMENT SYSTEM REPORTING REQUIREMENTS FOR COMMUNITY BASED SERVICE PROVIDERS:</b></p> <p><b>A. Duty To Report:</b></p> <p>(1) All community based service providers shall immediately report abuse, neglect or misappropriation of property to the adult protective services division.</p> <p>(2) All community based service providers shall report to the division within twenty four (24) hours : abuse, neglect, or misappropriation of property, unexpected and natural/expected deaths; and other reportable incidents to include:</p> <p>(a) an environmental hazardous condition, which creates an immediate threat to life or health; or</p> <p>(b) admission to a hospital or psychiatric facility or the provision of emergency services that results in medical care which is unanticipated or unscheduled for the consumer and which would not routinely be provided by a community based service provider.</p> <p>(3) All community based service providers shall ensure that the reporter with direct knowledge of an incident has immediate access to the division incident report form to allow the reporter to respond to, report, and document incidents in a timely and accurate manner.</p> <p><b>B. Notification: (1) Incident Reporting:</b> Any consumer, employee, family member or legal guardian may report an incident independently or through the community based service provider to the division by telephone call, written correspondence or other forms of communication utilizing the division's incident report form. The incident report form and instructions for the completion and filing are available at the division's website, <a href="http://dhi.health.state.nm.us/elibrary/ironline/ir.php">http://dhi.health.state.nm.us/elibrary/ironline/ir.php</a> or may be obtained from the department by calling the toll free number.</p>	<p>Based on the Incident Management Bureau's Late and Failure Reports, the Agency failed to report suspected abuse, neglect, or misappropriation of property, unexpected and natural/expected deaths; or other reportable incidents to the Division of Health Improvement for 24 of 29 individuals.</p> <p>Individual #1</p> <ul style="list-style-type: none"> <li>Incident date 10/1/2009. Allegation was Exploitation. Incident report was received 10/1/2009. Failure to Report. IMB Late &amp; Failure Report indicated incident of Neglect was "Confirmed."</li> </ul> <p>Individual #3</p> <ul style="list-style-type: none"> <li>Incident date 10/1/2009. Allegation was Exploitation. Incident report was received 10/1/2009. Failure to Report. IMB Late &amp; Failure Report indicated incident of Neglect was "Confirmed."</li> </ul> <p>Individual #4</p> <ul style="list-style-type: none"> <li>Incident date 10/1/2009. Allegation was Exploitation. Incident report was received 10/1/2009. Failure to Report. IMB Late &amp; Failure Report indicated incident of Neglect was "Confirmed."</li> </ul> <p>Individual #5</p> <ul style="list-style-type: none"> <li>Incident date 10/1/2009. Allegation was Exploitation. Incident report was received 10/1/2009. Failure to Report. IMB Late &amp; Failure Report indicated incident of Neglect was "Confirmed."</li> </ul> <p>Individual #7</p> <ul style="list-style-type: none"> <li>Incident date 10/1/2009. Allegation was Exploitation. Incident report was received 10/1/2009. Failure to Report. IMB Late &amp; Failure Report indicated incident of Neglect was</li> </ul>	<p>Completed during Plan of Correction process.</p>

	<p>“Confirmed.”</p> <p>Individual #10</p> <ul style="list-style-type: none"> <li>• Incident date 10/1/2009. Allegation was Exploitation. Incident report was received 10/1/2009. Failure to Report. IMB Late &amp; Failure Report indicated incident of Neglect was “Confirmed.”</li> </ul> <p>Individual #12</p> <ul style="list-style-type: none"> <li>• Incident date 10/1/2009. Allegation was Exploitation. Incident report was received 10/1/2009. Failure to Report. IMB Late &amp; Failure Report indicated incident of Neglect was “Confirmed.”</li> </ul> <p>Individual #13</p> <ul style="list-style-type: none"> <li>• Incident date 10/1/2009. Allegation was Exploitation. Incident report was received 10/1/2009. Failure to Report. IMB Late &amp; Failure Report indicated incident of Neglect was “Confirmed.”</li> </ul> <p>Individual #14</p> <ul style="list-style-type: none"> <li>• Incident date 10/1/2009. Allegation was Exploitation. Incident report was received 10/1/2009. Failure to Report. IMB Late &amp; Failure Report indicated incident of Neglect was “Confirmed.”</li> </ul> <p>Individual #15</p> <ul style="list-style-type: none"> <li>• Incident date 10/1/2009. Allegation was Exploitation. Incident report was received 10/1/2009. Failure to Report. IMB Late &amp; Failure Report indicated incident of Neglect was “Confirmed.”</li> </ul> <p>Individual #16</p> <ul style="list-style-type: none"> <li>• Incident date 10/1/2009. Allegation was Exploitation. Incident report was received 10/1/2009. Failure to Report. IMB Late &amp; Failure</li> </ul>	
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	<p>Report indicated incident of Neglect was "Confirmed."</p> <p>Individual #17</p> <ul style="list-style-type: none"> <li>• Incident date 10/1/2009. Allegation was Exploitation. Incident report was received 10/1/2009. Failure to Report. IMB Late &amp; Failure Report indicated incident of Neglect was "Confirmed."</li> </ul> <p>Individual #18</p> <ul style="list-style-type: none"> <li>• Incident date 10/1/2009. Allegation was Exploitation. Incident report was received 10/1/2009. Failure to Report. IMB Late &amp; Failure Report indicated incident of Neglect was "Confirmed."</li> </ul> <p>Individual #19</p> <ul style="list-style-type: none"> <li>• Incident date 10/1/2009. Allegation was Exploitation. Incident report was received 10/1/2009. Failure to Report. IMB Late &amp; Failure Report indicated incident of Neglect was "Confirmed."</li> </ul> <p>Individual #20</p> <ul style="list-style-type: none"> <li>• Incident date 10/1/2009. Allegation was Exploitation. Incident report was received 10/1/2009. Failure to Report. IMB Late &amp; Failure Report indicated incident of Neglect was "Confirmed."</li> </ul> <p>Individual #21</p> <ul style="list-style-type: none"> <li>• Incident date 10/1/2009. Allegation was Exploitation. Incident report was received 10/1/2009. Failure to Report. IMB Late &amp; Failure Report indicated incident of Neglect was "Confirmed."</li> </ul> <p>Individual #22</p> <ul style="list-style-type: none"> <li>• Incident date 10/1/2009. Allegation was Exploitation. Incident report was received</li> </ul>	
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	<p>10/1/2009. Failure to Report. IMB Late &amp; Failure Report indicated incident of Neglect was "Confirmed."</p> <p>Individual #23</p> <ul style="list-style-type: none"> <li>• Incident date 10/1/2009. Allegation was Exploitation. Incident report was received 10/1/2009. Failure to Report. IMB Late &amp; Failure Report indicated incident of Neglect was "Confirmed."</li> </ul> <p>Individual #24</p> <ul style="list-style-type: none"> <li>• Incident date 10/1/2009. Allegation was Exploitation. Incident report was received 10/1/2009. Failure to Report. IMB Late &amp; Failure Report indicated incident of Neglect was "Confirmed."</li> </ul> <p>Individual #25</p> <ul style="list-style-type: none"> <li>• Incident date 10/1/2009. Allegation was Exploitation. Incident report was received 10/1/2009. Failure to Report. IMB Late &amp; Failure Report indicated incident of Neglect was "Confirmed."</li> </ul> <p>Individual #26</p> <ul style="list-style-type: none"> <li>• Incident date 10/1/2009. Allegation was Exploitation. Incident report was received 10/1/2009. Failure to Report. IMB Late &amp; Failure Report indicated incident of Neglect was "Confirmed."</li> </ul> <p>Individual #27</p> <ul style="list-style-type: none"> <li>• Incident date 10/1/2009. Allegation was Exploitation. Incident report was received 10/1/2009. Failure to Report. IMB Late &amp; Failure Report indicated incident of Neglect was "Confirmed."</li> <li>• Incident date 10/14/2009. Allegation was Abuse. Incident report was received 10/16/2009. Late</li> </ul>	
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	<p>Reporting. IMB Late &amp; Failure Report indicated incidents of Abuse &amp; Neglect were "Confirmed."</p> <p>Individual #28</p> <ul style="list-style-type: none"><li>• Incident date 10/5/12009. Allegation was Exploitation. Incident report was received 10/1/2009. Failure to Report. IMB Late &amp; Failure Report indicated incident of Neglect was "Confirmed."</li></ul> <p>Individual #29</p> <ul style="list-style-type: none"><li>• Incident date 10/6/12009. Allegation was Exploitation. Incident report was received 10/1/2009. Failure to Report. IMB Late &amp; Failure Report indicated incident of Neglect was "Confirmed."</li></ul>	
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Tag # 1A28 (CoP) Incident Mgt. System - Personnel Training	Scope & Severity Rating: D	Scope and Severity Rating: D
<p><b>NMAC 7.1.13.10 INCIDENT MANAGEMENT SYSTEM REQUIREMENTS: A. General:</b> All licensed health care facilities and community based service providers shall establish and maintain an incident management system, which emphasizes the principles of prevention and staff involvement. The licensed health care facility or community based service provider shall ensure that the incident management system policies and procedures requires all employees to be competently trained to respond to, report, and document incidents in a timely and accurate manner.</p> <p><b>D. Training Documentation:</b> All licensed health care facilities and community based service providers shall prepare training documentation for each employee to include a signed statement indicating the date, time, and place they received their incident management reporting instruction. The licensed health care facility and community based service provider shall maintain documentation of an employee's training for a period of at least twelve (12) months, or six (6) months after termination of an employee's employment. Training curricula shall be kept on the provider premises and made available on request by the department. Training documentation shall be made available immediately upon a division representative's request. Failure to provide employee training documentation shall subject the licensed health care facility or community based service provider to the penalties provided for in this rule.</p> <p><b>Policy Title: Training Requirements for Direct Service Agency Staff Policy - Eff. March 1, 2007</b></p> <p><b>II. POLICY STATEMENTS:</b></p> <p>A. Individuals shall receive services from competent and qualified staff.</p> <p>C. Staff shall complete training on DOH-approved incident reporting procedures in accordance with 7 NMAC 1.13.</p>	<p>Based on record review, the Agency failed to provide documentation verifying completion of Incident Management Training for 7 of 78 Agency Personnel.</p> <ul style="list-style-type: none"> <li>Incident Management Training (Abuse, Neglect &amp; Misappropriation of Consumers' Property) (#45, 53, 71, 91, 108, 115 &amp; 116)</li> </ul>	<p><b>New &amp; Repeat Finding:</b></p> <p>Based on record review, the Agency failed to provide documentation verifying completion of Incident Management Training for 1 of 104 Agency Personnel.</p> <ul style="list-style-type: none"> <li>Incident Management Training (Abuse, Neglect &amp; Misappropriation of Consumers' Property) (#146)</li> </ul>

