Dear Ms. Ledesma;

The Division of Health Improvement/Quality Management Bureau has completed a compliance 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. This Report of Findings will be shared with the Developmental Disabilities Supports Division for their use in determining your current and future provider agreements. Upon receipt of this letter and Report of Findings your agency must immediately correct all deficiencies which place Individuals served at risk of harm.

**Determination of Compliance:**
The Division of Health Improvement, Quality Management Bureau has determined your agency is in:

**Partial Compliance with Conditions of Participation**
This determination is based on non compliance with one or more CMS waiver assurances at the Condition of Participation level as well as Standard level deficiencies identified in the attached QMB Report of Findings and requires implementation of a Plan of Correction.

**Plan of Correction:**
The attached Report of Findings identifies the Standard Level and/or Condition of Participation deficiencies found during your agency's compliance review. You are required to complete and implement a Plan of Correction. Your agency has a total of 45 business days (10 business days to submit your POC for approval and 35 days to implement your approved Plan of Correction) from the receipt of this letter.
**Submission of your Plan of Correction:**
Please submit your agency’s Plan of Correction in the space on the two right columns of the Report of Findings. (See attachment “A” for additional guidance in completing the Plan of Correction).

Within 10 business days of receipt of this letter your agency Plan of Correction must be submitted to the parties below:

1. **Quality Management Bureau, Attention: Plan of Correction Coordinator**
   5301 Central Ave. NE Suite 400 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 to come into compliance. If your Plan of Correction is denied, you must resubmit a revised plan as soon as possible for approval, as your POC approval and all remedies must be completed within 45 business days of the receipt of this letter.

Failure to submit your POC within the allotted 10 business days or complete and implement your Plan of Correction within the total 45 business days allowed may 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 finding of deficient practice, you have 10 business 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 #400
Albuquerque, NM  87108
Attention: IRF request

See Attachment “C” for additional guidance in completing the request for Informal Reconsideration of Findings. The request for an IRF will not delay the implementation of your Plan of Correction which must be completed within 45 total business days (10 business days to submit your POC for approval and 35 days to implement your approved Plan of Correction). Providers may not appeal the nature or interpretation of the standard or regulation, the team composition or sampling methodology. If the IRF approves the modification or removal of a finding, you will be advised of any changes.

Please call the Plan of Correction Coordinator at 505-699-9356 if you have questions about the Report of Findings or Plan of Correction. Thank you for your cooperation and for the work you perform.

Sincerely,

Amanda Castañeda, MPA
Amanda Castañeda, MPA
Team Lead/Healthcare Surveyor
Division of Health Improvement
Quality Management Bureau

QMB Report of Findings – Angel Care of New Mexico, Inc. – Southwest Region – January 14 – 16, 2013

Survey Report #: Q.13.3.DDW.D4361.3.001.RTN.01.077
Survey Process Employed:

Entrance Conference Date: January 14, 2013

Present:

Angel Care of New Mexico, Inc.
Angela Ledesma, Executive Director
Suzann Ochoa, Service Coordinator

DOH/DHI/QMB
Amanda Castañeda, MPA, Team Lead/Healthcare Surveyor
Mari Chavez, BSW, Healthcare Surveyor

Exit Conference Date: January 16, 2013

Present:

Angel Care of New Mexico, Inc.
Angela Ledesma, Executive Director
Suzann Ochoa, Service Coordinator

DOH/DHI/QMB
Amanda Castañeda, MPA, Team Lead/Healthcare Surveyor
Mari Chavez, BSW, Healthcare Surveyor
Deb Russell, BS, Healthcare Surveyor

DDSD - SW Regional Office
Scott Doan, DDSD Regional Director

Administrative Locations Visited
Number: 1

Total Sample Size
Number: 9
0 - Jackson Class Members
9 - Non-Jackson Class Members
1 - Supported Living
4 - Family Living
8 - Adult Habilitation
4 - Community Access

Total Homes Visited
Number: 4

 Supported Homes Visited
Number: 1

 Family Homes Visited
Number: 3

Persons Served Records Reviewed
Number: 9

Persons Served Interviewed
Number: 7

Persons Served Observed
Number: 2 (1 Individual not available during the on-site survey and 1 Individual choose not to participate in the interview)

Direct Support Personnel Interviewed
Number: 7

Direct Support Personnel Records Reviewed
Number: 14

Substitute Care/Respite Personnel Records Reviewed
Number: 22
Service Coordinator Records Reviewed Number: 2

Administrative Processes and Records Reviewed:
- Medicaid Billing/Reimbursement Records for all Services Provided
- Accreditation Records
- Oversight of Individual Funds
- Individual Medical and Program Case Files, including, but not limited to:
  - Individual Service Plans
  - Progress on Identified Outcomes
  - Healthcare Plans
  - Medication Administration Records
  - Medical Emergency Response Plans
  - Therapy Evaluations and Plans
  - Healthcare Documentation Regarding Appointments and Required Follow-Up
  - Other Required Health Information
- Internal Incident Management Reports and System Process
- Personnel Files, including nursing and subcontracted staff
- Staff Training Records, Including Competency Interviews with Staff
- Agency Policy and Procedure Manual
- Caregiver Criminal History Screening Records
- Consolidated Online Registry/Employee Abuse Registry
- Human Rights Committee Notes and Meeting Minutes
- Evacuation Drills of Residences and Service Locations
- Quality Assurance / Improvement Plan

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

QMB Report of Findings – Angel Care of New Mexico, Inc. – Southwest Region – January 14 – 16, 2013
Survey Report #: Q.13.3.DDW.D4361.3.001.RTN.01.077
Attachment A

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

Introduction:
After a QMB Compliance Survey, your QMB Report of Findings will be sent to you via e-mail.

Each provider must develop and implement a Plan of Correction (POC) that identifies specific quality assurance and quality improvement activities the agency will implement to correct deficiencies and prevent continued non compliance.

Agencies must submit their Plan of Correction within 10 business days from the date you receive the QMB Report of Findings. (Providers who do not submit a POC within 10 business days will be referred to the Internal Review Committee [IRC] for possible actions or sanctions).

Agencies must fully implement their approved Plan of Correction within 45 business days (10 business days to submit your POC for approval and 35 days to implement your approved Plan of Correction) from the date they receive the QMB Report of Findings. (Providers who fail to complete a POC within the 45 business days allowed shall be referred to the IRC for possible actions or sanctions.)

If you have questions about the Plan of Correction process, call the QMB Plan of Correction Coordinator at 505-699-9356 or email at Crystal.Lopez-Beck@state.nm.us. Requests for technical assistance must be requested through your DDSD Regional Office.

The POC process cannot resolve disputes regarding findings. If you wish to dispute a finding on the official Report of Findings, you must file an Informal Reconsideration of Findings (IRF) request within ten (10) business days of receiving your report. Please note that you must still submit a POC for findings that are in question (see Attachment “C”).

Instructions for Completing Agency POC:

Required Content
Your Plan of Correction should provide a step-by-step description of the methods to correct each deficient practice to prevent recurrence and information that ensures the regulation cited is in compliance. The remedies noted in your POC are expected to be added to your Agency’s required, annual Quality Assurance Plan.

If a deficiency has already been corrected, the plan should state how it was corrected, the completion date (date the correction was accomplished), and how possible recurrence of the deficiency will be prevented.

