



Alfredo Vigil, MD
Secretary

DEPARTMENT OF

Building a Healthy New Mexico!

Bill Richardson, Governor



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Deputy Secretary

Duffy Rodriguez
Deputy Secretary

Jessica Sutin
Deputy Secretary

Karen Armitage, MD
Chief Medical Officer

Date: March 18, 2009

To: Hector Johnson, Program Director
 Provider: Community Options, Inc.
 Address: 2500 Missouri Ave.
 State/Zip: Las Cruces, New Mexico 88011

CC: Mr. Robert P. Stack, Board President
 Address: 247 Valley Rd
 State/Zip: Princeton, New Jersey 08540

Region: Southwest
 Survey Date: February 2 - 4, 2009
 Program Surveyed: Developmental Disabilities Waiver
 Service Surveyed: Community Living (Supported Living, Family Living & Independent Living) & Community Inclusion (Adult Habilitation & Community Access)

Survey Type: Routine
 Team Leader: Crystal Lopez-Beck, BA, Healthcare Surveyor, Division of Health Improvement/Quality Management Bureau

Team Members: Deb Russell, BS, Healthcare Surveyor, Division of Health Improvement/Quality Management Bureau; Barbara Czinger, MSW, LISW, Healthcare Surveyor, Division of Health Improvement/Quality Management Bureau; Cynthia Nielsen, RN, Healthcare Surveyor, Division of Health Improvement/Quality Management Bureau.

Survey #: Q09.03.D3124.SW.001.RTN.01

Dear Mr. Johnson,

The Division of Health Improvement Quality Management Bureau has completed a quality review survey of the services identified above. The purpose of the survey was to determine compliance with federal and state standards; to assure the health, safety, and welfare of individuals receiving services through the Developmental Disabilities Waiver; and to identify opportunities for improvement.

Quality Management Approval Rating:

The Division of Health Improvement/Quality Management Bureau is granting your agency a "SUB-STANDARD" certification for significant non-compliance with DDS Standards and regulations; additionally your agency is being referred to the Internal Review Committee for consideration of remedies and possible sanctions.

Plan of Correction:

The attached Report of Findings identifies deficiencies found during your agency's survey. You are required to complete and implement a Plan of Correction (POC). Please submit your agency's Plan of Correction (POC) in the space on the two right columns of the Report of Findings. See attachment A for additional guidance in completing the POC. The response is due to the parties below within 10 working days of the receipt of this letter:

1. Quality Management Bureau, Attention: Plan of Correction Coordinator
5301 Central Ave. NE Suite 900 Albuquerque, NM 87108
2. Developmental Disabilities Supports Division Regional Office for region of service surveyed.

Upon notification from QMB that your Plan of Correction has been approved, you must implement all remedies and corrective actions within 45 working days. If your plan of correction is denied, you must resubmit a revised plan ASAP for approval. All remedies must still be completed within 45 working days of the original submission.

Failure to submit, complete or implement your POC within the required time frames will result in the imposition of a \$200 per day Civil Monetary Penalty until it is received, completed and/or implemented.

Request for Informal Reconsideration of Findings (IRF):

If you disagree with a determination of noncompliance (finding) you have 10 working days upon receipt of this notice to request an IRF. Submit your request for an IRF in writing to:

QMB Deputy Bureau Chief
5301 Central Ave NE Suite #900
Albuquerque, NM 87108
Attention: IRF request

A request for an IRF will not delay the implementation of your Plan of Correction which must be completed within 45 working days. Providers may not appeal the nature or interpretation of the standard or regulation, the team composition, sampling methodology or the Scope and Severity of the finding.

If the IRF approves the change or removal of a finding, you will be advised of any changes.

This IRF process is separate and apart from the Informal Dispute Resolution (IDR) and Fair Hearing Process for Sanctions from DOH.

Please call the Team Leader at 505-222-6625, if you have questions about the survey or the report. Thank you for your cooperation and for the work you perform.

Sincerely,



Crystal Lopez-Beck, BA
Team Lead/Healthcare Surveyor
Division of Health Improvement
Quality Management Bureau

Survey Process Employed:

Entrance Conference Date: February 2, 2009

Present: **Community Options, Inc.**
Hector Johnson, Program Director

DOH/DHI/QMB

Crystal Lopez-Beck, BA, Team Lead/Healthcare Surveyor
Barbara Czinger, MSW, LISW, Healthcare Surveyor
Deb Russell, BS, Healthcare Surveyor

Exit Conference Date: February 4, 2009

Present: **Community Options, Inc.**
Hector Johnson, Program Director
Karen Rey, RN
Jose Solis, Trainer

DOH/DHI/QMB

Crystal Lopez-Beck, BA, Team Lead/Healthcare Surveyor
Barbara Czinger, MSW, LISW, Healthcare Surveyor
Deb Russell, BS, Healthcare Surveyor

DDSD - SW Regional Office

Gina Lira, Social & Community Service Coordinator

Homes Visited

Number: 5

Administrative Locations Visited

Number: 1

Total Sample Size

Number: 10
9 - Non Jackson
1 - Jackson Class Members
5 - Supported Living
1 - Family Living
1 - Independent Living
9 - Adult Habilitation
2 - Community Access

Persons Served Interviewed

Number: 8

Persons Served Observed

Number: 2 (Two individuals were not available during the on-site week of February 2, 2009)

Records Reviewed (Persons Served)

Number: 10

Administrative Files Reviewed

- Billing Records
- Medical Records
- Incident Management Records
- Personnel Files
- Training Records
- Agency Policy and Procedure
- Caregiver Criminal History Screening Records
- Employee Abuse Registry
- Human Rights Notes and/or Meeting Minutes

- Nursing personnel files
- Evacuation Drills
- Quality Improvement/Quality Assurance Plan

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

Provider Instructions for Completing the QMB Plan of Correction (POC) Process

- After a QMB Quality Review, your Survey Report will be sent to you via certified mail. You may request that it also be sent to you electronically by calling George Perrault, Plan of Correction Coordinator at 505-222-8624.
- Within 10 business days of the date you received your survey report, you must develop and send your Plan of Correction response to the QMB office. (Providers who do not pick up their mail will be referred to the Internal Review Committee [IRC]).
- For each Deficiency in your Survey Report, include specific information about HOW you will correct each Deficiency, WHO will fix each Deficiency (“Responsible Party”), and by WHEN (“Date Due”).
- Your POC must not only address HOW, WHO and WHEN each Deficiency will be corrected, but must also address overall systemic issues to prevent the Deficiency from reoccurring, i.e., Quality Assurance (QA). Your description of your QA must include specifics about your self-auditing processes, such as HOW OFTEN you will self-audit, WHO will do it, and WHAT FORMS will be used.
- Corrective actions should be incorporated into your agency’s Quality Assurance/Quality Improvement policies and procedures.
- You may send your POC response electronically to George.Perrault@state.nm.us, by fax (505-841-5815), or by postal mail.
- Do not send supporting documentation to QMB until after your POC has been approved by QMB.
- QMB will notify you if your POC has been “Approved” or “Denied”.
- Whether your POC is “Approved” or “Denied”, you have a maximum of 45 business days to correct all survey Deficiencies from the date of receipt of your Survey Report. If your POC is “Denied” it must be revised and resubmitted ASAP, as the 45 working day limit is in effect. Providers whose revised POC is denied will be referred to the IRC.
- The POC must be completed on the official QMB Survey Report and Plan of Correction Form, unless approved in advance by the POC Coordinator.
- The following Deficiencies must be corrected within the deadlines below (after receipt of your Survey Report):
 - CCHS and EAR: 10 working days
 - Medication errors: 10 working days
 - IMS system/training: 20 working days
 - ISP related documentation: 30 working days
 - DDSD Training 45 working days
- If you have questions about the POC process, call the QMB POC Coordinator, George Perrault at 505-222-8624 for assistance.
- For Technical Assistance (TA) in developing or implementing your POC, contact your local DDSD Regional Office.
- Once your POC has been approved by QMB, the POC may not be altered or the dates changed.
- Requests for an extension or modification of your POC (post approval) must be made in writing and submitted to the POC Coordinator at QMB, and are approved on a case-by-case basis.