Tag # 1A28 (CoP) Incident Mgt. System - Parent/Guardian Training	Scope & Severity Rating: E	Scope and Severity Rating: N/A
<p><b>NMAC 7.1.13.10 INCIDENT MANAGEMENT SYSTEM REQUIREMENTS:</b></p> <p><b>A. General:</b> All licensed health care facilities and community based service providers shall establish and maintain an incident management system, which emphasizes the principles of prevention and staff involvement. The licensed health care facility or community based service provider shall ensure that the incident management system policies and procedures requires all employees to be competently trained to respond to, report, and document incidents in a timely and accurate manner.</p> <p><b>E. Consumer and Guardian Orientation Packet:</b> Consumers, family members and legal guardians shall be made aware of and have available immediate accessibility to the licensed health care facility and community based service provider incident reporting processes. The licensed health care facility and community based service provider shall provide consumers, family members or legal guardians an orientation packet to include incident management systems policies and procedural information concerning the reporting of abuse, neglect or misappropriation. The licensed health care facility and community based service provider shall include a signed statement indicating the date, time, and place they received their orientation packet to be contained in the consumer's file. The appropriate consumer, family member or legal guardian shall sign this at the time of orientation.</p>	<p>Based on record review, the Agency failed to provide documentation indicating consumer, family members, or legal guardians had received an orientation packet including incident management system policies and procedural information concerning the reporting of Abuse, Neglect and Misappropriation of Consumers' Property, for 3 of 11 individuals.</p> <ul style="list-style-type: none"> <li>• Parent/Guardian Incident Management Training (Abuse, Neglect &amp; Misappropriation of Consumers' Property) (#1, 7 &amp; 10)</li> </ul>	<p>Completed during Plan of Correction process.</p>

Tag # 1A29 Complaints / Grievances - Acknowledgement	Scope and Severity Rating: A	Scope and Severity Rating: N/A
<p><b>NMAC 7.26.3.6</b>  A. These regulations set out rights that the department expects all providers of services to individuals with developmental disabilities to respect. These regulations are intended to complement the department's Client Complaint Procedures (7 NMAC 26.4) [now 7.26.4 NMAC].</p> <p><b>NMAC 7.26.3.13 Client Complaint Procedure Available.</b> A complainant may initiate a complaint as provided in the client complaint procedure to resolve complaints alleging that a service provider has violated a client's rights as described in Section 10 [now 7.26.3.10 NMAC]. The department will enforce remedies for substantiated complaints of violation of a client's rights as provided in client complaint procedure. [09/12/94; 01/15/97; Recompiled 10/31/01]</p> <p><b>NMAC 7.26.4.13 Complaint Process:</b>  <b>A. (2).</b> The service provider's complaint or grievance procedure shall provide, at a minimum, that: <b>(a)</b> the client is notified of the service provider's complaint or grievance procedure</p>	<p>Based on record review, the Agency failed to provide documentation, the complaint procedure had been made available to individuals or their legal guardians for 2 of 11 individuals.</p> <ul style="list-style-type: none"> <li>Grievance/Complaint Procedure Acknowledgement (#1 &amp; 10)</li> </ul>	<p>Completed during Plan of Correction process.</p>