The Plan of Correction must address the required six CMS core elements to address each deficiency of the POC:

1. How the specific and realistic corrective action will be accomplished for individuals found to have been affected by the deficient practice.
2. How the agency will identify other individuals who have the potential to be affected by the same deficient practice, and how the agency will act to protect individuals in similar situations.
3. What QA measures will be put into place or systemic changes made to ensure that the deficient practice will not recur.
4. Indicate how the agency plans to monitor its performance to make sure that solutions are sustained. The agency must develop a QA plan for ensuring that correction is achieved and sustained. This QA plan must be implemented, and the corrective action evaluated for its effectiveness. The plan of correction is integrated into the agency quality assurance system; and
5. Include dates when corrective action will be completed. The corrective action completion dates must be acceptable to the State.
6. The POC must be signed and dated by the agency director or other authorized official.

The following details should be considered when developing your POC:

- Details about how and when Consumer, Personnel and Residential files are audited by Agency personnel to ensure they contain required documents;
- Information about how Medication Administration Records are reviewed to verify they contain all required information before they are distributed, as they are being used, and after they are completed;
- Your processes for ensuring that all staff are trained in Core Competencies, Incident Reporting, and Individual-Specific service requirements, etc;
- How accuracy in Billing documentation is assured;
- How health, safety is assured;
- For Case Management Providers, how ISPs are reviewed to verify they meet requirements, how the timeliness of LOC packet submissions and consumer visits are tracked;
- Your process for gathering, analyzing and responding to Quality data; and,
- Details about Quality Targets in various areas, current status, analyses about why targets were not met, and remedies implemented.

Note: Instruction or in-service of staff alone may not be a sufficient plan of correction. This is a good first step toward correction, but additional steps should be taken to ensure the deficiency is corrected and will not recur.

Completion Dates
- The plan of correction must include a completion date (entered in the far right-hand column) for each finding. Be sure the date is realistic in the amount of time your Agency will need to correct the deficiency; not to exceed 45 total business days.
- Direct care issues should be corrected immediately and monitored appropriately.
- Some deficiencies may require a staged plan to accomplish total correction.
- Deficiencies requiring replacement of equipment, etc., may require more time to accomplish correction but should show reasonable time frames.

Initial Submission of the Plan of Correction Requirements
1. The Plan of Correction must be completed on the official QMB Survey Report of Findings/Plan of Correction Form and received by QMB within ten (10) business days from the date you received the report of findings.
2. For questions about the POC process, call the QMB POC Coordinator, Crystal Lopez-Beck at 505-699-9356 for assistance.
3. For Technical Assistance (TA) in developing or implementing your POC, contact your local DDSD Regional Office.
4. Submit your POC to Crystal Lopez-Beck, POC Coordinator in any of the following ways:
   a. Electronically at Crystal.Lopez-Beck@state.nm.us (preferred method)
   b. Fax to 505-222-8661, or
   c. Mail to POC Coordinator, 5301 Central Avenue NE, Suite 400, Albuquerque, NM 87108

QMB Report of Findings – Angel Care of New Mexico, Inc. – Southwest Region – January 14 – 16, 2013
Survey Report #: Q.13.3.DDW.D4361.3.001.RTN.01.077
5. Do not submit supporting documentation (evidence of compliance) to QMB until after your POC has been approved by the QMB.
6. QMB will notify you when your POC has been “approve” or “denied.”
   a. During this time, whether your POC is “approved,” or “denied,” you will have a maximum of 45 business days from the date of receipt of your Report of Findings to correct all survey deficiencies.
   b. If your POC is denied, it must be revised and resubmitted as soon as possible, as the 45 business day limit is in effect.
   c. If your POC is denied a second time your agency may be referred to the Internal Review Committee.
   d. You will receive written confirmation when your POC has been approved by QMB and a final deadline for completion of your POC.
7. Failure to submit your POC within 10 business days without prior approval of an extension by QMB will result in a referral to the Internal Review Committee and the possible implementation of monetary penalties and/or sanctions.

**POC Document Submission Requirements**

Once your POC has been approved by the QMB Plan of Correction Coordinator you must submit copies of documents as evidence that all deficiencies have been corrected, as follows.

1. Your internal documents are due within a **maximum** of 45 business days of receipt of your Report of Findings.
2. You may submit your documents by postal mail (paper hard copy or on a disc), fax, or electronically (scanned and attached to e-mails).
3. All submitted documents **must be annotated**; please be sure the tag numbers and Identification numbers are indicated on each document submitted. Documents which are not annotated with the Tag number and Identification number may not be accepted.
4. Do not submit original documents; Please provide copies or scanned electronic files for evidence. Originals must be maintained in the agency file(s) per DDSD Standards.
5. In lieu of some documents, you may submit copies of file or home audit forms that clearly indicate cited deficiencies have been corrected, other attestations of correction must be approved by the Plan of Correction Coordinator prior to their submission.
6. For billing deficiencies, you must submit:
   a. Evidence of an internal audit of billing documentation for a sample of individuals and timeframes;
   b. Copies of “void and adjust” forms submitted to correct all over-billed or unjustified units billed identified during your internal audit.

Revisions, Modifications or Extensions to your Plan of Correction (post QMB approval) must be made in writing and submitted to the Deputy Chief at QMB, prior to the due date and are approved on a case-by-case basis. No changes may be made to your POC or the timeframes for implementation without written approval of the POC Coordinator.
Attachment B

Department of Health, Division of Health Improvement
QMB Determination of Compliance Process

The Division of Health Improvement, Quality Management Bureau (QMB) surveys compliance of the Developmental Disabilities Waiver (DDW) standards and state and federal regulations. QMB has grouped the CMS assurances into five Service Domains: Level of Care; Plan of Care; Qualified Providers; Health, Welfare and Safety; and Administrative Oversight (note that Administrative Oversight listed in this document is not the same as the CMS assurance of Administrative Authority. Used in this context it is related to the agency’s operational policies and procedures, Quality Management system and Medicaid billing and reimbursement processes.)

The QMB Determination of Compliance process is based on the provider’s compliance or non-compliance with standards and regulations identified in the QMB Report of Findings. All deficiencies (non-compliance with standards and regulations) are identified and cited as either a Standard level deficiency or a Condition of Participation level deficiency in the QMB Reports of Findings. All deficiencies require corrective action when non-compliance is identified.

Within the QMB Service Domains there are fundamental regulations, standards, or policies with which a provider must be in essential compliance in order to ensure the health and welfare of individuals served known as Conditions of Participation (CoPs).

The Determination of Compliance for each service type is based on a provider’s compliance with CoPs in three (3) Service Domains.

Case Management Services:
- Level of Care
- Plan of Care
- Qualified Providers

Community Inclusion Supports/ Living Supports:
- Qualified Provider
- Plan of Care
- Health, Welfare & Safety

Conditions of Participation (CoPs)

A CoP is an identified fundamental regulation, standard, or policy with which a provider must be in compliance in order to ensure the health and welfare of individuals served. CoPs are based on the Centers for Medicare and Medicaid Services, Home and Community-Based Waiver required assurances. A provider must be in compliance with CoPs to participate as a waiver provider.

QMB surveyors use professional judgment when reviewing the critical elements of each standard and regulation to determine when non-compliance with a standard level deficiency rises to the level of a CoP out of compliance. Only some deficiencies can rise to the level of a CoP. (See the next section for a list of CoPs.) The QMB survey team analyzes the relevant finding in terms of scope, actual harm or potential for harm, unique situations, patterns of performance, and other factors to determine if there is the potential for a negative outcome which would rise to the level of a CoP. A Standard level deficiency becomes a CoP out of compliance when the team’s analysis establishes that there is an identified
potential for significant harm or actual harm. It is then cited as a CoP out of compliance. If the deficiency does not rise to the level of a CoP out of compliance, it is cited as a Standard Level Deficiency.