- When submitting supporting documentation, organize your documents by Tag #s, and annotate or label each document using Individual #s.
- Do not submit original documents, hard copies or scanned and electronically submitted copies are fine. Originals must be maintained in the agency/client file(s) as per DDSD Standards.
- Failure to submit, complete or implement your POC within the required timeframes will result in a referral to the IRC and the possible imposition of a \$200 per day Civil Monetary Penalty until it is received, completed and/or implemented.

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 Severity scale:

Low Impact Severity: (Blue)

Low level findings have no or minimal potential for harm to an individual. Providers that have no findings above a "C" level may receive a "Quality" Certification approval rating from QMB.

Medium Impact Severity: (Tan)

Medium level findings have a potential for harm to an individual. Providers that have no findings above a "F" level and/or no more than two F level findings and no F level Conditions of Participation may receive a "Merit" Certification approval rating from QMB.

High Impact Severity: (Green or Yellow)

High level findings are when harm to an individual has occurred. Providers that have no findings above "I" level may only receive a "Standard" Approval rating from QMB and will be referred to the IRC.

High Impact Severity: (Yellow)

"J, K, and L" Level findings:

This is a finding of Immediate Jeopardy. If a provider is found to have "I" level findings or higher, with an outcome of Immediate Jeopardy, including repeat findings or Conditions of Participation they will be referred to the Internal Review Committee.

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 working 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) 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 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 working 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.

Administrative Review Process:

If a Provider desires to challenge the decision of the IRF committee they may request an Administrative Review by the DHI and DDSD Director. The Request must be made in writing to the QMB Bureau Chief and received within 5 days of notification from the IRF decision.

Regarding IRC Sanctions:

The Informal Reconsideration of the Finding process is a separate process specific to QMB Survey Findings and should not be confused with any process associated with IRC Sanctions.

If a Provider desires to Dispute or Appeal an IRC Sanction that is a separate and different process. Providers may choose the Informal Dispute Resolution Process or the Formal Medicaid Fair Hearing Process to dispute or appeal IRC sanctions, please refer to the DOH Sanction policy and section 39 of the provider contract agreement.

Agency: Community Options, Inc. - Southwest Region
Program: Developmental Disabilities Waiver
Service: Community Living (Supported Living, Family Living & Independent Living) & Community Inclusion (Community Access & Adult Habilitation)
Monitoring Type: Routine
Date of Survey: February 2 - 4, 2009

Statute	Deficiency	Agency Plan of Correction and Responsible Party	Date Due
Tag # 1A03 CQI System	Scope and Severity Rating: C		
Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007 CHAPTER 1 I. PROVIDER AGENCY ENROLLMENT PROCESS I. Continuous Quality Management System: Prior to approval or renewal of a DD Waiver Provider Agreement, the Provider Agency is required to submit in writing the current Continuous Quality Improvement Plan to the DOH for approval. In addition, on an annual basis DD Waiver Provider Agencies shall develop or update and implement the Continuous Quality Improvement Plan. The CQI Plan shall be used to 1) discover strengths and challenges of the provider agency, as well as strengths, and barriers individuals experience in receiving the quality, quantity, and meaningfulness of services that he or she desires; 2) build on strengths and remediate individual and provider level issues to improve the provider's service provision over time. At a minimum the CQI Plan shall address how the agency will collect, analyze, act on data and evaluate results related to: (1) Individual access to needed services and supports; (2) Effectiveness and timeliness of implementation of Individualized Service Plans; (3) Trends in achievement of individual outcomes in the Individual Service Plans;	Based on record review, the Agency failed to update and implement their Continuous Quality Management System on an annual basis. The Agency's Continuous Quality Improvement Plan provided during the on-site survey (February 2, 2009) was not dated. No evidence was found indicating when the document had been created or updated.		

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| <ul style="list-style-type: none">(4) Trends in medication and medical incidents leading to adverse health events;(5) Trends in the adequacy of planning and coordination of healthcare supports at both supervisory and direct support levels;(6) Quality and completeness documentation; and(7) Trends in individual and guardian satisfaction. | | | |
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Tag # 1A05 (CoP) General Requirements	Scope and Severity Rating: F		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 1 II. PROVIDER AGENCY REQUIREMENTS: 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>A. General Requirements:</p> <p>(2) The Provider Agency is required to develop and implement written policies and procedures that maintain and protect the physical and mental health of individuals and which comply with all DDS policies and procedures and all relevant New Mexico State statutes, rules and standards. These policies and procedures shall be reviewed at least every three years and updated as needed.</p>	<p>Based on record review, the Agency failed to review and update its written policies and procedures every three years or as needed.</p> <p>The following policies and procedures provided during the on-site week of February 2, 2009 showed no evidence of being reviewed every three years or being updated as needed:</p> <ul style="list-style-type: none"> • “Major Emergency Plans-Evacuation from Residence due to Fire or Gas Leak” - last reviewed and revised 11/2005 • “Major Emergency Plans-Agency On-Call Procedure” – last reviewed and revised 4/2004 • “Medication Errors/Emergencies” – last reviewed and revised 04/04 • “Medication Storage” – last reviewed and revised 4/2004 • “Rights of the People Served-Grievance Process/appeal of Agency Decisions” – last reviewed and revised 4/2004 		

Tag # 1A08 Agency Case File	Scope and Severity Rating: B		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 1 II. PROVIDER AGENCY REQUIREMENTS: 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>D. Provider Agency Case File for the Individual: 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> <ol style="list-style-type: none"> (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; (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); (3) Progress notes and other service delivery documentation; (4) Crisis Prevention/Intervention Plans, if there are any for the individual; (5) A medical history, which shall include at least demographic data, current and past medical diagnoses including the cause (if 	<p>Based on record review, the Agency failed to maintain at the administrative office a confidential case file for 8 of 10 individuals.</p> <p>Review of the Agency individual case files revealed the following items were not found, incomplete, and/or not current:</p> <ul style="list-style-type: none"> • Current Emergency & Personal Identification Information (#2) • ISP Signature Page (#2 & 5) • Addendum A (#2, 4, 5, 6 & 8) • Individual Specific Training (#2) • Positive Behavioral Plan (#5 & 10) • Positive Behavioral Crisis Plan (#7, 8 & 10) • Speech Therapy Plan (#3) • Occupational Therapy Plan (#8) • Physical Therapy Plan (#5) 		

<p>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"> (a) Complete file for the past 12 months; (b) ISP and quarterly reports from the current and prior ISP year; (c) Intake information from original admission to services; and (d) When applicable, the Individual Transition Plan at the time of discharge from Los Lunas Hospital and Training School or Ft. Stanton Hospital. 			
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Tag # 1A09 Medication Delivery (MAR)	Scope and Severity Rating: E		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 1 II. PROVIDER AGENCY REQUIREMENTS: 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>E. Medication Delivery: 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"> 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; Prescribed dosage, frequency and method/route of administration, times and dates of administration; Initials of the individual administering or assisting with the medication; Explanation of any medication irregularity; Documentation of any allergic reaction or adverse medication effect; and For PRN medication, an explanation for the use of the PRN medication shall 	<p>Medication Administration Records (MAR) were reviewed for the months of October, November & December 2008.</p> <p>Based on record review, 5 of 7 individuals had Medication Administration Records, which contained missing medications entries and/or other errors:</p> <p>Individual #1 December 2008 Medication Administration Records received during the on-site visit did not indicate the month. When Surveyors asked Program Manager (#89) what month the MAR was for, they were informed by (#89), the MAR was for December 2008.</p> <p>Medication Administration Records did not contain the frequency the medication is to be given:</p> <ul style="list-style-type: none"> Lactulose Syrup 15ml <p>Medication Administration Records did not contain the purpose of the medications:</p> <ul style="list-style-type: none"> Omeprazole 20mg (1 time daily) <p>Medication Administration Records did not contain the route of administration for the following medications:</p> <ul style="list-style-type: none"> Levothyroxine 50 cg (1 time daily) Phenobarbital 30mg (3 times daily) Dilantin 100mg (3 times daily) Omeprazole 20mg (1 time daily) Docusate Sodium 100mg (1 time daily) Viactine 500mg (2 times daily) Doxycycline 100mg (2 times daily) Centrum Vitamin (1 time daily) Lactulose Syrup 15ml <p>Medication Administration Records contained</p>		