Tag # 1A32 (CoP) ISP Implementation	Scope and Severity Rating: D	Scope and Severity Rating: N/A
<p><b>NMAC 7.26.5.16.C and D</b>  <b>Development of the ISP. Implementation of the ISP.</b> The ISP shall be implemented according to the timelines determined by the IDT and as specified in the ISP for each stated desired outcomes and action plan.</p> <p>C. The IDT shall review and discuss information and recommendations with the individual, with the goal of supporting the individual in attaining desired outcomes. The IDT develops an ISP based upon the individual's personal vision statement, strengths, needs, interests and preferences. The ISP is a dynamic document, revised periodically, as needed, and amended to reflect progress towards personal goals and achievements consistent with the individual's future vision. This regulation is consistent with standards established for individual plan development as set forth by the commission on the accreditation of rehabilitation facilities (CARF) and/or other program accreditation approved and adopted by the developmental disabilities division and the department of health. It is the policy of the developmental disabilities division (DDD), that to the extent permitted by funding, each individual receive supports and services that will assist and encourage independence and productivity in the community and attempt to prevent regression or loss of current capabilities. Services and supports include specialized and/or generic services, training, education and/or treatment as determined by the IDT and documented in the ISP.</p> <p>D. The intent is to provide choice and obtain opportunities for individuals to live, work and play with full participation in their communities. The following principles provide direction and purpose in planning for individuals with developmental disabilities.  [05/03/94; 01/15/97; Recompiled 10/31/01]</p>	<p>Based on record review, the Agency failed to implement the ISP according to the timelines determined by the IDT and as specified in the ISP for each stated desired outcomes and action plan for 2 of 11 individuals.</p> <p>Per Individuals ISP the following was found with regards to the implementation of ISP Outcomes:</p> <p><b>Adult Habilitation Data Collection/Data Tracking/Progress with regards to ISP Outcomes:</b></p> <p>Individual #8</p> <ul style="list-style-type: none"> <li>• None found for 1/2010 - 5/2010</li> </ul> <p><b>Supported Employment Data Collection/Data Tracking/Progress with regards to ISP Outcomes:</b></p> <p>Individual #3</p> <ul style="list-style-type: none"> <li>• None found for 7/2009 - 12/2009</li> </ul> <p><b>Community Access Data Collection/Data Tracking/Progress with regards to ISP Outcomes:</b></p> <p>Individual #8</p> <ul style="list-style-type: none"> <li>• None found for 1/2010 - 5/2010</li> </ul>	<p>Completed during Plan of Correction process.</p>

Tag # 1A33 Board of Pharmacy - Lic	Scope and Severity Rating: B	Scope and Severity Rating: N/A
<p><b>New Mexico Board of Pharmacy Model Custodial Drug Procedures Manual</b></p> <p><b>6. Display of License and Inspection Reports</b></p> <p>A. The following are required to be publicly displayed:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Current Custodial Drug Permit from the NM Board of Pharmacy</li> <li><input type="checkbox"/> Current registration from the consultant pharmacist</li> <li><input type="checkbox"/> Current NM Board of Pharmacy Inspection Report</li> </ul>	<p>Based on observation, the Agency failed to provide the current Custodial Drug Permit from the New Mexico Board of Pharmacy, the current registration from the Consultant Pharmacist, or the current New Mexico Board of Pharmacy Inspection Report for 6 of 8 residences:</p> <p>Individuals #8 &amp; 10 live in the same residence.</p> <p>Individual Residence:</p> <ul style="list-style-type: none"> <li>• Current Custodial Drug Permit from the NM Board of Pharmacy (#6)</li> <li>• Current Registration of Consulting Pharmacist (#1, 2, 4, 5 &amp; 6)</li> <li>• Current NM Board of Pharmacy Inspection report (#1, 6, 8 &amp; 10)</li> </ul>	<p>Completed during Plan of Correction process.</p>

Tag # 1A37 Individual Specific Training	Scope and Severity Rating: D	Scope and Severity Rating: N/A
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p><b>CHAPTER 1 IV. GENERAL REQUIREMENTS FOR PROVIDER AGENCY SERVICE PERSONNEL:</b> The objective of this section is to establish personnel standards for DD Medicaid Waiver Provider Agencies for the following services: Community Living Supports, Community Inclusion Services, Respite, Substitute Care and Personal Support Companion Services. These standards apply to all personnel who provide services, whether directly employed or subcontracting with the Provider Agency. Additional personnel requirements and qualifications may be applicable for specific service standards.</p> <p><b>C. Orientation and Training Requirements:</b> Orientation and training for direct support staff and his or her supervisors shall comply with the DDS/D/DOH Policy Governing the Training Requirements for Direct Support Staff and Internal Service Coordinators Serving Individuals with Developmental Disabilities to include the following:</p> <p>(2) <b>Individual-specific training</b> for each individual under his or her direct care, as described in the individual service plan, prior to working alone with the individual.</p> <p><b>Department of Health (DOH) Developmental Disabilities Supports Division (DDSD) Policy - Policy Title: Training Requirements for Direct Service Agency Staff Policy - Eff. March 1, 2007 - II. POLICY STATEMENTS:</b></p> <p><b>A.</b> Individuals shall receive services from competent and qualified staff.</p> <p><b>B.</b> Staff shall complete individual-specific (formerly known as "Addendum B") training requirements in accordance with the specifications described in the individual service plan (ISP) of each individual served.</p>	<p>Based on record review, the Agency failed to ensure that Individual Specific Training requirements were met for 4 of 78 Agency Personnel.</p> <p>Review of personnel records found no evidence of the following:</p> <ul style="list-style-type: none"> <li>• Individual Specific Training (#44, 110, 115 &amp; 116)</li> </ul>	<p>Completed during Plan of Correction process.</p>

<b>Tag # 5I11 Reporting Requirements (Community Inclusion Quarterly Reports)</b>	<b>Scope and Severity Rating: B</b>	<b>Scope and Severity Rating: N/A</b>
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p><b>CHAPTER 5 IV. COMMUNITY INCLUSION SERVICES PROVIDER AGENCY REQUIREMENTS</b></p> <p><b>E. Provider Agency Reporting Requirements:</b> All Community Inclusion Provider Agencies are required to submit written quarterly status reports to the individual's Case Manager no later than fourteen (14) calendar days following the end of each quarter. In addition to reporting required by specific Community Access, Supported Employment, and Adult Habilitation Standards, the quarterly reports shall contain the following written documentation:</p> <ol style="list-style-type: none"> <li>(1) Identification and implementation of a meaningful day definition for each person served;</li> <li>(2) Documentation summarizing the following: <ol style="list-style-type: none"> <li>(a) Daily choice-based options; and</li> <li>(b) Daily progress toward goals using age-appropriate strategies specified in each individual's action plan in the ISP.</li> </ol> </li> <li>(3) Significant changes in the individual's routine or staffing;</li> <li>(4) Unusual or significant life events;</li> <li>(5) Quarterly updates on health status, including changes in medication, assistive technology needs and durable medical equipment needs;</li> <li>(6) Record of personally meaningful community inclusion;</li> <li>(7) Success of supports as measured by whether or not the person makes progress toward his or her desired outcomes as identified in the ISP; and</li> <li>(8) Any additional reporting required by DDSD.</li> </ol>	<p>Based on record review, the Agency failed to complete quarterly reports as required for 5 of 11 individuals receiving Community Inclusion services.</p> <p><b>Adult Habilitation Quarterly Reports</b></p> <ul style="list-style-type: none"> <li>• Individual #1 - None found for 7/2009 - 9/2009</li> <li>• Individual #5 - None found for 6/2009 - 9/2009</li> </ul> <p><b>Community Access Quarterly Reports</b></p> <ul style="list-style-type: none"> <li>• Individual #1 - None found for 7/2009 - 9/2009</li> <li>• Individual #5 - None found for 7/2009 - 9/2009</li> <li>• Individual #10 - None found for 6/2009 - 9/2009</li> </ul> <p><b>Supported Employment Quarterly Reports</b></p> <ul style="list-style-type: none"> <li>• Individual #6 - None found for 10/2009 - 12/2009</li> <li>• Individual #7 - None found for 10/2009 - 12/2009</li> </ul>	<p>Completed during Plan of Correction process.</p>