The Division of Health Improvement (DHI) and the Developmental Disabilities Supports Division (DDSD) collaborated to revise the current Conditions of Participation (CoPs). There are seven Conditions of Participation in which providers must be in compliance.

CoPs and Service Domains for Case Management Supports are as follows:

**Service Domain: Level of Care**
Condition of Participation:
1. **Level of Care**: The Case Manager shall complete all required elements of the Long Term Care Assessment Abstract (LTCAA) to ensure ongoing eligibility for waiver services.

**Service Domain: Plan of Care**
Condition of Participation:
2. **Individual Service Plan (ISP) Creation and Development**: Each individual shall have an ISP. The ISP shall be developed in accordance with DDSD regulations and standards and is updated at least annually or when warranted by changes in the individual’s needs.

Condition of Participation:
3. **ISP Monitoring and Evaluation**: The Case Manager shall ensure the health and welfare of the individual through monitoring the implementation of ISP desired outcomes.

CoPs and Service Domain for ALL Service Providers is as follows:

**Service Domain: Qualified Providers**
Condition of Participation:
4. **Qualified Providers**: Agencies shall ensure support staff has completed criminal background screening and all mandated trainings as required by the DDSD.

CoPs and Service Domains for Living Supports and Inclusion Supports are as follows:

**Service Domain: Plan of Care**
Condition of Participation:
5. **ISP Implementation**: Services provided shall be consistent with the components of the ISP and implemented to achieve desired outcomes.

**Service Domain: Health, Welfare & Safety**
Condition of Participation:
6. **Individual Health, Safety and Welfare**: (Safety) Individuals have the right to live and work in a safe environment.

Condition of Participation:
7. **Individual Health, Safety and Welfare (Healthcare Oversight)**: The provider shall support individuals to access needed healthcare services in a timely manner. Nursing, healthcare services and healthcare oversight shall be available and provided as needed to address individuals’ health, safety and welfare.
QMB Compliance Determinations

Compliance with Conditions of Participation
The QMB determination of Compliance with Conditions of Participation indicates that a provider is in compliance with all Conditions of Participation, (CoP). The agency has obtained a level of compliance such that there is a minimal potential for harm to individuals' health and safety. To qualify for a determination of Compliance with Conditions of Participation, the provider must be in compliance with all Conditions of Participation in all relevant Service Domains. The agency may also have Standard level deficiencies (deficiencies which are not at the condition level) out of compliance in any of the Service Domains.

Partial-Compliance with Conditions of Participation
The QMB determination of Partial-Compliance with Conditions of Participation indicates that a provider is out of compliance with Conditions of Participation in one (1) to two (2) Service Domains. The agency may have one or more Condition level tags within a Service Domain. This partial-compliance, if not corrected, may result in a serious negative outcome or the potential for more than minimal harm to individuals' health and safety. The agency may also have Standard level deficiencies (deficiencies which are not at the condition level) in any of the Service Domains.

Providers receiving a repeat determination of Partial-Compliance for repeat deficiencies at the level of a Condition in any Service Domain may be referred by the Quality Management Bureau to the Internal Review Committee (IRC) for consideration of remedies and possible actions or sanctions.

Non-Compliance with Conditions of Participation
The QMB determination of Non-Compliance with Conditions of Participation indicates a provider is significantly out of compliance with Conditions of Participation in multiple Service Domains. The agency may have one or more Condition level tags in each of 3 relevant Service Domains. This non-compliance, if not corrected, may result in a serious negative outcome or the potential for more than minimal harm to individuals' health and safety. The agency may also have Standard level deficiencies (deficiencies which are not at the condition level) in any of the Service Domains.

Providers receiving a repeat determination of Non-Compliance will be referred by Quality Management Bureau to the Internal Review Committee (IRC) for consideration of remedies and possible actions or sanctions.
Attachment C

Guidelines for the Provider

Informal Reconsideration of Finding (IRF) Process

Introduction:
Throughout the QMB Survey process, surveyors are openly communicating with providers. Open communication means surveyors have clarified issues and/or requested missing information before completing the review through the use of the signed/dated “Document Request,” or “administrative Needs,” etc. forms. Regardless, there may still be instances where the provider disagrees with a specific finding. Providers may use the following process to informally dispute a finding.

Instructions:
1. The Informal Reconsideration of the Finding (IRF) request must be received in writing to the QMB Deputy Bureau Chief within 10 business days of receipt of the final Report of Findings.
2. The written request for an IRF must be completed on the QMB Request for Informal Reconsideration of Finding form available on the QMB website: http://dhi.health.state.nm.us/qmb
3. The written request for an IRF must specify in detail the request for reconsideration and why the finding is inaccurate.
4. The IRF request must include all supporting documentation or evidence.
5. If you have questions about the IRC process, email the IRF Chairperson, Scott Good at scott.good@state.nm.us for assistance.

The following limitations apply to the IRF process:
- The written request for an IRF and all supporting evidence must be received within 10 business days.
- Findings based on evidence requested during the survey and not provided may not be subject to reconsideration.
- The supporting documentation must be new evidence not previously reviewed or requested 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 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 DHI/QMB determination of compliance or the length of their DDSD provider contract.

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

The IRF Committee will review the request, 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 removed or modified, it will be noted and removed or modified from the Report of Findings. 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.
<table>
<thead>
<tr>
<th>Standard of Care</th>
<th>Deficiencies</th>
<th>Agency Plan of Correction, On-going QA/QI &amp; Responsible Party</th>
<th>Date Due</th>
</tr>
</thead>
</table>
| **CMS Assurance – Service Plans: ISP Implementation** – Services are delivered in accordance with the service plan, including type, scope, amount, duration and frequency specified in the service plan. | **Tag # 1A08**
Agency Case File  
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.
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:  
Based on record review, the Agency failed to maintain at the administrative office a confidential case file for 2 of 9 individuals.  
Review of the Agency individual case files revealed the following items were not found, incomplete, and/or not current:  
- **Current Emergency & Personal Identification Information**  
  ° Did not contain Pharmacy Information (#1)  
- **Vision Exam**  
  ° Individual #9 - As indicated by the DDSD file matrix Vision Exams are to be conducted every other year. No evidence of exam was found.  
**Provider:**  
State your Plan of Correction for the deficiencies cited in this tag here: →  
**Provider:**  
Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: → |
(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 known) of the developmental disability, psychiatric diagnoses, allergies (food, environmental, medications), immunizations, and most recent physical exam;

(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

(7) Case records belong to the individual receiving services and copies shall be provided to the individual upon request.

(8) The receiving Provider Agency shall be provided at a minimum the following records whenever an individual changes provider agencies:

   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.

**NMAC 8.302.1.17 RECORD KEEPING AND DOCUMENTATION REQUIREMENTS:** A provider must maintain all the records necessary to fully disclose the nature, quality, amount and medical necessity of services furnished to an eligible recipient who is currently receiving or who has received services in the past.

**B. Documentation of test results:** Results of tests and services must be documented, which includes results of laboratory and radiology procedures or progress following therapy or treatment.
<table>
<thead>
<tr>
<th>Tag # 1A32 &amp; 6L14</th>
<th>Standard Level Deficiency</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Individual Service Plan Implementation</strong></td>
<td>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.</td>
</tr>
</tbody>
</table>

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.

D. The intent is to provide choice and obtain opportunities for individuals to live, work and

| **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. |
| **Per Individuals ISP the following was found with regards to the implementation of ISP Outcomes:** |

**Administrative Files Reviewed:**

**Family Living Data Collection/Data Tracking/Progress with regards to ISP Outcomes:**

Individual #7
- Per Live Outcome: Action Step for “Prepare Dessert,” is to be completed 1 time per week. Evidence found indicated it was not being completed at the required frequency indicated in the ISP for 9/2012 – 12/2012.