<p>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>NMAC 16.19.11.8 MINIMUM STANDARDS: A. MINIMUM STANDARDS FOR THE DISTRIBUTION, STORAGE, HANDLING AND RECORD KEEPING OF DRUGS:</p> <p>(d) The facility shall have a Medication Administration Record (MAR) documenting medication administered to residents, including over-the-counter medications. This documentation shall include:</p> <ul style="list-style-type: none"> (i) Name of resident; (ii) Date given; (iii) Drug product name; (iv) Dosage and form; (v) Strength of drug; (vi) Route of administration; (vii) How often medication is to be taken; (viii) Time taken and staff initials; (ix) Dates when the medication is discontinued or changed; 	<p>missing entries. No documentation found indicating reason for missing entries:</p> <ul style="list-style-type: none"> • Levothyroxine 50mcg (1 time daily) – Blank 12/28 (6:30am) • Phenobarbital 30mg (3 times daily) – Blank 12/28 (7am) & 12/23, 24, 25, 26, 29 & 30 (1pm) • Dilantin 100mg (3 times daily) – Blank 12/28 (7am) & 12/23, 24, 25, 26, 29 & 30 (1pm) • Omeprazole 20mg (1 time daily) – Blank 12/28 (7am) • Docusate Sodium 100mg (1 time daily) – Blank 12/28 (7am) • Viactine 500mg (2 times daily) – Blank 12/28 (7am) • Doxycycline 100mg (2 times daily) – Blank 12/28 (7am) • Centrum Vitamin (1 time daily) – Blank 12/28 (7am) • Sublingual Energy Drops (1 time daily) – Blank 12/28 (7am) • Liposene Spray 15ml (2 times daily) – Blank 12/28 (7am) • Lactulose Syrup 15ml – Blank 12/28 (7am) • Flucocinonide Topical Solution 0.05% 60ml (2 times daily) – Blank 12/28 (7am) <p>January 2009 Medication Administration Records received during the on-site visit did not indicate the month. When Surveyors asked Program Manager #89 what month the MAR was for, they were informed, by #89, the MAR was for January 2009.</p> <p>Individual #4 December 2008 Medication Administration Records did not contain the route of administration for the following medications:</p> <ul style="list-style-type: none"> • Lactulose Syrup 10mg/15ml (3 times daily) • Loratadine 10mg (1 time daily) 		
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<p>(x) The name and initials of all staff administering medications.</p> <p>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.</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"> ➤ 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. 	<ul style="list-style-type: none"> • Bisacodyl Suppository (3 times weekly) <p>Individual #6 October 2008 Medication Administration Records did not contain the route of administration for the following medications:</p> <ul style="list-style-type: none"> • Zyprexa 2.5mg (2 times daily) • Benztropine 1mg (3 times daily) • Lactulose 30cc (3 times daily) • Benztropine 0.5mg (3 times daily) • Aspirin 81mg (1 time daily) • Tegretol 200mg (1 time daily) • Fluvoxamine 100mg (2 times daily) • Cimetidine 400mg (2 times daily) • Calcium Citrate/Vitamin D 315/200mg (2 times daily) • Actonel 35mg (1 time weekly) • Klonopin 1mg (3 times daily) • Lactulose 30ml (3 times daily) • Prune Juice 8oz (1 time daily) • Zyprexa 10mg (1 time daily) • Carbamazepine 200mg (1 time daily) • Senna 2 tabs (2 times daily) • Lipitor 10mg (1 time daily) <p>November 2008 Medication Administration Records did not contain the route of administration for the following medications:</p> <ul style="list-style-type: none"> • Cimetidine 400mg (2 times daily) • Ambien 10mg (1 time daily) • Lactulose 30ml (3 times daily) <p>December 2008 Medication Administration Records did not contain the route of administration for the following medications:</p> <ul style="list-style-type: none"> • Lisinopril 10mg <p>Medication Administration Records did not contain the route of administration for the</p>		
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	<p>following medications:</p> <ul style="list-style-type: none"> • Cimetidine 400mg (2 times daily) • Cyproheptadine 4mg (3 times daily) • Keflex 500mg (4 times daily) • Lisinopril 10mg <p>Individual #8 October 2008 Medication Administration Records did not contain the route of administration for the following medications:</p> <ul style="list-style-type: none"> • Detrol LA 4mg (1 time daily) • Depakote ER 500mg (1 time daily) • Demopressin 0.2mg (1 time daily) • Neurontin 100mg (1 time daily) • Depakote ER 250mg (1 time daily) • Haldol 5mg (2 times daily) • Benztropine 1mg (2 times daily) <p>November 2008 Medication Administration Records did not contain the route of administration for the following medications:</p> <ul style="list-style-type: none"> • Ibuprofen 200mg (PRN) • Detrol LA 4mg (1 time daily) • Sertraline 100mg (1 time daily) • Depakote ER 250mg (1 time daily) • Haldol 5mg (1 time daily) • Benztropine 100mg (2 times daily) <p>December 2008 Medication Administration Records did not contain the route of administration for the following medications:</p> <ul style="list-style-type: none"> • Detrol LA 4mg (1 time daily) • Sertraline 100mg (1 time daily) • Depakote ER 250mg (1 time daily) • Haldol 5mg (1 time daily) • Benztropine 100mg (2 times daily) <p>Individual #10</p>		
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	<p>October 2008 Medication Administration Records did not contain the route of administration for the following medications:</p> <ul style="list-style-type: none"> • Protonix 40mg (1 time daily) • Xanax 0.25mg (3 times daily) • Prozac 20mg (2 times daily) • Multivitamin (1 time daily) • Glucosamine (2 times daily) <p>November 2008 Medication Administration Records did not contain the route of administration for the following medications:</p> <ul style="list-style-type: none"> • Protonix 40mg (1 time daily) • Xanax 0.25mg (3 times daily) • Prozac 20mg (2 times daily) • Multivitamin (1 time daily) • Glucosamine (2 times daily) <p>December 2008 Medication Administration Records did not contain the route of administration for the following medications:</p> <ul style="list-style-type: none"> • Protonix 40mg (1 time daily) • Xanax 0.25mg (3 times daily) • Prozac 20mg (2 times daily) • Multivitamin (1 time daily) • Glucosamine (2 times daily) • Navane 2mg (2 times daily) 		
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Tag # 1A09 Medication Delivery - PRN	Scope and Severity Rating: E		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 1 II. PROVIDER AGENCY REQUIREMENTS: 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>E. Medication Delivery: 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"> 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; Prescribed dosage, frequency and method/route of administration, times and dates of administration; Initials of the individual administering or assisting with the medication; Explanation of any medication irregularity; Documentation of any allergic reaction or adverse medication effect; and For PRN medication, an explanation for the use of the PRN medication shall 	<p>Based on record review, the Agency failed to maintain PRN Medication Administration Records which contained all elements required by standard for 3 of 7 Individuals.</p> <p>Individual #1 December 2008</p> <p>Medication Administration Records received during the on-site visit did not indicate the month. When Surveyors asked Program Manager (#89) what month the MAR was for, they were informed by (#89), the MAR was for December 2008.</p> <p>Medication Administration Records did not contain the exact amount to be used in a 24 hour period:</p> <ul style="list-style-type: none"> Tylenol 325mg (PRN) <p>Medication Administration Records did not contain the circumstance in which the medication is to be given:</p> <ul style="list-style-type: none"> Tylenol 325mg (PRN) <p>Individual #5 October 2008</p> <p>Medication Administration Records did not contain the route of administration for the following medications:</p> <ul style="list-style-type: none"> Acetaminophen (PRN) Ibuprofen 200mg (PRN) Triple Antibiotic Ointment (PRN) Claritin 10mg (PRN) DayQuil 1 capsule (PRN) <p>November 2008</p> <p>Medication Administration Records did not contain the route of administration for the following medications:</p> <ul style="list-style-type: none"> Acetaminophen (PRN) Ibuprofen 200mg (PRN) 		