Tag # 5I22 SE Agency Case File	Scope and Severity Rating: B	Scope and Severity Rating: N/A
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p><b>CHAPTER 5 VII. SUPPORTED EMPLOYMENT SERVICES REQUIREMENTS</b></p> <p><b>D. Provider Agency Requirements</b></p> <p>(1) Provider Agency Records: The provider adheres to the Department of Labor (DOL) wage laws and maintains required certificates and documentation. These documents are subject to review by the DDSD. Each individual's earnings and benefits shall be monitored by the Provider Agency in accordance with the Fair Labor Standards Act. Each individual's earnings and benefits shall be reviewed at least semi-annually by the Supported Employment Provider to ensure the appropriateness of pay rates and benefits.</p> <p>(2) The Provider Agency shall maintain a confidential case file for each individual that includes all items listed in section IV.D. above and the following additional items:</p> <p>(a) Quarterly progress reports;</p> <p>(b) Vocational assessments (A vocational assessment or profile is an objective analysis of a person's interests, skills, needs, career goals, preferences, concerns, in areas that can pertain to an employment outcome and can ultimately be compared to the requirements and attributes of a potential job in order to determine the degree of compatibility as well as identification of training needs). A vocational assessment must be of a quality and content to be acceptable to DVR or DDSD;</p> <p>(c) Career development plan as incorporated in the ISP; a career development plan consists of the vocational assessment and the ISP Work/Learn Action Plan that specifies steps necessary towards a successful employment outcome and identifies the people who will complete specific tasks including the</p>	<p>Based on record review, the Agency failed to maintain a confidential case file for each individual for 3 of 9 individuals receiving Supported Employment Services.</p> <p>The following were not found, incomplete and/or not current:</p> <ul style="list-style-type: none"> <li>• Required Certificates &amp; Documentation <ul style="list-style-type: none"> <li>◦ Earning &amp; Benefits (#1, 4 &amp; 6)</li> </ul> </li> </ul>	<p>Completed during Plan of Correction process.</p>

individual, as well and a review and reporting mechanism for mutual accountability; and

(d) Documentation of decisions concerning the Division of Vocational Rehabilitation that services provided under the Waiver are not otherwise available under the Rehabilitation Act of 1973.

New Mexico Department of Health (DOH)  
Developmental Disabilities Supports Division  
(DDSD) Policy  
**Policy Title: Vocational Assessment Profile**  
**Policy Eff July 16, 2008**

**I. PURPOSE**

The intent of the policy is to ensure that individuals are identified who could benefit from Vocational Assessment Profiles (VAPs) and are supported to access this support.

**II. POLICY STATEMENT**

Individuals served under the Developmental Disabilities Medicaid Waiver (DDW) who express an interest in obtaining employment or exploring employment opportunities, or individuals who desire a VAP and those whose teams identify that they could benefit from a VAP, will have access to a VAP in accordance to the DDW Service Standards and related procedures.

Tag # 5I36 CA Reimbursement	Scope and Severity Rating: A	Scope and Severity Rating: N/A
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p><b>CHAPTER 1 III. PROVIDER AGENCY DOCUMENTATION OF SERVICE DELIVERY AND LOCATION</b></p> <p><b>A. General:</b> All Provider Agencies shall maintain all records necessary to fully disclose the service, quality, quantity and clinical necessity furnished to individuals who are currently receiving services. The Provider Agency records shall be sufficiently detailed to substantiate the date, time, individual name, servicing Provider Agency, level of services, and length of a session of service billed.</p> <p><b>B. Billable Units:</b> The documentation of the billable time spent with an individual shall be kept on the written or electronic record that is prepared prior to a request for reimbursement from the HSD. For each unit billed, the record shall contain the following:</p> <ol style="list-style-type: none"> <li>(1) Date, start and end time of each service encounter or other billable service interval;</li> <li>(2) A description of what occurred during the encounter or service interval; and</li> <li>(3) The signature or authenticated name of staff providing the service.</li> </ol> <p><b>MAD-MR: 03-59 Eff 1/1/2004</b></p> <p><b>8.314.1 BI RECORD KEEPING AND DOCUMENTATION REQUIREMENTS:</b></p> <p>Providers must maintain all records necessary to fully disclose the extent of the services provided to the Medicaid recipient. Services that have been billed to Medicaid, but are not substantiated in a treatment plan and/or patient records for the recipient are subject to recoupment.</p> <p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p><b>CHAPTER 5 XI. COMMUNITY ACCESS SERVICES</b></p>	<p>Based on record review, the Agency failed to provide written or electronic documentation as evidence for each unit billed for Community Access Services for 2 of 10 individuals.</p> <p>Individual #1 February 2010</p> <ul style="list-style-type: none"> <li>• The Agency billed 27 units of Community Access from 2/17/2010 through 2/19/2010. Documentation received accounted for 22 units.</li> </ul> <p>April 2010</p> <ul style="list-style-type: none"> <li>• The Agency billed 25 units of Community Access from 4/1/2010 through 4/5/2010. Documentation received accounted for 11 units.</li> <li>• The Agency billed 22 units of Community Access from 4/9/2010 through 4/13/2010. Documentation received accounted for 14 units.</li> <li>• The Agency billed 33 units of Community Access on 4/23/2010. Documentation received accounted for 1 unit.</li> </ul> <p>Individual #2 February 2010</p> <ul style="list-style-type: none"> <li>• The Agency billed 16 units of Community Access from 2/1/2010 through 2/5/2010. Documentation received accounted for 11 units.</li> </ul>	<p>Completed during Plan of Correction process.</p>

**REQUIREMENTS**

**G. Reimbursement**

(1) **Billable Unit:** A billable unit is defined as one-quarter hour of service.

(2) **Billable Activities:** The Community Access Provider Agency can bill for those activities listed in the Community Access Scope of Service. Billable units are typically provided face-to-face but time spent in non face-to-face activity may be claimed under the following conditions:

- (a) Time that is non face-to-face is documented separately and clearly identified as to the nature of the activity, and is tied directly to the individual's ISP, Action Plan;
- (b) Time that is non face-to-face involves outreach and identification and training of community connections and natural supports; and
- (c) Non face-to-face hours do not exceed 10% of the monthly billable hours.