**Adult Habilitation Data Collection/Data Tracking/Progress with regards to ISP Outcomes:**

Individual #2
- None found for 4/2012 and 6/2012.

Individual #3
- “Will attend class/complete course work,” is to be completed 1 time per week. Action Step was not being completed at the required frequency for 9/2012 - 10/2012.

**Community Access Data Collection/Data Tracking/Progress with regards to ISP**
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]

<table>
<thead>
<tr>
<th>Outcomes:</th>
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<tbody>
<tr>
<td>Individual #3</td>
</tr>
<tr>
<td>• “Will attend class/complete course work,” is to be completed 1 time per week. Action Step was not being completed at the required frequency for 9/2012 - 10/2012.</td>
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<tr>
<td>Individual #4</td>
</tr>
<tr>
<td>• None found for 9/2012 - 12/2012.</td>
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<tr>
<td>Individual #6</td>
</tr>
<tr>
<td>• None found for 9/2012 - 11/2012.</td>
</tr>
<tr>
<td>Tag # 6L14</td>
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<tr>
<td>------------</td>
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<tr>
<td>Residential Case File</td>
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implementation

(6) Progress notes written by direct care staff and by nurses regarding individual health status and physical conditions including action taken in response to identified changes in condition for at least the past month;
(7) Physician’s or qualified health care providers written orders;

(8) Progress notes documenting implementation of a physician’s or qualified health care provider’s order(s);
(9) Medication Administration Record (MAR) for the past three (3) months which includes:
   (a) The name of the individual;
   (b) A transcription of the healthcare practitioners prescription including the brand and generic name of the medication;
   (c) Diagnosis for which the medication is prescribed;
   (d) Dosage, frequency and method/route of delivery;
   (e) Times and dates of delivery;
   (f) Initials of person administering or assisting with medication; and
   (g) An explanation of any medication irregularity, allergic reaction or adverse effect.
   (h) For PRN medication an explanation for the use of the PRN must include:
      (i) Observable signs/symptoms or circumstances in which the medication is to be used, and
      (ii) Documentation of the effectiveness/result of the PRN delivered.
   (i) A MAR is not required for individuals participating in Independent Living Services who self-administer their own medication. However, when medication administration

progress notes, DSP #58 stated the following, “They’re in (the) computer. I just turned them in on Monday. I haven’t completed yesterday’s.” Per DDSD Consumer Record Requirements (12/2009) progress notes for the current month are to be kept in the home.

° Individual #7 - None found for 1/1 – 12, 2013. “Note: When DSP was asked for the progress notes the following was reported: DSP #62 reported they had been turned over to the agency administrative file. Per DDSD Consumer Record Requirements (12/2009) progress notes for the current month are to be kept in the home.
<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>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.</td>
<td>(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</td>
<td>(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.</td>
</tr>
<tr>
<td>Tag # 6L17 Reporting Requirements (Community Living Quarterly Reports)</td>
<td>Standard Level Deficiency</td>
<td>Provider:</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</td>
<td>Based on record review, the Agency failed to complete written quarterly status reports for 1 of 5 individuals receiving Community Living Services.</td>
<td>State your Plan of Correction for the deficiencies cited in this tag here: →</td>
</tr>
<tr>
<td>CHAPTER 6. VIII. COMMUNITY LIVING SERVICE PROVIDER AGENCY REQUIREMENTS</td>
<td>Review of the Agency individual case files revealed the following items were not found, incomplete, and/or not current:</td>
<td></td>
</tr>
<tr>
<td><strong>D. Community Living Service Provider Agency Reporting Requirements:</strong> 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:</td>
<td><strong>Family Living Quarterly Reports:</strong></td>
<td><strong>Provider:</strong> Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →</td>
</tr>
<tr>
<td>(1) Timely completion of relevant activities from ISP Action Plans</td>
<td>• Individual #6 - None found for 10/2012 - 12/2012.</td>
<td></td>
</tr>
<tr>
<td>(2) Progress towards desired outcomes in the ISP accomplished during the quarter;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(3) Significant changes in routine or staffing;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(4) Unusual or significant life events;</td>
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<td></td>
</tr>
<tr>
<td>(5) Updates on health status, including medication and durable medical equipment needs identified during the quarter; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(6) Data reports as determined by IDT members.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### CMS Assurance – Qualified Providers
The State monitors non-licensed/non-certified providers to assure adherence to waiver requirements. The State implements its policies and procedures for verifying that provider training is conducted in accordance with State requirements and the approved waiver.

<table>
<thead>
<tr>
<th>Tag # 1A22</th>
<th>Condition of Participation Level Deficiency</th>
<th>Agency Plan of Correction, On-going QA/QI &amp; Responsible Party</th>
<th>Date Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</td>
<td>After an analysis of the evidence it has been determined there is a significant potential for a negative outcome to occur.</td>
<td>Provider: State your Plan of Correction for the deficiencies cited in this tag here: →</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td>Based on interview, the Agency failed to ensure that training competencies were met for 5 of 7 Direct Support Personnel.</td>
<td></td>
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</tr>
<tr>
<td>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: (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; (2) Direct service personnel shall have the ability</td>
<td>When DSP were asked if the individual had a Positive Behavioral Crisis Plan and if so, what the plan covered, the following was reported: - DSP #50 stated, “No she doesn’t have a Crisis Plan.” According to the Individual Specific Training Section of the ISP, the individual has a Positive Behavioral Crisis Plan. (Individual #2)</td>
<td>Provider: Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →</td>
<td></td>
</tr>
</tbody>
</table>
to read and carry out the requirements in an ISP;

(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;

(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 Individuals with Developmental Disabilities; and

(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.

(6) Report required personnel training status to the DDSD Statewide Training Database as specified in DDSD policies as related to training requirements as follows:
(a) Initial comprehensive personnel status report (name, date of hire, Social Security number category) on all required personnel to be submitted to DDSD Statewide Training Database within the first ninety (90) calendar days of providing services;
(b) Staff who do not wish to use his or her plan covered, the following was reported:

- DSP #50 stated, “No, she just has the two,” (Speech and Language and Behavior Therapy, from an earlier conversation). According to the Individual Specific Training Section of the ISP, the Individual requires a Physical Therapy Plan. (Individual #2)

When DSP were asked if the Individual had Health Care Plans and if so, what the plan(s) covered, the following was reported:

- DSP #50 stated, “She doesn’t have anything for it.” As indicated by the Electronic Comprehensive Health Assessment Tool, the Individual requires Health Care Plans for Aspiration Risk, Seizure Disorder, Endocrine (diabetes) and Diagnosis/Condition Change. (Individual #2)

- DSP #47 stated, “No.” As indicated by the Electronic Comprehensive Health Assessment Tool, the Individual requires Health Care Plans for Weight/Body Mass Index and Falls. (Individual #3)

- DSP #50 stated, “Asthma.” As indicated by the Electronic Comprehensive Health Assessment Tool. The Individual requires a Health Care Plan for Weight/Body Mass Index. (Individual #5)

- DSP #40 stated, “That’s all that’s in here”. As indicated by the Electronic Comprehensive Health Assessment Tool. The Individual requires a Health Care Plan for Status of Oral Care Hygiene. (Individual #6)
Social Security Number may request an alternative tracking number; and

(c) Quarterly personnel update reports sent to DDSD Statewide Training Database to reflect new hires, terminations, inter-provider Agency position changes, and name changes.

Department of Health (DOH) Developmental Disabilities Supports Division (DDSD) Policy
- Policy Title: Training Requirements for Direct Service Agency Staff Policy - Eff. March 1, 2007 - II. POLICY STATEMENTS:
A. Individuals shall receive services from competent and qualified staff.