<p>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>NMAC 16.19.11.8 MINIMUM STANDARDS: A. MINIMUM STANDARDS FOR THE DISTRIBUTION, STORAGE, HANDLING AND RECORD KEEPING OF DRUGS:</p> <p>(d) The facility shall have a Medication Administration Record (MAR) documenting medication administered to residents, including over-the-counter medications. This documentation shall include:</p> <ul style="list-style-type: none"> (i) Name of resident; (ii) Date given; (iii) Drug product name; (iv) Dosage and form; (v) Strength of drug; (vi) Route of administration; (vii) How often medication is to be taken; (viii) Time taken and staff initials; (ix) Dates when the medication is discontinued or changed; 	<ul style="list-style-type: none"> • Triple Antibiotic Ointment (PRN) • Claritin 10mg (PRN) • DayQuil 1 capsule (PRN) <p>December 2008 Medication Administration Records did not contain the route of administration for the following medications:</p> <ul style="list-style-type: none"> • Acetaminophen (PRN) • Ibuprofen 200mg (PRN) • Triple Antibiotic Ointment (PRN) • Claritin 10mg (PRN) • DayQuil 1 capsule (PRN) <p>Individual #6 October 2008 No effectiveness noted for PRN medication:</p> <ul style="list-style-type: none"> • Bisc-Evac Suppository 10mg – PRN – 10/09, 22, 27 & 30. <p>Medication Administration Records did not contain the route of administration for the following medications:</p> <ul style="list-style-type: none"> • Prometh DM 2 tsp (PRN) • Acetaminophen 325mg (PRN) • Robitussin 2 tsp (PRN) • Pepto Bismul 2 tsp (PRN) • Ibuprofen 400mg (PRN) • Ibuprofen 600mg (PRN) <p>Medication Administration Record did not contain the exact amount to be used in a 24 hour period & circumstance for which the medication is to be given:</p> <ul style="list-style-type: none"> • Ibuprofen 400mg (PRN) • Ibuprofen 600mg (PRN) <p>November 2008 No effectiveness noted for PRN medication:</p> <ul style="list-style-type: none"> • Bisc-Evac Suppository 10mg – PRN – 11/4, 8, 11, 18 & 22. 		
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<p>(x) The name and initials of all staff administering medications.</p> <p>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.</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"> ➤ 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. 	<p>Medication Administration Records did not contain the route of administration for the following medications:</p> <ul style="list-style-type: none"> • Acetaminophen 325mg (PRN) • Ibuprofen 200mg (PRN) <p>December 2008</p> <p>No effectiveness noted for PRN medication:</p> <ul style="list-style-type: none"> • Bisc-Evac Suppository 10mg – PRN – 12/11, 20, 23, 26 & 29. • Acetaminophen 325mg – PRN – 12/09, 11, 12, 13, 15, 19, 24, 25, 26, 30 & 31. • Zyprexa 5mg – PRN – 12/11, 12, 17, 19, 22, 24, 25, 26 & 30. <p>Medication Administration Records did not contain the route of administration for the following medications:</p> <ul style="list-style-type: none"> • Acetaminophen 325mg (PRN) • Ibuprofen 200mg (PRN) • Bisc-Evac Suppository 10mg (PRN) • Fleets Enema (PRN) 		
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Tag # 1A11 (CoP) Transportation	Scope and Severity Rating: D		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 1 II. PROVIDER AGENCY REQUIREMENTS: 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>G. Transportation: 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 DDS 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"> (1) Drivers' requirements, (2) Individual safety, including safe locations for boarding and disembarking passengers, appropriate responses to hazardous weather and other adverse driving conditions, (3) Vehicle maintenance and safety inspections, (4) Staff training regarding the safe operation of the vehicle, assisting passengers and safe lifting procedures, (5) Emergency Plans, including vehicle evacuation techniques, (6) Documentation, and (7) Accident Procedures. 	<p>Based on interview, the Agency failed to provide staff training regarding the safe operation of the vehicle, assisting passengers and safe lifting procedures for 2 of 13 Direct Service Personnel.</p> <ul style="list-style-type: none"> • Transportation (DSP #13 & 22) <p>When DSP were asked if they had received transportation training including training on wheelchair tie downs and van lift safety the following was reported:</p> <ul style="list-style-type: none"> • DSP #13 stated, "No, it's not needed with the consumer I work with." • DSP #22 stated, "No, I haven't received any training at this time. I was called once and told that I was due for training but I haven't heard anything since. That was the middle of last year." 		

Tag # 1A12 Reimbursement/Billable Units	Scope and Severity Rating: A		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 1 III. PROVIDER AGENCY DOCUMENTATION OF SERVICE DELIVERY AND LOCATION</p> <p>A. General: 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. Billable Units: 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"> (1) Date, start and end time of each service encounter or other billable service interval; (2) A description of what occurred during the encounter or service interval; and (3) The signature or authenticated name of staff providing the service. 	<p>Based on record review, the Agency failed to provide written or electronic documentation as evidence for each unit billed, which contained the required information for 2 of 10 individuals.</p> <p>Individual #2</p> <ul style="list-style-type: none"> • The Agency billed 1 unit of Independent Living for the month of October 2008. Documentation did not contain a signature/authenticated name of the staff providing the service to justify billing. • The Agency billed 1 unit of Independent Living for the month of November 2008. Documentation did not contain a signature/authenticated name of the staff providing the service to justify billing. • The Agency billed 1 unit of Independent Living for the month of December 2008. Documentation did not contain a signature/authenticated name of the staff providing the service to justify billing. • The Agency billed 16.75 units of Adult Habilitation for the month of October 2008. Documentation did not contain a signature/authenticated name of the staff providing the service to justify billing. • The Agency billed 8 units of Adult Habilitation for the month of November 2008. Documentation did not contain a signature/authenticated name of the staff providing the service to justify billing. • The Agency billed 11.5 units of Adult Habilitation for the month of December 2008. Documentation did not contain a signature/authenticated name of the staff providing the service to justify billing. 		

	<p>Individual #10</p> <ul style="list-style-type: none">• The Agency billed 29 units of Family Living for the month of October 2008. Documentation did not contain a signature/authenticated name of the staff providing the service to justify billing.• The Agency billed 29 units of Family Living for the month of November 2008. Documentation did not contain a signature/authenticated name of the staff providing the service to justify billing.• The Agency billed 29 units of Family Living for the month of December 2008. Documentation did not contain a signature/authenticated name of the staff providing the service to justify billing.		
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Tag # 1A15 Healthcare Documentation	Scope and Severity Rating: E		
<p>Developmental Disabilities (DD) Waiver Service Standards Chapter 1. III. E. (1 - 4) CHAPTER 1. III. PROVIDER AGENCY DOCUMENTATION OF SERVICE DELIVERY AND LOCATION</p> <p>E. Healthcare Documentation by Nurses For Community Living Services, Community Inclusion Services and Private Duty Nursing Services: 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>(1) Documentation of nursing assessment activities</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"> (i) Community living services provider agency; (ii) Private duty nursing provider agency; (iii) Adult habilitation provider agency; (iv) Community access provider agency; and (v) Supported employment provider agency. <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</p>	<p>Based on record review, the Agency failed to maintain the required documentation in the Individuals Agency Record as required per standard for 4 of 10 individual</p> <p>The following were not found, incomplete and/or not current:</p> <ul style="list-style-type: none"> • Quarterly Nursing Review of HCP/Crisis Plans <ul style="list-style-type: none"> • 1/2008 - 1/2009 (#6) • 1/2008 - 1/2009 (#8) • Special Health Care Needs: <ul style="list-style-type: none"> • Hoyer Lift (#4) (Per Individual's ISP Individual Specific Training Section) • Initial Nutritional Evaluation (#5) (Per individual's ISP it was recommended the individual receive one) 		

comfortable doing so. However, the agency nurse must be available to 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.