(3) **Non-Billable Activities:** Activities that the service Provider Agency may need to conduct, but which are not separately billable activities, may include:

- (a) Time and expense for training service personnel;
- (b) Supervision of agency staff;
- (c) Service documentation and billing activities; or
- (d) Time the individual spends in segregated facility-based settings activities.

Tag # 5144 AH Reimbursement	Scope and Severity Rating: B	Scope and Severity Rating: N/A
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p><b>CHAPTER 1 III. PROVIDER AGENCY DOCUMENTATION OF SERVICE DELIVERY AND LOCATION</b></p> <p><b>A. General:</b> All Provider Agencies shall maintain all records necessary to fully disclose the service, quality, quantity and clinical necessity furnished to individuals who are currently receiving services. The Provider Agency records shall be sufficiently detailed to substantiate the date, time, individual name, servicing Provider Agency, level of services, and length of a session of service billed.</p> <p><b>B. Billable Units:</b> The documentation of the billable time spent with an individual shall be kept on the written or electronic record that is prepared prior to a request for reimbursement from the HSD. For each unit billed, the record shall contain the following:</p> <ol style="list-style-type: none"> <li>(1) Date, start and end time of each service encounter or other billable service interval;</li> <li>(2) A description of what occurred during the encounter or service interval; and</li> <li>(3) The signature or authenticated name of staff providing the service.</li> </ol> <p><b>MAD-MR: 03-59 Eff 1/1/2004</b></p> <p><b>8.314.1 BI RECORD KEEPING AND DOCUMENTATION REQUIREMENTS:</b></p> <p>Providers must maintain all records necessary to fully disclose the extent of the services provided to the Medicaid recipient. Services that have been billed to Medicaid, but are not substantiated in a treatment plan and/or patient records for the recipient are subject to recoupment.</p> <p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p><b>CHAPTER 5 XVI. REIMBURSEMENT</b></p>	<p>Based on record review, the Agency failed to provide written or electronic documentation as evidence for each unit billed for Adult Habilitation Services for 3 of 10 individuals.</p> <p>Individual #1 March 2010</p> <ul style="list-style-type: none"> <li>• The Agency billed 360 units of Adult Habilitation from 3/8/2010 through 3/26/2010. Documentation received accounted for 355 units.</li> </ul> <p>Individual #2 February 2010</p> <ul style="list-style-type: none"> <li>• The Agency billed 230 units of Adult Habilitation from 2/1/2010 through 2/28/2010. Documentation received accounted for 55 units.</li> </ul> <p>March 2010</p> <ul style="list-style-type: none"> <li>• The Agency billed 405 units of Adult Habilitation from 3/1/2010 through 3/31/2010. Documentation received accounted for 39 units.</li> </ul> <p>Individual #6 April 2010</p> <ul style="list-style-type: none"> <li>• The Agency billed 392 units of Adult Habilitation from 4/1/2010 through 4/30/2010. Documentation received accounted for 228 units.</li> </ul>	<p>Completed during Plan of Correction process.</p>

**A. Billable Unit.** A billable unit for Adult Habilitation Services is in 15-minute increments hour. The rate is based on the individual's level of care.

**B. Billable Activities**

(1) The Community Inclusion Provider Agency can bill for those activities listed and described on the ISP and within the Scope of Service. Partial units are allowable. Billable units are face-to-face, except that Adult Habilitation services may be non- face-to-face under the following conditions: (a) Time that is non face-to-face is documented separately and clearly identified as to the nature of the activity; and(b) Non face-to-face hours do not exceed 5% of the monthly billable hours.

(2) Adult Habilitation Services can be provided with any other services, insofar as the services are not reported for the same hours on the same day, except that Therapy Services and Case Management may be provided and billed for the same hours

Tag # 6L13 (CoP) - CL Healthcare Reqts.	Scope and Severity Rating: E	Scope and Severity Rating: N/A
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p><b>CHAPTER 6. VI. GENERAL REQUIREMENTS FOR COMMUNITY LIVING</b></p> <p><b>G. Health Care Requirements for Community Living Services.</b></p> <p>(1) The Community Living Service providers shall ensure completion of a HAT for each individual receiving this service. The HAT shall be completed 2 weeks prior to the annual ISP meeting and submitted to the Case Manager and all other IDT Members. A revised HAT is required to also be submitted whenever the individual's health status changes significantly. For individuals who are newly allocated to the DD Waiver program, the HAT may be completed within 2 weeks following the initial ISP meeting and submitted with any strategies and support plans indicated in the ISP, or within 72 hours following admission into direct services, which ever comes first.</p> <p>(2) Each individual will have a Health Care Coordinator, designated by the IDT. When the individual's HAT score is 4, 5 or 6 the Health Care Coordinator shall be an IDT member, other than the individual. The Health Care Coordinator shall oversee and monitor health care services for the individual in accordance with these standards. In circumstances where no IDT member voluntarily accepts designation as the health care coordinator, the community living provider shall assign a staff member to this role.</p> <p>(3) For each individual receiving Community Living Services, the provider agency shall ensure and document the following:</p> <p>(a) Provision of health care oversight consistent with these Standards as detailed in Chapter One section III E: Healthcare Documentation by Nurses For Community Living Services, Community Inclusion Services and Private Duty Nursing Services.</p>	<p>Based on record review, the Agency failed to provide documentation of annual physical examinations and/or other examinations as specified by a licensed physician for 5 of 11 individuals receiving Community Living Services.</p> <ul style="list-style-type: none"> <li>• <b>Annual Physical (#7)</b></li> <li>• <b>Dental Exam</b> <ul style="list-style-type: none"> <li>◦ Individual #2 - As indicated by the ISP Assessment Tracking Checklist 6/30/2009, the exam was to be completed within 4 months. No evidence of exam was found.</li> <li>◦ Individual #9 - As indicated by the DDSD file matrix Dental Exams are to be conducted annually. No evidence of exam was found.</li> </ul> </li> <li>• <b>Vision Exam</b> <ul style="list-style-type: none"> <li>◦ Individual #9 - As indicated by the DDSD file matrix Vision Exams are to be conducted every other year. No evidence of exam was found.</li> <li>◦ Individual #1 - As indicated by the documentation reviewed, exam was completed on 5/12/2009. Follow-up was to be completed in 12 months. No evidence of follow-up found.</li> </ul> </li> <li>• <b>Blood Levels</b> <ul style="list-style-type: none"> <li>◦ Individual #4 - As indicated by the documentation reviewed, lab work was ordered on 3/31/2010. No evidence found to verify it was completed.</li> </ul> </li> </ul>	<p>Completed during Plan of Correction process.</p>

- b) That each individual with a score of 4, 5, or 6 on the HAT, has a Health Care Plan developed by a licensed nurse.
- (c) That an individual with chronic condition(s) with the potential to exacerbate into a life threatening condition, has Crisis Prevention/ Intervention Plan(s) developed by a licensed nurse or other appropriate professional for each such condition.
- (4) That an average of 3 hours of documented nutritional counseling is available annually, if recommended by the IDT.
- (5) That the physical property and grounds are free of hazards to the individual's health and safety.
- (6) In addition, for each individual receiving Supported Living or Family Living Services, the provider shall verify and document the following:
  - (a) The individual has a primary licensed physician;
  - (b) The individual receives an annual physical examination and other examinations as specified by a licensed physician;
  - (c) The individual receives annual dental check-ups and other check-ups as specified by a licensed dentist;
  - (d) The individual receives eye examinations as specified by a licensed optometrist or ophthalmologist; and
  - (e) Agency activities that occur as follow-up to medical appointments (e.g. treatment, visits to specialists, changes in medication or daily routine).