- DSP #58 did not discuss Oral Care. As indicated by the Electronic Comprehensive Health Assessment Tool, the Individual requires a Health Care Plan for Status of Oral Care Hygiene. (Individual #6)

- DSP #62 stated, "Nothing we know of." As indicated by the Electronic Comprehensive Health Assessment Tool, the Individual requires a Health Care Plan for Weight/Body Mass Index. (Individual #7)

- DSP #47 stated, "None." As indicated by the Electronic Comprehensive Health Assessment Tool, the Individual requires Health Care Plans for Weight/Body Mass Index, Gastrointestinal, Respiratory and Falls. (Individual #8)

- DSP #40 stated, "No, he doesn’t seem to have one." As indicated by the Electronic Comprehensive Health Assessment Tool, the Individual requires Health Care Plans for Gastrointestinal-Constipation Management, Bowel & Bladder, Respiratory and Skin/Wound. (Individual #9)

When DSP were asked if the Individual had a Medical Emergency Response Plans and if so, what the plan(s) covered, the following was reported:

- DSP #47 stated, "No." As indicated by the Electronic Comprehensive Health Assessment Tool, the Individual requires Medical Emergency Response Plans for Falls. (Individual #3)

- DSP #47 stated, "No." As indicated by the
Electronic Comprehensive Health Assessment Tool, the Individual requires Medical Emergency Response Plans for Gastrointestinal, Respiratory and Falls. (Individual 8)

- DSP #40 stated, "No he doesn't seem to have one." As indicated by the Electronic Comprehensive Health Assessment Tool, the Individual requires Medical Emergency Response Plans for Gastrointestinal Constipation Management and Respiratory. In addition, the Individual Specific Training section of the ISP indicates the Individual requires a Medical Emergency Response Plan for Allergies. (Individual #9)

When DSP were asked, what are the steps they need to take before assisting an individual with PRN medication and if they are required to notify anyone, the following was reported:

- DSP #50 stated, "No." According to DDSD 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 observed symptoms and thus assure that the PRN medication is being used according to instructions given by the ordering PCP. (Individual #2)

- DSP #50 stated, "No" According to DDSD 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
observed symptoms and thus assure that the PRN medication is being used according to instructions given by the ordering PCP. (Individual #5)
<table>
<thead>
<tr>
<th>Tag # 1A25</th>
<th>Standard Level Deficiency</th>
<th>Provider:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Tag # 1A25</strong></td>
<td><strong>Criminal Caregiver History Screening</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Tag # 1A25</strong></td>
<td><strong>Standard Level Deficiency</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Tag # 1A25</strong></td>
<td><strong>Provider:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Tag # 1A25</strong></td>
<td><strong>State your Plan of Correction for the deficiencies cited in this tag here:</strong></td>
<td></td>
</tr>
</tbody>
</table>
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.
Tag # 1A26
Consolidated On-line Registry/Employee Abuse Registry

<table>
<thead>
<tr>
<th>Standard Level Deficiency</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>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 23 of 38 Agency Personnel.</td>
<td></td>
</tr>
<tr>
<td>The following Agency Personnel records contained evidence that indicated the Employee Abuse Registry was completed after hire:</td>
<td></td>
</tr>
<tr>
<td><strong>Direct Support Personnel (DSP):</strong></td>
<td></td>
</tr>
<tr>
<td>- #58 – Date of hire 2/10/2011, completed 1/15/2013.</td>
<td></td>
</tr>
<tr>
<td><strong>Service Coordination Personnel (SC):</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Substitute Care Personnel:</strong></td>
<td></td>
</tr>
</tbody>
</table>

Provider:
State your Plan of Correction for the deficiencies cited in this tag here: →

Provider:
Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →

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 23 of 38 Agency Personnel.

The following Agency Personnel records contained evidence that indicated the Employee Abuse Registry was completed after hire:

Direct Support Personnel (DSP):
- #58 – Date of hire 2/10/2011, completed 1/15/2013.

Service Coordination Personnel (SC):

Substitute Care Personnel:

QMB Report of Findings – Angel Care of New Mexico, Inc. – Southwest Region – January 14 – 16, 2013

Survey Report #: Q.13.3.DDW.D4361.3.001.RTN.01.077
an inquiry to the registry concerning that employee prior to employment. Such documentation must include evidence, based on the response to such inquiry received from the custodian by the provider, that the employee was not listed on the registry as having a substantiated registry-referred incident of abuse, neglect or exploitation.

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.

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


**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.

<table>
<thead>
<tr>
<th>#</th>
<th>Date of Hire</th>
<th>Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>48</td>
<td>2/1/2011</td>
<td>1/15/2013</td>
</tr>
<tr>
<td>51</td>
<td>5/17/2010</td>
<td>11/30/2010</td>
</tr>
<tr>
<td>53</td>
<td>6/1/2009</td>
<td>11/30/2010</td>
</tr>
<tr>
<td>56</td>
<td>11/6/2008</td>
<td>12/9/2008</td>
</tr>
<tr>
<td>67</td>
<td>3/27/2012</td>
<td>3/30/2012</td>
</tr>
<tr>
<td>68</td>
<td>9/21/2011</td>
<td>9/30/2011</td>
</tr>
<tr>
<td>69</td>
<td>7/22/2011</td>
<td>1/15/2013</td>
</tr>
<tr>
<td>71</td>
<td>2/1/2011</td>
<td>1/15/2013</td>
</tr>
<tr>
<td>72</td>
<td>2/1/2011</td>
<td>1/15/2013</td>
</tr>
<tr>
<td>73</td>
<td>9/22/2010</td>
<td>11/30/2010</td>
</tr>
</tbody>
</table>
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.

<table>
<thead>
<tr>
<th>Provider Name</th>
<th>Date of Hire</th>
<th>Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>#74</td>
<td>4/1/2009</td>
<td>4/08/2009</td>
</tr>
<tr>
<td>#75</td>
<td>5/17/2010</td>
<td>11/30/2010</td>
</tr>
<tr>
<td>#76</td>
<td>10/1/2009</td>
<td>2/16/2010</td>
</tr>
<tr>
<td>Tag # 1A28.1</td>
<td>Standard Level Deficiency</td>
<td>Provider: State your Plan of Correction for the deficiencies cited in this tag here: →</td>
</tr>
<tr>
<td>---------------</td>
<td>---------------------------</td>
<td>------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| Incident Mgt. System - Personnel Training | Based on record review and interview, the Agency failed to provide documentation verifying completion of Incident Management Training for 2 of 39 Agency Personnel. When Direct Support Personnel were asked what two State Agencies must be contacted when there is suspected Abuse, Neglect & Misappropriation of Consumers' Property, the following was reported:  
  - DSP #47 stated, “DHI/IMB.” Staff was not able to identify the 2nd State Agency as Adult Protective Services.  
  - DSP #62 stated, “DHI/IMB, right now that’s the only one I can think of.” Staff was not able to identify the 2nd State Agency as Adult Protective Services. | |
### II. POLICY STATEMENTS:

A. Individuals shall receive services from competent and qualified staff.

C. Staff shall complete training on DOH-approved incident reporting procedures in accordance with 7 NMAC 1.13.
**CMS Assurance – Health and Welfare** – The state, on an ongoing basis, identifies, addresses and seeks to prevent occurrences of abuse, neglect and exploitation. Individuals shall be afforded their basic human rights. The provider supports individuals to access needed healthcare services in a timely manner.