(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 # 1A15 Nurse Availability	Scope and Severity Rating: D		
<p>Developmental Disabilities (DD) Waiver Service Standards Chapter 1. III. E. (1 - 4) CHAPTER 1. III. PROVIDER AGENCY DOCUMENTATION OF SERVICE DELIVERY AND LOCATION</p> <p>E. Healthcare Documentation by Nurses For Community Living Services, Community Inclusion Services and Private Duty Nursing Services: 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>NEW MEXICO NURSING PRACTICE ACT CHAPTER 61, ARTICLE 3</p> <p>I. "licensed practical nursing" means the practice of a directed scope of nursing requiring basic knowledge of the biological, physical, social and behavioral sciences and nursing procedures, which practice is at the direction of a registered nurse, physician or dentist licensed to practice in this state. This practice includes but is not limited to:</p> <p>(1) contributing to the assessment of the health status of individuals, families and communities;</p> <p>(2) participating in the development and modification of the plan of care;</p> <p>(3) implementing appropriate aspects of the plan of care commensurate with education and verified competence;</p> <p>(4) collaborating with other health care professionals in the management of health care; and</p> <p>(5) participating in the evaluation of responses to interventions;</p>	<p>Based on interview, the Agency failed to ensure nursing services were available as needed for 1 of 10 individuals.</p> <p>When DSP were asked about the availability of their agency nurse, the following was reported:</p> <ul style="list-style-type: none"> • DSP #22 stated, "The nurse has only been here once and I get no support from them as far home visits what so ever." 		

Tag # 1A20 DSP Training Documents	Scope and Severity Rating: E		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 1 IV. GENERAL REQUIREMENTS FOR PROVIDER AGENCY SERVICE PERSONNEL: 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>C. Orientation and Training Requirements: Orientation and training for direct support staff and his or her supervisors shall comply with the DDSD/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>Based on record review, the Agency failed to ensure that Orientation and Training requirements were met for 57 of 74 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"> • Pre- Service (DSP #26, 35, 45, 48, 66 & 82) • Basic Health/Orientation (DSP #22, 26, 35, 45, 48, 66, 72 & 82) • Person-Centered Planning (1-Day) (DSP #22, 31, 33, 45, 48, 58, 69 & 71) • First Aid (DSP #11, 17, 22, 23, 25, 27, 30, 32, 33, 34, 37, 39, 40, 42, 44, 46, 47, 49, 50, 51, 52, 54, 58, 59, 63, 70, 72, 75, 76, 78, 79, 84 & 85) • CPR (DSP #11, 13, 17, 21, 22, 25, 27, 29, 30, 31, 33, 34, 36, 37, 39, 40, 42, 44, 46, 48, 49, 50, 51, 53, 57, 58, 62, 69, 71, 73, 74, 75, 77, 78, 83 & 84) • Assisting With Medications (DSP #11, 17, 19, 21, 22, 23, 25, 30, 37, 39, 40, 42, 44, 46, 49, 50, 51, 61, 64, 70, 73, 83 & 85) • Rights & Advocacy (DSP #22) • Level 1 Health (DSP #22 & 78) • Teaching & Support Strategies (DSP #22 & 78) • Positive Behavior Supports Strategies (DSP #22) 		

- Participatory Communication & Choice Making (DSP #22 & 81)

Tag # 1A22 Staff Competence	Scope and Severity Rating: F		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 1 IV. GENERAL REQUIREMENTS FOR PROVIDER AGENCY SERVICE</p> <p>PERSONNEL: 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>F. Qualifications for Direct Service Personnel: The following employment qualifications and competency requirements are applicable to all Direct Service Personnel employed by a Provider Agency:</p> <p>(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;</p> <p>(2) Direct service personnel shall have the ability to read and carry out the requirements in an ISP;</p> <p>(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;</p> <p>(4) Direct service personnel shall meet the qualifications specified by DDSD in the Policy Governing the Training Requirements for Direct Support Staff and Internal Service Coordinators, Serving</p>	<p>Based on interview, the Agency failed to ensure that training competencies were met for 7 of 13 Direct Service Personnel.</p> <p>When DSP were asked if they received training on the Individuals ISP, the following was reported:</p> <ul style="list-style-type: none"> • DSP #14 stated, "I'm not familiar with that." (Individual # 4) • DSP #22 stated, "No." (Individual #10) <p>When DSP were asked if they received training on the Individuals Occupational Therapy Plan, the following was reported:</p> <ul style="list-style-type: none"> • DSP #14 stated, "I'm not really sure about that." (Per the Individual Specific Training Section of the ISP, the Individual requires an Occupational Therapy Plan). (Individual #4) <p>When DSP were asked if they received training on the Individuals Speech Therapy Plan, the following was reported:</p> <ul style="list-style-type: none"> • DSP #13 stated, "I don't know if he has a current plan but I have heard his mother talk about it." (Per the Individual Specific Training Section of the ISP, the Individual requires a Speech Therapy Plan). (Individual #3) <p>When DSP were asked if they received training on the Individuals Health Care Plans, the following was reported:</p> <ul style="list-style-type: none"> • DSP #17 stated, "I'm not familiar with them (Health Care Plans) but I'm sure she has some." (Per the Agency file, the Individual has Health Care Plans for risk of aspiration, mobility, health status, toileting, medication 		