Tag # 6L14 Residential Case File	Scope and Severity Rating: E	Scope and Severity Rating: N/A
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p><b>CHAPTER 6. VIII. COMMUNITY LIVING SERVICE PROVIDER AGENCY REQUIREMENTS</b></p> <p><b>A. Residence Case File:</b> For individuals receiving Supported Living or Family Living, the Agency shall maintain in the individual's home a complete and current confidential case file for each individual. For individuals receiving Independent Living Services, rather than maintaining this file at the individual's home, the complete and current confidential case file for each individual shall be maintained at the agency's administrative site. Each file shall include the following:</p> <p>(1) Complete and current ISP and all supplemental plans specific to the individual;</p> <p>(2) Complete and current Health Assessment Tool;</p> <p>(3) Current emergency contact information, which includes the individual's address, telephone number, names and telephone numbers of residential Community Living Support providers, relatives, or guardian or conservator, primary care physician's name(s) and telephone number(s), pharmacy name, address and telephone number and dentist name, address and telephone number, and health plan;</p> <p>(4) Up-to-date progress notes, signed and dated by the person making the note for at least the past month (older notes may be transferred to the agency office);</p> <p>(5) Data collected to document ISP Action Plan implementation</p> <p>(6) Progress notes written by direct care staff and by nurses regarding individual health status and physical conditions including action taken in response to identified changes in condition for at least the past month;</p> <p>(7) Physician's or qualified health care providers written orders;</p> <p>(8) Progress notes documenting implementation of a</p>	<p>Based on record review, the Agency failed to maintain a complete and confidential case file in the residence for 5 of 8 Individuals receiving Supported Living Services.</p> <p>The following was not found, incomplete and/or not current:</p> <ul style="list-style-type: none"> <li>• Annual ISP (#1)</li> <li>• Individual Specific Training (Addendum B) (#1)</li> <li>• Positive Behavioral Plan (#1 &amp; 5)</li> <li>• Speech Therapy Plan (#1, 6 &amp; 8)</li> <li>• Occupational Therapy Plan (#6 &amp; 8)</li> <li>• Physical Therapy Plan (#1, 6 &amp; 8)</li> <li>• <b>Special Health Care Needs</b> <ul style="list-style-type: none"> <li>◦ Nutritional Plan (#2)</li> </ul> </li> <li>• <b>Crisis Plan</b> <ul style="list-style-type: none"> <li>◦ Diabetes (#2)</li> </ul> </li> </ul>	<p>Completed during Plan of Correction process.</p>

physician's or qualified health care provider's order(s);

(9) Medication Administration Record (MAR) for the past three (3) months which includes:

- (a) The name of the individual;
- (b) A transcription of the healthcare practitioners prescription including the brand and generic name of the medication;
- (c) Diagnosis for which the medication is prescribed;
- (d) Dosage, frequency and method/route of delivery;
- (e) Times and dates of delivery;
- (f) Initials of person administering or assisting with medication; and
- (g) An explanation of any medication irregularity, allergic reaction or adverse effect.
- (h) For PRN medication an explanation for the use of the PRN must include:
  - (i) Observable signs/symptoms or circumstances in which the medication is to be used, and
  - (ii) Documentation of the effectiveness/result of the PRN delivered.
- (i) A MAR is not required for individuals participating in Independent Living Services who self-administer their own medication. However, when medication administration is provided as part of the Independent Living Service a MAR must be maintained at the individual's home and an updated copy must be placed in the agency file on a weekly basis.

(10) Record of visits to healthcare practitioners including any treatment provided at the visit and a record of all diagnostic testing for the current ISP year; and

(11) Medical History to include: demographic data, current and past medical diagnoses including the cause (if known) of the developmental disability and any psychiatric diagnosis, allergies (food, environmental, medications), status of routine adult health care screenings, immunizations, hospital discharge ...

<b>Tag # 6L17 Reporting Requirements (Community Living Quarterly Reports)</b>	<b>Scope and Severity Rating: B</b>	<b>Scope and Severity Rating: N/A</b>
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p><b>CHAPTER 6. VIII. COMMUNITY LIVING SERVICE PROVIDER AGENCY REQUIREMENTS</b></p> <p><b>D. Community Living Service Provider Agency Reporting Requirements:</b> All Community Living Support providers shall submit written quarterly status reports to the individual's Case Manager and other IDT Members no later than fourteen (14) days following the end of each ISP quarter. The quarterly reports shall contain the following written documentation:</p> <ol style="list-style-type: none"> <li>(1) Timely completion of relevant activities from ISP Action Plans</li> <li>(2) Progress towards desired outcomes in the ISP accomplished during the quarter;</li> <li>(3) Significant changes in routine or staffing;</li> <li>(4) Unusual or significant life events;</li> <li>(5) Updates on health status, including medication and durable medical equipment needs identified during the quarter; and</li> <li>(6) Data reports as determined by IDT members.</li> </ol>	<p>Based on record review, the Agency failed to complete written quarterly status reports for 5 of 11 individuals receiving Community Living Services.</p> <p><b>Supported Living Quarterly Reports:</b></p> <ul style="list-style-type: none"> <li>• Individual #1 - None found for 7/2009 - 12/2009</li> <li>• Individual #3 - None found for 7/2009 - 12/2009</li> <li>• Individual #5 - None found for 10/2009 - 12/2009</li> <li>• Individual #6 - None found for 10/2009 - 12/2009</li> </ul> <p><b>Independent Living Quarterly Report:</b></p> <ul style="list-style-type: none"> <li>• Individual #7 - None found for 6/2009 - 12/2009</li> </ul>	<p>Completed during Plan of Correction process.</p>