### Tag # 1A03 CQI System

<table>
<thead>
<tr>
<th>Standard Level Deficiency</th>
<th>Agency Plan of Correction, On-going QA/QI &amp; Responsible Party</th>
<th>Date Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>Based on interview, the Agency failed to implement their Continuous Quality Management System as required by standard.</td>
<td>Provider: State your Plan of Correction for the deficiencies cited in this tag here: →</td>
<td></td>
</tr>
<tr>
<td>The following was not found, not current and or incomplete:</td>
<td>Provider: Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →</td>
<td></td>
</tr>
<tr>
<td>• The Agency’s Continuous Quality Improvement Plan provided during the on-site survey (January 14 - 16, 2013) was not updated. No evidence was found indicating when the document had last been updated. Also, based on evidence found during the on-site survey and reflected in this Report of Findings the CQI plan provided by the Agency was not being used to successfully identify and improve systems within the agency.</td>
<td></td>
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</tr>
</tbody>
</table>
(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.

7.1.13.9 INCIDENT MANAGEMENT SYSTEM REPORTING REQUIREMENTS FOR COMMUNITY BASED SERVICE PROVIDERS:
E. Quality Improvement System for Community Based Service Providers: The community based service provider shall establish and implement a quality improvement system for reviewing alleged complaints and incidents. The incident management system shall include written documentation of corrective actions taken. The community based service provider shall maintain documented evidence that all alleged violations are thoroughly investigated, and shall take all reasonable steps to prevent further incidents. The community based service provider shall provide the following internal monitoring and facilitating quality improvement system:

<table>
<thead>
<tr>
<th>Number</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>Community based service providers funded through the long-term services division to provide waiver services shall have current incident management policy and procedures in place, which comply with the department’s current requirements;</td>
</tr>
<tr>
<td>(2)</td>
<td>Community based service providers providing developmental disabilities</td>
</tr>
</tbody>
</table>

When #64 was asked if the Agency had an Incident Management Quality Improvement System, which included, tracking and trending reportable incidents the following was reported:

- Incident Management Coordinator #64 stated, “No.” When asked by Surveyors to elaborate on their incident reporting system, #64 reported the agency files incident reports, but they had no system in place to track and trend incidents.
services must have a designated incident management coordinator in place; community based service providers providing developmental disabilities services must have an incident management committee to address internal and external incident reports for the purpose of looking at internal root causes and to take action on identified trends or issues.
<table>
<thead>
<tr>
<th>Tag #</th>
<th>Medication Delivery (MAR) - Routine Medication</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Tag # 1A09</strong></td>
<td></td>
</tr>
</tbody>
</table>

**CHAPTER 11. 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.

**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.

(2) When required by the DDSD Medication Assessment and Delivery Policy, Medication Administration Records (MAR) shall be maintained and include:

(a) 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;

(b) Prescribed dosage, frequency and

<table>
<thead>
<tr>
<th>Standard Level Deficiency</th>
</tr>
</thead>
</table>

Medication Administration Records (MAR) were reviewed for the months of November, December 2012 & January 2013.

Based on record review, 1 of 3 individuals had Medication Administration Records, which contained missing medications entries and/or other errors:

**Individual #3**

January 2013

As indicated by the Medication Administration Records the individual is to take Topamax 50mg (2 times daily). According to the Physician’s Orders, Topamax 50 mg is to be taken 1 time daily. Medication Administration Record & Physician’s Orders do not match. Individual was taking correct dosage (Topamax 50mg 1 time daily). MAR directions had not been updated to reflect the new order effective 12/19/2012.

Provider:
State your Plan of Correction for the deficiencies cited in this tag here: →

Provider:
Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →
(c) Initials of the individual administering or assisting with the medication;
(d) Explanation of any medication irregularity;
(e) Documentation of any allergic reaction or adverse medication effect; and
(f) For PRN medication, an explanation for the use of the PRN medication shall include observable signs/symptoms or circumstances in which the medication is to be used, and documentation of effectiveness of PRN medication administered.

(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;
(4) MARs are not required for individuals participating in Independent Living who self-administer their own medications;
(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;

**NMAC 16.19.11.8 MINIMUM STANDARDS:**
A. MINIMUM STANDARDS FOR THE DISTRIBUTION, STORAGE, HANDLING AND RECORD KEEPING OF DRUGS:

(d) The facility shall have a Medication Administration Record (MAR) documenting medication administered to residents, **including over-the-counter medications.**
This documentation shall include:

(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;
(x) The name and initials of all staff administering medications.

Model Custodial Procedure Manual
D. Administration of Drugs

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

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

- symptoms that indicate the use of the medication,
- exact dosage to be used, and
- the exact amount to be used in a 24 hour period.
<table>
<thead>
<tr>
<th>Condition of Participation Level Deficiency</th>
</tr>
</thead>
<tbody>
<tr>
<td>After an analysis of the evidence, including missing information from records as well as statements showing lack of sufficient competency as noted in tag number 1A22, it has been determined there is a significant potential for a negative outcome to occur.</td>
</tr>
<tr>
<td>Based on record review, the Agency failed to maintain the required documentation in the Individuals Agency Record as required per standard for 4 of 9 individual</td>
</tr>
<tr>
<td>Review of the Agency individual case files revealed the following items were not found, incomplete, and/or not current:</td>
</tr>
<tr>
<td>• Healthcare Passport (#2, 9)</td>
</tr>
<tr>
<td>• Comprehensive Aspiration Risk Management Plan (#2)</td>
</tr>
<tr>
<td>• Aspiration Risk Management Screening Tool (#2, 9)</td>
</tr>
<tr>
<td>• Special Health Care Needs:</td>
</tr>
<tr>
<td>° Nutritional Evaluation</td>
</tr>
<tr>
<td>° Individual #8 - As indicated by collateral documentation reviewed, the individual is required to have an evaluation. No evidence of an evaluation was found.</td>
</tr>
<tr>
<td>° Nutritional Plan</td>
</tr>
<tr>
<td>° Individual #7 - According to Health and Physical form, the individual is required to have a plan. No evidence of a plan found.</td>
</tr>
<tr>
<td>• Health Care Plans</td>
</tr>
</tbody>
</table>

**Tag # 1A15.2 & 5I09**
Healthcare Documentation

**CHAPTER 1. III. PROVIDER AGENCY DOCUMENTATION OF SERVICE DELIVERY AND LOCATION - Healthcare Documentation by Nurses For Community Living Services, Community Inclusion Services and Private Duty Nursing Services:** Nursing services must be available as needed and documented for Provider Agencies delivering Community Living Services, Community Inclusion Services and Private Duty Nursing Services.

Chapter 1. III. E. (1 - 4) (1) Documentation of nursing assessment activities

(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:

(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.

(b) The provider agency must arrange for their nurse to complete the Health Assessment Tool (HAT) and the Medication Administration Assessment Tool (MAAT) on at least an annual basis for each individual receiving community living, community inclusion or private duty nursing services, unless the provider agency arranges for the individual’s Primary Care Practitioner (PCP) to voluntarily complete these assessments in lieu of the agency nurse. Agency nurses may also complete these...
assessments in collaboration with the Primary Care Practitioner if they believe such consultation is necessary for an accurate assessment. Family Living Provider Agencies have the option of having the subcontracted caregiver complete the HAT instead of the nurse or PCP, if the caregiver is comfortable doing so. However, the agency nurse must be available to 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 DDSD 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.