<p>Individuals with Developmental 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>administration, seizures and nutrition). (Individual #5)</p> <p>When DSP were asked if they received training on the Individuals Crisis Plans, the following was reported:</p> <ul style="list-style-type: none"> DSP #17 stated, "I haven't received training but know she has them." (Per the Agency file, the Individual has Crisis Plans for aspiration and seizures). (Individual #5) <p>When DSP were asked if they had received training regarding the individuals Seizure Disorder, the following was reported:</p> <ul style="list-style-type: none"> DSP #12 stated, "I received no training on his seizure disorder. New staff learn by reading the ISP and hearing from other staff." (Per the ISP, the individual has a diagnosis of Seizures). (Individual # 1) DSP #17 stated, "I haven't received any training and learned what I know just by working in the business. I don't think that she has an individual specific plan for seizures." (Per the ISP, the individual has a diagnosis of Seizures). (Individual #5) <p>When DSP were asked if a nurse needed to be contacted when administering/assisting with PRN medications, the following was reported:</p> <ul style="list-style-type: none"> DSP #16 stated, "She doesn't really have any PRNs, just Tylenol for pain. Her mom gave permission to assist with PRN medications so I would call her (the mom) if there was anything to be concerned about." (Per DDS Policy Number M-001 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 		
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	<p>observed symptoms and thus assure that the PRN medication is being used according to instructions given by the ordering PCP) (Individual #5)</p> <p>When DSP were asked if they assisted the individual with medications and had received the Assisting with Medications (AWM) training, the following was reported:</p> <ul style="list-style-type: none"> • DSP #22 stated, “Yes I do, but I have not received any training.” (Individual #10) <p>When DSP were asked what the individual’s diagnosis were, the following was reported:</p> <ul style="list-style-type: none"> • DSP #23 stated, “She has anxiety, OCD and an eating disorder.” (Per individuals ISP she is diagnosed with PTSD, Mental Retardation, Down Syndrome, Mitral Valve Pre-lapse, Irritable bowel and acid reflux) (Individual #10) 		
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Tag # 1A25 (CoP) CCHS	Scope and Severity Rating: E		
<p>NMAC 7.1.9.9 A. Prohibition on Employment: 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>NMAC 7.1.9.11 DISQUALIFYING CONVICTIONS. The following felony convictions disqualify an applicant, caregiver or hospital caregiver from employment or contractual services with a care provider: A. homicide; B. trafficking, or trafficking in controlled substances; C. kidnapping, false imprisonment, aggravated assault or aggravated battery; D. rape, criminal sexual penetration, criminal sexual contact, incest, indecent exposure, or other related felony sexual offenses; E. crimes involving adult abuse, neglect or financial exploitation; F. crimes involving child abuse or neglect; G. crimes involving robbery, larceny, extortion, burglary, fraud, forgery, embezzlement, credit card fraud, or receiving stolen property; or H. an attempt, solicitation, or conspiracy involving any of the felonies in this subsection.</p> <p>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.</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 31 of 77 Agency Personnel.</p> <ul style="list-style-type: none"> • #12 – Date of Hire 12/10/08 • #15 – Date of Hire 12/12/08 • #22 – Date of Hire 12/01/07 • #25 – Date of Hire 09/25/08 • #26 – Date of Hire 12/12/08 • #28 – Date of Hire 01/12/09 • #33 – Date of Hire 04/07/08 • #35 – Date of Hire 01/16/09 • #40 – Date of Hire 12/17/08 • #41 – Date of Hire 12/17/08 • #42 – Date of Hire 09/25/08 • #43 – Date of Hire 12/12/08 • #45 – Date of Hire 12/12/08 • #47 – Date of Hire 01/16/09 • #53 – Date of Hire 10/09/08 • #54 – Date of Hire 01/13/09 • #55 – Date of Hire 01/13/09 • #58 – Date of Hire 04/08/08 • #59 – Date of Hire 01/12/09 • #63 – Date of Hire 12/12/08 • #66 – Date of Hire 12/12/08 • #70 – Date of Hire 12/12/08 • #71 – Date of Hire 09/25/08 • #72 – Date of Hire 11/26/08 • #74 – Date of Hire 09/25/08 • #76 – Date of Hire 01/12/09 • #80 – Date of Hire 12/12/08 • #81 – Date of Hire 11/28/07 • #82 – Date of Hire 01/02/09 • #83 – Date of Hire 09/29/08 • #86 – Date of Hire 11/26/08 		

Tag # 1A26 (CoP) COR / EAR	Scope and Severity Rating: E		
<p>NMAC 7.1.12.8 REGISTRY ESTABLISHED; PROVIDER INQUIRY REQUIRED: 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. Provider requirement to inquire of registry. 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. Prohibited employment. 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. Documentation of inquiry to registry. 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-</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 16 of 77 Agency Personnel.</p> <ul style="list-style-type: none"> • #17 – Date of Hire 10/09/08 • #22 – Date of Hire 12/01/07 • #23 – Date of Hire 06/11/07 • #32 – Date of Hire 07/25/08 • #33 – Date of Hire 04/07/08 • #38 – Date of Hire 01/27/09 • #39 – Date of Hire 09/25/08 • #48 – Date of Hire 09/23/08 • #52 – Date of Hire 06/04/07 • #61 – Date of Hire 07/01/08 • #62 – Date of Hire 10/25/07 • #73 – Date of Hire 09/27/07 • #81 – Date of Hire 11/28/07 • #84 – Date of Hire 07/25/08 • #85 – Date of Hire 10/30/07 • #88 – Date of Hire 08/10/07 		

referred incident of abuse, neglect or exploitation.

E. **Documentation for other staff.** With 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.

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 # 1A28 (CoP) Incident Mgt. System	Scope & Severity Rating: E		
<p>NMAC 7.1.13.10 INCIDENT MANAGEMENT SYSTEM REQUIREMENTS:</p> <p>A. General: 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>D. Training Documentation: 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>Based on record review and interview, the Agency failed to provide documentation verifying completion of Incident Management Training for 39 of 77 Agency Personnel.</p> <ul style="list-style-type: none"> • Abuse, Neglect & Exploitation (#15, 21, 22, 46, 47, 48, 24, 25, 26, 28, 30, 32, 36, 38, 39, 41, 42, 43, 44, 49, 51, 53, 57, 61, 62, 64, 69, 71, 72, 73, 77, 78, 81, 82, 85, 87 & 88) <p>When DSP were asked what two State Agencies is suspected Abuse, Neglect and Exploitation reported; the following was reported:</p> <ul style="list-style-type: none"> • DSP #13 stated, "I would call crisis prevention and the child abuse and neglect hotline." • DSP #14 stated, "I would report to DOH but I'm not familiar with the other agency I would report to." 		

Tag # 1A28 (CoP) Incident Mgt. System	Scope & Severity Rating: E		
<p>NMAC 7.1.13.10 INCIDENT MANAGEMENT SYSTEM REQUIREMENTS:</p> <p>A. General: 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>E. Consumer and Guardian Orientation Packet: 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 or exploitation for 5 of 10 individuals.</p> <ul style="list-style-type: none"> • Parent/Guardian Incident Management (Abuse, Neglect & Exploitation) Training (#3, 6, 8, 9 & 10) 		

Tag # 1A28 (CoP) Incident Mgt. System	Scope & Severity Rating: E		
<p>NMAC 7.1.13.10 INCIDENT MANAGEMENT SYSTEM REQUIREMENTS:</p> <p>A. General: 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>F. Posting of Incident Management Information Poster: All licensed health care facilities and community based service providers shall post two (2) or more posters, to be furnished by the division, in a prominent public location which states all incident management reporting procedures, including contact numbers and Internet addresses. All licensed health care facilities and community based service providers operating sixty (60) or more beds shall post three (3) or more posters, to be furnished by the division, in a prominent public location which states all incident management reporting procedures, including contact numbers and Internet addresses. The posters shall be posted where employees report each day and from which the employees operate to carry out their activities. Each licensed health care facility or community based service provider shall take steps to insure that the notices are not altered, defaced, removed, or covered by other material. [7.1.13.10 NMAC - N, 02/28/06]</p>	<p>Based on observation, the Agency failed to post two (2) or more Incident Management Information posters in a prominent public location for 3 of 5 residences.</p> <p>The following locations were identified:</p> <p>Residence of :</p> <ul style="list-style-type: none"> • Individuals #1 & 4 • Individual #6 • Individual #10 		

Tag # 1A29 Complaints / Grievances	Scope and Severity Rating: B		
<p>NMAC 7.26.3.6 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>NMAC 7.26.3.13 Client Complaint Procedure Available. 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>NMAC 7.26.4.13 Complaint Process: A. (2). The service provider's complaint or grievance procedure shall provide, at a minimum, that: (a) 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 that the complaint procedure had been made available to individuals or their legal guardians for 3 of 10 individuals.</p> <ul style="list-style-type: none"> Grievance/Complaint Procedure (#1, 3 & 9) 		

Tag # 1A31 (CoP) Client Rights	Scope and Severity Rating: F		
<p>NMAC 7.26.3.11 RESTRICTIONS OR LIMITATION OF CLIENT'S RIGHTS: A. A service provider shall not restrict or limit a client's rights except: (1) where the restriction or limitation is allowed in an emergency and is necessary to prevent imminent risk of physical harm to the client or another person; or (2) where the interdisciplinary team has determined that the client's limited capacity to exercise the right threatens his or her physical safety; or (3) as provided for in Section 10.1.14 [now Subsection N of 7.26.3.10 NMAC]. B. Any emergency intervention to prevent physical harm shall be reasonable to prevent harm, shall be the least restrictive intervention necessary to meet the emergency, shall be allowed no longer than necessary and shall be subject to interdisciplinary team (IDT) review. The IDT upon completion of its review may refer its findings to the office of quality assurance. The emergency intervention may be subject to review by the service provider's behavioral support committee or human rights committee in accordance with the behavioral support policies or other department regulation or policy. C. The service provider may adopt reasonable program policies of general applicability to clients served by that service provider that do not violate client rights. [09/12/94; 01/15/97; Recompiled 10/31/01]</p> <p>Long Term Services Division Policy Title: Human Rights Committee Requirements Eff Date: March 1, 2003</p> <p>IV. POLICY STATEMENT Human Rights Committees are required for residential service provider agencies. The</p>	<p>Based on interview, the Agency failed to ensure the rights of Individuals were not restricted or limited.</p> <p>When Service Coordinator #88 was asked if the Agency had documentation of Human Rights approval, SC #88 stated, "We do meet quarterly for our Human Rights Committee but not all Individuals are reviewed every quarter. We pick a sample of individuals to review each time."</p> <p>Per DDSD policy, "Behavior Support Plans approved by the Human Rights Committee will be reviewed at least quarterly."</p>		

purpose of these committees with respect to the provision of Behavior Supports is to review and monitor the implementation of certain Behavior Support Plans.