Tag # 6L25 (CoP) Residential Health & Safety (Supported Living & Family Living)	Scope and Severity Rating: E	Scope and Severity Rating: N/A
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p><b>CHAPTER 6. VIII. COMMUNITY LIVING SERVICE PROVIDER AGENCY REQUIREMENTS</b></p> <p><b>L. Residence Requirements for Family Living Services and Supported Living Services</b></p> <p>(1) Supported Living Services and Family Living Services providers shall assure that each individual's residence has:</p> <ul style="list-style-type: none"> <li>(a) Battery operated or electric smoke detectors, heat sensors, or a sprinkler system installed in the residence;</li> <li>(b) General-purpose first aid kit;</li> <li>(c) When applicable due to an individual's health status, a blood borne pathogens kit;</li> <li>(d) Accessible written procedures for emergency evacuation e.g. fire and weather-related threats;</li> <li>(e) Accessible telephone numbers of poison control centers located within the line of sight of the telephone;</li> <li>(f) Accessible written documentation of actual evacuation drills occurring at least three (3) times a year. For Supported Living evacuation drills shall occur at least once a year during each shift;</li> <li>(g) Accessible written procedures for the safe storage of all medications with dispensing instructions for each individual that are consistent with the Assisting with Medication Administration training or each individual's ISP; and</li> <li>(h) Accessible written procedures for emergency placement and relocation of individuals in the event of an emergency evacuation that makes the residence unsuitable for occupancy. The emergency evacuation procedures shall address, but are not limited to, fire, chemical and/or hazardous waste spills, and flooding.</li> </ul>	<p>Based on observation, the Agency failed to ensure that each individual's residence met all requirements within the standard for 4 of 8 Supported Living residences.</p> <p>Individuals #8 &amp; 10 live in the same residence.</p> <p>The following items were not found, not functioning or incomplete:</p> <p><b>Supported Living Requirements:</b></p> <ul style="list-style-type: none"> <li>• Accessible written procedures for emergency evacuation e.g. fire and weather-related threats (#6, 8 &amp; 10)</li> <li>• Accessible written documentation of actual evacuation drills occurring at least three (3) times a year. For Supported Living evacuation drills shall occur at least once a year during each shift (#1)</li> <li>• Accessible telephone numbers of poison control centers located within the line of sight of the telephone (#8 &amp; 10)</li> <li>• Accessible written procedures for the safe storage of all medications with dispensing instructions for each individual that are consistent with the Assisting with Medication Administration training or each individual's ISP (#1, 4, 8 &amp; 10)</li> <li>• Accessible written procedures for emergency placement and relocation of individuals in the event of an emergency evacuation that makes the residence unsuitable for occupancy. The emergency evacuation procedures shall address, but are not limited to, fire, chemical and/or hazardous waste spills, and flooding. (#4)</li> </ul>	<p>Completed during Plan of Correction process.</p>

Tag # 7FA01	Scope and Severity Rating: N/A	Scope and Severity Rating: C
<p>Department of Health Office of Internal Audit Final Report June 16, 2010 to Michael Mulligan, Acting Deputy Secretary of Finance and Administration</p> <p><b>Finding #2</b>  <u><b>Individual Checking Accounts opened with un-reconciled balances.</b></u>  <b>Condition</b>  Agency opened individual checking accounts for consumers for which they are the “Rep-Payee” in late October 2009 and early November 2009. Most accounts were opened with a minimum \$100 deposit. Additional amounts were eventually transferred into these accounts from the custodial bank account.</p> <p><b>Criteria</b>  Code of Federal Regulations Title 20, Employee Benefits, Chapter 11I – Social Security Administration Part 416_Supplemental Security Income for The Aged, Blind, and Disabled, Sub Part F, Representative Payment; specifically states:  “A representative payee has the responsibility to –</p> <ul style="list-style-type: none"> <li>(a) Use the benefits received on your behalf only for your benefit in a manner and for the purposes he or she determines under the guidelines in this subpart, to be in your best interest;</li> <li>(b) <b>Keep any benefits received on your behalf separate from his or her own funds</b> and show your ownership of these benefits unless her or she is your spouse or natural or adoptive parent or stepparent and lives in the same household with you or is a State or local government agency for whom we have granted exception to this requirement;</li> <li>(c) <b>Treat any interest earned on the benefits as your property;</b>”</li> </ul> <p><b>Cause</b>  The Agency did not reconcile the custodial account for several years, if at all. The numerous transactions processed through this account on an annual basis were posted and never validated. The concerns were</p>		<p><b>New Finding:</b></p> <p>Based on interview, the Agency failed to implement the recommendation of the Financial Assessment Report to ensure routine management-level review of the bank statements or reconciliations for 10 of 10 individuals.</p> <p><b>When #150 was asked for documentation of the CEO or management-level review of individual bank statements and reconciliations the following was reported:</b></p> <ul style="list-style-type: none"> <li>• #150 stated, “(#152) does it but it is not documented.”</li> </ul>

communicated to the Agency by the company accounting firm Gilmore, Gannaway, Andrews, Smith & Co.

**Effect**

The account balances transferred to the consumer accounts may not be accurate.

**Recommendations**

We recommend the following:

- The Agency reconcile the custodial bank account for a minimum time period of 5 years. Upon completion of the reconciliation, post appropriate entries into the consumer accounts to make balances whole; and,
- Require the Agency to keep detailed records of all consumer accounts for which they are Rep-Payee to include, but not be limited to, receipts for purchases, invoices for living expenses, copies of all necessary information to validate deposit amounts into their respective accounts.

Pinon Management Financial Assessment Report to the New Mexico Department of Health, Developmental Disabilities Supports Division. Report of: Door of Opportunity, Inc. Site Visit. As of September 7, 2010

**General Internal Controls**

**Review of financial statements and bank reconciliations**

Per discussion with DOO personnel, the CEO and Board of Directors review the financial statements every other month, and the CEO and on Board member review them each month. The CEO reviews the bank reconciliations as considered necessary. We reviewed the current bank reconciliation as of June 30, 2010 prepared by an outside accounting firm. We noted that the reconciled balances did not agree to the balances reported on the balance sheet for that period. Per information received from Agency personnel, the difference resulted from an audit

adjustment.

Finding: There is no routine management-level review of the bank statements or reconciliations.

Recommendation: We also recommend the CEO sign both the bank statements and reconciliations to document performance of this review.

Tag # 7FA01.1	Scope and Severity Rating: N/A	Scope and Severity Rating: C
<p>Department of Health Office of Internal Audit Final Report June 16, 2010 to Michael Mulligan, Acting Deputy Secretary of Finance and Administration</p> <p><b>Finding #2</b>  <u><b>Individual Checking Accounts opened with un-reconciled balances.</b></u>  <b>Condition</b>  Agency opened individual checking accounts for consumers for which they are the “Rep-Payee” in late October 2009 and early November 2009. Most accounts were opened with a minimum \$100 deposit. Additional amounts were eventually transferred into these accounts from the custodial bank account.</p> <p><b>Criteria</b>  Code of Federal Regulations Title 20, Employee Benefits, Chapter 11I – Social Security Administration Part 416_Supplemental Security Income for The Aged, Blind, and Disabled, Sub Part F, Representative Payment; specifically states:  “A representative payee has the responsibility to –</p> <p>(d) Use the benefits received on your behalf only for your benefit in a manner and for the purposes he or she determines under the guidelines in this subpart, to be in your best interest;</p> <p>(e) <b>Keep any benefits received on your behalf separate from his or her own funds</b> and show your ownership of these benefits unless her or she is your spouse or natural or adoptive parent or stepparent and lives in the same household with you or is a State or local government agency for whom we have granted exception to this requirement;</p> <p>(f) <b>Treat any interest earned on the benefits as your property;”.</b></p> <p><b>Cause</b>  The Agency did not reconcile the custodial account for several years, if at all. The numerous transactions processed through this account on an annual basis were posted and never validated. The concerns were</p>		<p><b>New Finding:</b></p> <p>Based on record review and interview, the Agency failed to implement the recommendation of the Financial Assessment Report to ensure Individual expenditures, including payments for routine bill, were supported by check requests signed by the Individuals and/or their legal guardians.</p> <p>Documentation reviewed showed deficient practices for 8 of 10 Individuals.</p> <p>Individual #1  No evidence of check receipts and authorizations were found for the following checks:</p> <ul style="list-style-type: none"> <li>• #1081, 1082, 1083, 1086, 1087, 1088, 1090, 1092, 1093, 1094, 1097, 1100 &amp; 1101.</li> </ul> <p>Individual #2  No evidence of check receipts and authorizations were found for the following checks:</p> <ul style="list-style-type: none"> <li>• #1083, 1085, 1087, 1088, 1089, 1090, 1092, 1093, 1094, 1096, 1097, 1098, 1099, 1100 &amp; 1102.</li> </ul> <p>Individual #3  No evidence of check receipts and authorizations were found for the following checks:</p> <ul style="list-style-type: none"> <li>• #1085, 1086, 1087, 1088, 1089, 1091, 1092, 1093, 1095, 1097, 1098, 1099, 1100, 1102, 1103, 1104 &amp; 1105.</li> </ul> <p>Individual #4  During on-site survey Individual check receipts and authorizations were requested for months of October &amp; November 2010. As of 1/14/ 2011, individual check receipts and authorizations had not been provided.</p>