<table>
<thead>
<tr>
<th>Condition</th>
<th>Individual #</th>
<th>Evidence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aspiration</td>
<td>#2</td>
<td>No</td>
</tr>
<tr>
<td>Diagnosis/Condition Change</td>
<td>#2</td>
<td>No</td>
</tr>
<tr>
<td>Diabetes</td>
<td>#2</td>
<td>No</td>
</tr>
<tr>
<td>Aspiration</td>
<td>#2</td>
<td>No</td>
</tr>
<tr>
<td>Diagnosis/Condition Change</td>
<td>#2</td>
<td>No</td>
</tr>
<tr>
<td>Diabetes</td>
<td>#2</td>
<td>No</td>
</tr>
<tr>
<td>Crisis Plans/Medical Emergency Response Plans</td>
<td>Endocrine (Diabetes)</td>
<td>No</td>
</tr>
<tr>
<td>Psychiatric Issues</td>
<td>#2</td>
<td>No</td>
</tr>
<tr>
<td>Sleep Disturbances</td>
<td>#2</td>
<td>No</td>
</tr>
</tbody>
</table>

QMB Report of Findings – Angel Care of New Mexico, Inc. – Southwest Region – January 14 – 16, 2013

Survey Report #: Q.13.3.DDW.D4361.3.001.RTN.01.077
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

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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.


CHAPTER 5 IV. COMMUNITY INCLUSION SERVICES PROVIDER AGENCY REQUIREMENTS

B. IDT Coordination

(1) Community Inclusion Services Provider Agencies shall participate on the IDT as specified in the ISP Regulations (7.26.5 NMAC), and shall ensure direct support staff participation as needed to plan effectively for the individual; and

(2) Coordinate with the IDT to ensure that each individual participating in Community
Inclusion Services who has a score of 4, 5, or 6 on the HAT has a Health Care Plan developed by a licensed nurse, and if applicable, a Crisis Prevention/Intervention Plan.

**Department of Health Developmental Disabilities Supports Division Policy. Medical Emergency Response Plan Policy**

**MERP-001 eff.8/1/2010**

F. The MERP shall be written in clear, jargon free language and include at a minimum the following information:

1. A brief, simple description of the condition or illness.
2. A brief description of the most likely life threatening complications that might occur and what those complications may look like to an observer.
3. A concise list of the most important measures that may prevent the life threatening complication from occurring (e.g., avoiding allergens that trigger an asthma attack or making sure the person with diabetes has snacks with them to avoid hypoglycemia).
4. Clear, jargon free, step-by-step instructions regarding the actions to be taken by direct support personnel (DSP) and/or others to intervene in the emergency, including criteria for when to call 911.
5. Emergency contacts with phone numbers.
6. Reference to whether the individual has advance directives or not, and if so, where the advance directives are located.
### Tag # 1A27.2
**Duty to Report - IR Filed During On-Site and/or IR Not Reported by Provider**

#### Standard Level Deficiency

| Based on record review, the Agency failed to report suspected abuse, neglect, or misappropriation of property, unexpected and natural/expected deaths; or other reportable incidents to the Division of Health Improvement for 1 of 10 Individuals. |
| During the on-site survey January 14 -16, 2013, surveyors observed the following: |
| During the on-site visit Surveyors reviewed Family Living Monthly Inspection reports to review incidents which occurred over the previous 12 month period. In reviewing the documentation Surveyors found the Service Coordinator had noted Individual #10 was experiencing skin breakdown. The skin breakdown was identified monthly from 12/2011 – 12/2012. |
| When Surveyor’s asked Service Coordinator #77 for information regarding the skin breakdown, the following was reported: |
| Service Coordinator #77 reported Individual #10 was her own guardian and would not allow for the agency’s Nurse to assess the skin breakdown. Monthly Service Coordination notes indicated the agency was aware of the skin breakdown, yet no evidence was found indicating medical attention had been sought. |
| As a result of what was observed the following incident(s) was reported: Individual #10 |

#### Provider:
- State your Plan of Correction for the deficiencies cited in this tag here: →

Provider:
Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →
to the division by telephone call, written correspondence or other forms of communication utilizing the division’s incident report form. The incident report form and instructions for the completion and filing are available at the division's website; http://dhi.health.state.nm.us/elibrary/ironline/ir.php or may be obtained from the department by calling the toll free number.

(2) Division Incident Report Form and Notification by Community Based Service Providers: The community based service provider shall report incidents utilizing the division’s incident report form consistent with the requirements of the division’s incident management system guide. The community based service provider shall ensure all incident report forms alleging abuse, neglect or misappropriation of consumer property submitted by a reporter with direct knowledge of an incident are completed on the division’s incident report form and received by the division within twenty-four (24) hours of an incident or allegation of an incident or the next business day if the incident occurs on a weekend or a holiday. The community based service provider shall ensure that the reporter with the most direct knowledge of the incident prepares the incident report form.

• A State Incident Report was filed on January 15, 2013 by the DHI Survey Team. On January 16, 2013, the day of the exit conference, DDSD Southwest Regional Manager was made aware of the situation and immediately addressed the concern with the agency. Further contact has also been made by the SW Regional Office to assist in resolving the situation.
<table>
<thead>
<tr>
<th>Tag # 6L06</th>
<th>Standard Level Deficiency</th>
<th>Provider</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family Living Requirements</td>
<td>Based on record review, the Agency failed to complete all DDSD requirements for approval of each direct support provider for 4 of 4 individuals. Review of the Agency individual case files revealed the following items were not found, incomplete, and/or not current:</td>
<td>State your Plan of Correction for the deficiencies cited in this tag here:</td>
</tr>
</tbody>
</table>
  - Individual #3 - Not Found.  
  - Individual #5 - Not Found.  
  - Individual #6 - Not Found.  
  - Individual #7 - Not Found.  
  - Monthly Consultation with the Direct Support Provider  
  - Individual #6 - None found for 12/2012. | Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: |

**CHAPTER 6. III. REQUIREMENTS UNIQUE TO FAMILY LIVING SERVICES**

**A. Support to Individuals in Family Living:**
The Family Living Services Provider Agency shall provide and document:

1. Monthly consultation, by agency supervisors or internal service coordinators, with the direct support provider to include:
   - Review, advise, and prompt the implementation of the individual’s ISP Action Plans, schedule of activities and appointments; and
   - Assist with service or support issues raised by the direct support provider or observed by supervisor, service coordinator or other IDT members.

2. 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.

**Provider:**
State your Plan of Correction for the deficiencies cited in this tag here:

**Provider:**
Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here:
Developmental Disabilities (DD) Waiver
Service Standards effective 4/1/2007

CHAPTER 1. I. PROVIDER AGENCY
ENROLLMENT PROCESS
D. Scope of DDSD Agreement

(4) Provider Agencies must have prior written approval of the Department of Health to subcontract any service other than Respite;

NMAC 8.314.5.10 - DEVELOPMENTAL DISABILITIES HOME AND COMMUNITY-BASED SERVICES WAIVER

ELIGIBLE PROVIDERS:
I. Qualifications for community living service providers: There are three types of community living services: Family living, supported living and independent living. Community living providers must meet all qualifications set forth by the DOH/DDSD, DDW definitions and service standards. 
(1) Family living service providers for adults must meet the qualifications for staff required by the DOH/DDSD, DDW service definitions and standards. The direct care provider employed by or subcontracting with the provider agency must be approved through a home study completed prior to provision of services and conducted at subsequent intervals required of the provider agency. All family living sub-contracts must be approved by the DOH/DDSD.