Human Rights Committees may not approve any of the interventions specifically prohibited in the following policies:

- Aversive Intervention Prohibitions
- Psychotropic Medications Use
- Behavioral Support Service Provision.

A Human Rights Committee may also serve other agency functions as appropriate, such as the review of internal policies on sexuality and incident management follow-up.

A. HUMAN RIGHTS COMMITTEE ROLE IN BEHAVIOR SUPPORTS

2. The Human Rights Committee will determine and adopt a written policy stating the frequency and purpose of meetings. Behavior Support Plans approved by the Human Rights Committee will be reviewed at least quarterly.

Tag # 1A32 (CoP) ISP Implementation	Scope and Severity Rating: E		
<p>NMAC 7.26.5.16.C and D Development of the ISP. Implementation of the ISP. 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 6 of 10 individuals.</p> <p>Per Individuals ISP's the following was found with regards to the implementation of ISP Outcomes:</p> <p>Community Living Data Collection/Data Tracking/Progress with regards to ISP Outcomes:</p> <ul style="list-style-type: none"> • None found 12/2008 - 1/2009 (Individual #1) • None found 7/2008, 8/2008 & 11/2008 (Individual #2) • None found 12/2008 - 1/2009 (Individual #4) • None found 1/2008 - 1/2009 (Individual #10) <p>Adult Habilitation Data Collection/Data Tracking/Progress with regards to ISP Outcomes:</p> <ul style="list-style-type: none"> • None found 2/2008 - 5/2008 & 11/2008 - 12/2008 (Individual #9) • None found 1/2008 - 1/2009 (Individual #10) <p>Community Access Data Collection/Data Tracking/Progress with regards to ISP Outcomes:</p> <ul style="list-style-type: none"> • None found 1/2008 - 6/2008 (Individual #3) 		

Tag # 1A33 Board of Pharmacy - Lic	Scope and Severity Rating: A		
<p>New Mexico Board of Pharmacy Model Custodial Drug Procedures Manual</p> <p>6. Display of License and Inspection Reports</p> <p>A. The following are required to be publicly displayed:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Current Custodial Drug Permit from the NM Board of Pharmacy <input type="checkbox"/> Current registration from the consultant pharmacist <input type="checkbox"/> Current NM Board of Pharmacy Inspection Report 	<p>Based on observation and interview 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 1 of 5 residences:</p> <p>Individual Residence:</p> <ul style="list-style-type: none"> • Current Registration of Consulting Pharmacist (#6) • Current NM Board of Pharmacy Inspection report (#6) 		

Tag # 1A36 SC Training	Scope and Severity Rating: A		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 1 IV. GENERAL REQUIREMENTS FOR PROVIDER AGENCY SERVICE</p> <p>PERSONNEL: 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>C. Orientation and Training Requirements: Orientation and training for direct support staff and his or her supervisors shall comply with the DDSD/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>Based on record review, the Agency failed to ensure that Orientation and Training requirements were met for 1 of 3 Service Coordinators.</p> <p>Review of Service Coordinators training records found no evidence of the following required DOH/DDSD trainings being completed:</p> <ul style="list-style-type: none"> • Pre-Service Manual (SC #88) • Advocacy Strategies (SC #88) 		

Tag # 5I11 Reporting Requirements	Scope and Severity Rating: B		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 5 IV. COMMUNITY INCLUSION SERVICES PROVIDER AGENCY REQUIREMENTS</p> <p>E. Provider Agency Reporting Requirements: 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> <p>(1) Identification and implementation of a meaningful day definition for each person served;</p> <p>(2) Documentation summarizing the following:</p> <p>(a) Daily choice-based options; and</p> <p>(b) Daily progress toward goals using age-appropriate strategies specified in each individual's action plan in the ISP.</p> <p>(3) Significant changes in the individual's routine or staffing;</p> <p>(4) Unusual or significant life events;</p> <p>(5) Quarterly updates on health status, including changes in medication, assistive technology needs and durable medical equipment needs;</p> <p>(6) Record of personally meaningful community inclusion;</p> <p>(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</p> <p>(8) Any additional reporting required by DDSD.</p>	<p>Based on record review, the Agency failed to complete quarterly reports as required for 6 of 10 individuals receiving Community Inclusion services.</p> <p>Adult Habilitation Quarterly Reports</p> <ul style="list-style-type: none"> • Individual #2 - None found 1/2008 - 1/2009 • Individual #6 – None found 1/2008 - 1/2009 • Individual #8 – None found 1/2008 - 1/2009 • Individual #9 – None found 1/2008 - 1/2009 • Individual #10 – None found 1/2008 - 1/2009 <p>Community Access Quarterly Reports</p> <ul style="list-style-type: none"> • Individual #3 - None found 1/2008 - 1/2009 		

Tag # 6L06 (CoP) - FL Requirements	Scope and Severity Rating: F		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007 CHAPTER 6. III. REQUIREMENTS UNIQUE TO FAMILY LIVING SERVICES</p> <p>B. Home Studies. The Family Living Services Provider Agency shall complete all DDSD requirements for approval of each direct support provider, including completion of an approved home study and training prior to placement. After the initial home study, an updated home study shall be completed annually. The home study must also be updated each time there is a change in family composition or when the family moves to a new home. The content and procedures used by the Provider Agency to conduct home studies shall be approved by DDSD.</p>	<p>Based on record review, the Agency failed complete all DDSD requirements for approval of each direct support provider for 1 of 1 individual.</p> <ul style="list-style-type: none"> • DDSD Approval for Subcontractor (#10) • Family Living (Annual Update) Home Study (#10) • Current Family Living Contract (#10) 		

Tag # 6L10 – IL Requirements	Scope and Severity Rating: C		
<p>CHAPTER 6. VI. GENERAL REQUIREMENTS FOR COMMUNITY LIVING</p> <p>A. IDT Assessment for Community Living Services: Community Living Services are intended for individuals with an assessed need for residential services which are clinically justified and are the best service alternative at the time. This service is designed to provide the individual with counsel, support, and assistance to live successfully in the community and to maintain a safe and healthy living environment.</p> <p>B. Community Living Services Clinical Necessity Criteria. Substantiated clinical necessity criteria shall be met for each individual to qualify for Community Living Services.</p> <p>(1) For Family Living Services and Supported Living Services, substantiated clinical necessity criteria shall include:</p> <p>(a) Documentation of substantiation by the IDT that the severity of the individual's needs warrant the level of support associated with the services requested;</p> <p>(b) Documentation of determination by the IDT that the individual needs paid staff care and support at least 340 hours a month; and</p> <p>(c) Assessment and documentation by the IDT members that the Community Living Supports are being provided due to the unavailability of an alternative and appropriate residential service option because natural supports or less intensive support services (example are respite, personal support services, or Independent Living) are insufficient or ineffective in meeting the individual's residential service needs.</p> <p>(2) For Independent Living Services,</p>	<p>Based on record review and interview, the Agency failed to comply with DDSD Waiver Standards Community Living Individual Age requirements 1 of 1 individual's receiving Independent Living Services.</p> <p>Review of Agency Individual records found an Individual (#2) who was 11 years old.</p> <p>No evidence was found indicating the Agency had received an annual exception approved by the DDSD Director to provide Independent Living Services to an Individual under the age of 18 years.</p> <p>During the on-site week of February 2, 2009, the Agency Program Manager (#89) was asked if the Agency had an exception approved by DDSD, the Agency Program Manager (#89) stated, "I thought we did but we are not able to find it. I've called the case manager but she is unable to locate it also."</p>		

substantiated clinical necessity criteria shall include:

- (a) Documentation of determination by the IDT that the individual needs paid staff care and support in their home at least 20 hours per month;
- (b) Documentation that the individual's needs cannot be met through a combination of natural support and less intensive support services purchased within their ARA.