communicated to the Agency by the company accounting firm Gilmore, Gannaway, Andrews, Smith & Co.

**Effect**

The account balances transferred to the consumer accounts may not be accurate.

**Recommendations**

We recommend the following:

- The Agency reconcile the custodial bank account for a minimum time period of 5 years. Upon completion of the reconciliation, post appropriate entries into the consumer accounts to make balances whole; and,
- Require the Agency to keep detailed records of all consumer accounts for which they are Rep-Payee to include, but not be limited to, receipts for purchases, invoices for living expenses, copies of all necessary information to validate deposit amounts into their respective accounts.

Pinon Management Financial Assessment Report to the New Mexico Department of Health, Developmental Disabilities Supports Division. Report of: Door of Opportunity, Inc. Site Visit. As of September 7, 2010

**Policies and Procedures**

- 1. Financial and Accounting Policy 3.5, “Financial Management for Individuals Served” states “all individual funds will be expended and/or invested only with informed consent and approval of Individual or legal representative.”**

Finding: We noted that expenditures from Individuals’ accounts for merchandise are supported by check requests signed by Individuals, but expenditures for payment of Individuals’ routine bills (e.g., subscriptions and medical costs) are not. In our documentation review, we noted two duplicate payments for magazine subscriptions. It is possible these

**Individual #6**

During on-site survey Individual check receipts and authorizations were requested for months of October & November 2010. As of 1/14/ 2011, individual check receipts and authorizations had not been provided.

**Individual #7**

During on-site survey Individual check receipts and authorizations were requested for months of October & November 2010. As of 1/14/ 2011, individual check receipts and authorizations had not been provided.

**Individual #9**

During on-site survey Individual check receipts and authorizations were requested for months of October & November 2010. As of 1/14/ 2011, individual check receipts and authorizations had not been provided.

**Individual #10**

During on-site survey Individual check receipts and authorizations were requested for months of October & November 2010. As of 1/14/ 2011, individual check receipts and authorizations had not been provided.

**When asked for revised policies related to the recommendations in the Financial Assessment Report the following was reported:**

- #151 stated, “There aren’t any.”

duplications may have been prevented had a signed check request been appropriately obtained. Note that we extended our sample and found no additional duplicate payments.  
Recommendation: We recommend that all Individual expenditures, including payments for routine bill, be supported by check requests signed by the Individuals and/or their legal guardians.

Tag # 7FA01.2	Scope and Severity Rating: N/A	Scope and Severity Rating: C
<p>Department of Health Office of Internal Audit Final Report June 16, 2010 to Michael Mulligan, Acting Deputy Secretary of Finance and Administration</p> <p><b>Finding #2</b>  <b><u>Individual Checking Accounts opened with un-reconciled balances.</u></b></p> <p><b>Condition</b>  Agency opened individual checking accounts for consumers for which they are the “Rep-Payee” in late October 2009 and early November 2009. Most accounts were opened with a minimum \$100 deposit. Additional amounts were eventually transferred into these accounts from the custodial bank account.</p> <p><b>Criteria</b>  Code of Federal Regulations Title 20, Employee Benefits, Chapter 11I – Social Security Administration Part 416_Supplemental Security Income for The Aged, Blind, and Disabled, Sub Part F, Representative Payment; specifically states:  “A representative payee has the responsibility to –</p> <ul style="list-style-type: none"> <li>(g) Use the benefits received on your behalf only for your benefit in a manner and for the purposes he or she determines under the guidelines in this subpart, to be in your best interest;</li> <li>(h) <b>Keep any benefits received on your behalf separate from his or her own funds</b> and show your ownership of these benefits unless her or she is your spouse or natural or adoptive parent or stepparent and lives in the same household with you or is a State or local government agency for whom we have granted exception to this requirement;</li> <li>(i) <b>Treat any interest earned on the benefits as your property;”</b></li> </ul> <p><b>Cause</b>  The Agency did not reconcile the custodial account for several years, if at all. The numerous transactions processed through this account on an annual basis were posted and never validated. The concerns were</p>		<p><b>New Finding:</b></p> <p>Based on record review and interview, the Agency failed to implement the recommendation of the Financial Assessment Report to ensure Individual account detailed statements and balances were mailed to legal guardians at least quarterly for 10 of 10 individuals.</p> <p><b>When asked for documentation showing Individual account detailed statements and balances were mailed to legal guardians at least quarterly, the following was reported:</b></p> <ul style="list-style-type: none"> <li>• #150 stated, “Reports are given as needed, if individuals or teams need to review Individual funds I provide information to them. I only have five individuals whom I send reports to the guardian. I send it through emails. I don’t have a formal way of tracking that I have sent them.”</li> </ul>

communicated to the Agency by the company accounting firm Gilmore, Gannaway, Andrews, Smith & Co.

**Effect**

The account balances transferred to the consumer accounts may not be accurate.

**Recommendations**

We recommend the following:

- The Agency reconcile the custodial bank account for a minimum time period of 5 years. Upon completion of the reconciliation, post appropriate entries into the consumer accounts to make balances whole; and,
- Require the Agency to keep detailed records of all consumer accounts for which they are Rep-Payee to include, but not be limited to, receipts for purchases, invoices for living expenses, copies of all necessary information to validate deposit amounts into their respective accounts.

Pinon Management Financial Assessment Report to the New Mexico Department of Health, Developmental Disabilities Supports Division. Report of: Door of Opportunity, Inc. Site Visit. As of September 7, 2010

**Regulatory Compliance – Individual Funds**

Finding: Per discussion with Agency personnel, Individual account detail ledgers are currently presented to guardians monthly and upon request at any time. We did not verify this process.

Recommendation: We recommend Individual account detailed statements and balances be mailed to legal guardians at least quarterly.