C. Individual Age Requirements. To receive Community Living Services the individual shall be 18 years of age or older. In extraordinary circumstances, case by case exceptions to the age restriction for Community Living may be approved annually by the DDSD Director. Under no circumstances will parents or other legally responsible relatives be approved to provide Family Living Services to a child under age 18.

Tag # 6L13 (CoP) - CL Healthcare Reqts.	Scope and Severity Rating: E		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 6. VI. GENERAL REQUIREMENTS FOR COMMUNITY LIVING</p> <p>G. Health Care Requirements for Community Living Services.</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 3 of 10 individuals receiving Community Living Services.</p> <ul style="list-style-type: none"> • Annual Physical (#1 & 2) • Required Blood Work: <ul style="list-style-type: none"> ◦ Lab Tests for Jan 2008 - Jan 2009 (#5) 		

<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.</p> <p>(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.</p> <p>(4) That an average of 3 hours of documented nutritional counseling is available annually, if recommended by the IDT.</p> <p>(5) That the physical property and grounds are free of hazards to the individual's health and safety.</p> <p>(6) In addition, for each individual receiving Supported Living or Family Living Services, the provider shall verify and document the following:</p> <p>(a) The individual has a primary licensed physician;</p> <p>(b) The individual receives an annual physical examination and other examinations as specified by a licensed physician;</p> <p>(c) The individual receives annual dental check-ups and other check-ups as specified by a licensed dentist;</p> <p>(d) The individual receives eye examinations as specified by a licensed optometrist or ophthalmologist; and</p> <p>(e) Agency activities that occur as follow-up to medical appointments (e.g. treatment, visits to specialists, changes in medication or daily routine).</p>			
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Tag # 6L14 Residential Case File	Scope and Severity Rating: F		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007 CHAPTER 6. VIII. COMMUNITY LIVING SERVICE PROVIDER AGENCY REQUIREMENTS</p> <p>A. Residence Case File: 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</p>	<p>Based on record review, the Agency failed to maintain a complete and confidential case file in the residence for 6 of 6 Individuals receiving Family Living Services or Supported Living Services.</p> <ul style="list-style-type: none"> • Current Emergency & Personal Identification (#8) • Annual ISP (#10) • ISP Signature Page (#1, 5, 8 & 10) • Addendum A (#1, 4, 5, 6, 8 & 10) • Individual Specific Training (Addendum B) (#5 & 10) • Positive Behavioral Plan (#8) • Positive Behavioral Crisis Plan (#8) • Occupational Therapy Plan (#4, 5 & 8) • Physical Therapy Plan (#5) • Health Assessment Tool (#4, 5, 6, 8 & 10) • Crisis Plans <ul style="list-style-type: none"> • Asthma (#8) • Seizures (#8) • General Medical (#8) • Progress Notes/Daily Contacts Logs for the past month (#6 & 10) • Data Collection/Data Tracking for the past month (#6 & 10) • Progress Notes written by DSP and/or Nurses (#10) 		

<p>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 physician's or qualified health care provider's order(s);</p> <p>(9) Medication Administration Record (MAR) for the past three (3) months which includes:</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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. <p>(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</p>	<ul style="list-style-type: none"> • Health Care Providers Written Orders (#1 & 10) • Record of visits of healthcare practitioners (#1, 5 & 10) 		
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(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 summaries for past twelve (12) months, past medical history including hospitalizations, surgeries, injuries, family history and current physical exam.

Tag # 6L17 Reporting Requirements	Scope and Severity Rating: B		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 6. VIII. COMMUNITY LIVING SERVICE PROVIDER AGENCY REQUIREMENTS</p> <p>D. Community Living Service Provider Agency Reporting Requirements: 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"> (1) Timely completion of relevant activities from ISP Action Plans (2) Progress towards desired outcomes in the ISP accomplished during the quarter; (3) Significant changes in routine or staffing; (4) Unusual or significant life events; (5) Updates on health status, including medication and durable medical equipment needs identified during the quarter; and (6) Data reports as determined by IDT members. 	<p>Based on record review, the Agency failed to complete written quarterly status reports for 4 of 7 individuals receiving Community Living Services.</p> <p>Independent Living Quarterly Reports:</p> <ul style="list-style-type: none"> • Individual #2- None found from 01/2008 - 01/2009 <p>Supported Living Quarterly Reports</p> <ul style="list-style-type: none"> • Individual #6 - None found from 03/2008 - 01/2009 • Individual #8 – None found from 01/2008 - 01/2009 <p>Family Living Quarterly Reports</p> <ul style="list-style-type: none"> • Individual #10 – None found from 01/2008 - 01/2009 		

Tag # 6L25 (CoP) Residential Reqts.	Scope and Severity Rating: F		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 6. VIII. COMMUNITY LIVING SERVICE PROVIDER AGENCY REQUIREMENTS</p> <p>L. Residence Requirements for Family Living Services and Supported Living Services</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"> (a) Battery operated or electric smoke detectors, heat sensors, or a sprinkler system installed in the residence; (b) General-purpose first aid kit; (c) When applicable due to an individual's health status, a blood borne pathogens kit; (d) Accessible written procedures for emergency evacuation e.g. fire and weather-related threats; (e) Accessible telephone numbers of poison control centers located within the line of sight of the telephone; (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; (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 (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. 	<p>Based on observation, the Agency failed to ensure that each individual's residence met all requirements within the standard for 5 of 5 Supported Living and Family Living residences.</p> <p>The following items were missing, not functioning or incomplete:</p> <ul style="list-style-type: none"> • Accessible written procedures for emergency evacuation e.g. fire and weather-related threats (#1, 4 & 10) • Accessible telephone numbers of poison control centers located within the line of sight of the telephone (#1, 4 & 10) • 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, 4, 5, 6, 8 & 10) • 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 (#5 & 10) • 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 (#1, 4, 5, 6, 8 & 10) 		

Tag # 6L28 IL Reimbursement	Scope and Severity Rating: C		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 6. IX. REIMBURSEMENT FOR COMMUNITY LIVING SERVICES</p> <p>D. Reimbursement for Independent Living Services: The billable unit for Independent Living Services is a monthly rate with a maximum of 12 units a year. Independent Living Services is reimbursed at two levels based on the number of hours of service needed by the individual as specified in the ISP. An individual receiving at least 20 hours but less than 100 hours of direct service per month will be reimbursed at Level II rate. An individual receiving 100 or more hours of direct service per month will be reimbursed at the Level I rate.</p>	<p>Based on record review, the Agency failed to provide written or electronic documentation as evidence for each unit billed for Independent Living Services for 1 of 1 individual.</p> <p>Individual #2</p> <ul style="list-style-type: none"> • October 2008 - Per MAD 046 and ISP Individual receives Intensive Independent Living. Per DDS standards agency must provide at a minimum 100 hours of service. According to documentation individual only received 50.5 hours of service. • November 2008 - Agency billed 89.5 hours of Independent Living. Documentation received accounted for 39 hours. Per MAD 046 and ISP individual receives Intensive Independent Living. • December 2008 - Agency billed 89.5 hours of Independent Living. Documentation received accounted for 83.5 hours. Per MAD 046 and ISP individual receives Intensive Independent Living. 		