<table>
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<tbody>
<tr>
<td>CHAPTER 1. I. PROVIDER AGENCY ENROLLMENT PROCESS</td>
</tr>
<tr>
<td>D. Scope of DDSD Agreement</td>
</tr>
<tr>
<td>(4) Provider Agencies must have prior written approval of the Department of Health to subcontract any service other than Respite;</td>
</tr>
<tr>
<td>NMAC 8.314.5.10 - DEVELOPMENTAL DISABILITIES HOME AND COMMUNITY-BASED SERVICES WAIVER</td>
</tr>
<tr>
<td>ELIGIBLE PROVIDERS:</td>
</tr>
<tr>
<td>I. Qualifications for community living service providers: There are three types of community living services: Family living, supported living and independent living. Community living providers must meet all qualifications set forth by the DOH/DDSD, DDW definitions and service standards. (1) Family living service providers for adults must meet the qualifications for staff required by the DOH/DDSD, DDW service definitions and standards. The direct care provider employed by or subcontracting with the provider agency must be approved through a home study completed prior to provision of services and conducted at subsequent intervals required of the provider agency. All family living sub-contracts must be approved by the DOH/DDSD.</td>
</tr>
</tbody>
</table>
**Tag # 6L13**  
Community Living Healthcare Reqs.

<table>
<thead>
<tr>
<th>Standard Level Deficiency</th>
</tr>
</thead>
<tbody>
<tr>
<td>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 4 of 9 individuals receiving Community Living Services. Review of the administrative individual case files revealed the following items were not found, incomplete, and/or not current:</td>
</tr>
</tbody>
</table>

- **Dental Exam**
  - Individual #3 - As indicated by collateral documentation reviewed, the exam was completed on 5/15/2012. Dental exam was not signed off by the dentist or dentist staff.
  - Individual #4 - As indicated by collateral documentation reviewed, exam was completed on 2/1/2012. Follow-up was to be completed 9/17/2012. No evidence of follow-up found.
  - Individual #5 - As indicated by collateral documentation reviewed, the exam was reported to have been completed on 7/2/2012. Dental exam form was not signed by the Dentist.
  - Individual #6 - As indicated by collateral documentation reviewed, exam was completed on 10/12/2012. Follow-up was to be completed on 12/10/2012. No evidence of follow-up found.

- **Vision Exam**
  - Individual #5 - As indicated by the DDSD file matrix Vision Exams are to be conducted

Provider:
State your Plan of Correction for the deficiencies cited in this tag here: →

Provider:
Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →
detailed in Chapter One section III E: Healthcare Documentation by Nurses For Community Living Services, Community Inclusion Services and Private Duty Nursing Services.

b) That each individual with a score of 4, 5, or 6 on the HAT, has a Health Care Plan developed by a licensed nurse.

c) That an individual with chronic condition(s) with the potential to exacerbate into a life threatening condition, has Crisis Prevention/Intervention Plan(s) developed by a licensed nurse or other appropriate professional for each such condition.

(4) That an average of 3 hours of documented nutritional counseling is available annually, if recommended by the IDT.

(5) That the physical property and grounds are free of hazards to the individual’s health and safety.

(6) In addition, for each individual receiving Supported Living or Family Living Services, the provider shall verify and document the following:

| (a) | The individual has a primary licensed physician; |
| (b) | The individual receives an annual physical examination and other examinations as specified by a licensed physician; |
| (c) | The individual receives annual dental check-ups and other check-ups as specified by a licensed dentist; |
| (d) | The individual receives eye examinations as specified by a licensed optometrist or ophthalmologist; and |
| (e) | Agency activities that occur as follow-up to medical appointments (e.g. treatment, visits to specialists, changes in every other year. No evidence of exam was found. |

- **Auditory Exam**
  - Individual #5 - As indicated by collateral documentation reviewed, the exam was completed on 6/8/2012. No evidence of exam results were found.

- **Blood Levels**
  - Individual #4 - As indicated by collateral documentation reviewed, lab work was ordered on 10/1/2012. No evidence of lab results for “C Reactive Protein” and “Westergren Sedimentation Rate,” were found.

- **Allergy Specialist**
  - Individual #5 - As indicated by collateral documentation reviewed, the exam was completed on 6/7/2012. Medical/Dental Record was not signed by the Doctor.
medication or daily routine).

NMAC 8.302.1.17 RECORD KEEPING AND DOCUMENTATION REQUIREMENTS: A provider must maintain all the records necessary to fully disclose the nature, quality, amount and medical necessity of services furnished to an eligible recipient who is currently receiving or who has received services in the past.

B. Documentation of test results: Results of tests and services must be documented, which includes results of laboratory and radiology procedures or progress following therapy or treatment.
<table>
<thead>
<tr>
<th>Tag # 6L25</th>
<th>Standard Level Deficiency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Health and Safety (SL/FL)</td>
<td>Based on observation, the Agency failed to ensure that each individual’s residence met all requirements within the standard for 4 of 5 Supported Living &amp; Family Living residences.</td>
</tr>
<tr>
<td>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007 CHAPTER 6. VIII. COMMUNITY LIVING SERVICE PROVIDER AGENCY REQUIREMENTS L. Residence Requirements for Family Living Services and Supported Living Services</td>
<td>Review of the residential records and observation of the residence revealed the following items were not found, not functioning or incomplete:</td>
</tr>
<tr>
<td>Supported Living Requirements:</td>
<td>- Accessible written procedures for emergency placement and relocation of individuals in the event of an emergency evacuation that makes the residence unsuitable for occupancy. The emergency evacuation procedures shall address, but are not limited to, fire, chemical and/or hazardous waste spills, and flooding (#4)</td>
</tr>
<tr>
<td>Family Living Requirements:</td>
<td>- Accessible telephone numbers of poison control centers located within the line of sight of the telephone (#3, 6, 7)</td>
</tr>
<tr>
<td></td>
<td>- 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 (#7)</td>
</tr>
</tbody>
</table>

Provider: State your Plan of Correction for the deficiencies cited in this tag here: →

Provider: Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →
unsuitable for occupancy. The emergency evacuation procedures shall address, but are not limited to, fire, chemical and/or hazardous waste spills, and flooding.
<table>
<thead>
<tr>
<th>Tag # 5I44</th>
<th>Standard Level Deficiency</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Adult Habilitation Reimbursement</strong></td>
<td>Based on record review, the Agency failed to provide written or electronic documentation as evidence for each unit billed for Adult Habilitation Services for 4 of 8 individuals.</td>
</tr>
<tr>
<td><strong>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</strong></td>
<td></td>
</tr>
<tr>
<td><strong>CHAPTER 1 III. PROVIDER AGENCY DOCUMENTATION OF SERVICE DELIVERY AND LOCATION</strong></td>
<td></td>
</tr>
<tr>
<td><strong>A. General:</strong> 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.</td>
<td></td>
</tr>
<tr>
<td><strong>B. Billable Units:</strong> 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:</td>
<td></td>
</tr>
<tr>
<td>(1) Date, start and end time of each service encounter or other billable service interval;</td>
<td></td>
</tr>
<tr>
<td>(2) A description of what occurred during the encounter or service interval; and</td>
<td></td>
</tr>
<tr>
<td>(3) The signature or authenticated name of staff providing the service.</td>
<td></td>
</tr>
<tr>
<td><strong>MAD-MR: 03-59 Eff 1/1/2004 8.314.1 BI RECORD KEEPING AND DOCUMENTATION REQUIREMENTS:</strong></td>
<td></td>
</tr>
<tr>
<td>Providers must maintain all records necessary</td>
<td></td>
</tr>
<tr>
<td><strong>Based on record review, the Agency failed to provide written or electronic documentation as evidence for each unit billed for Adult Habilitation Services for 4 of 8 individuals.</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Individual #2 October 2012</strong></td>
<td></td>
</tr>
<tr>
<td>• The Agency billed 18 units of Adult Habilitation (T2021, U2) on 10/4/2012. Documentation received accounted for 14 units.</td>
<td></td>
</tr>
<tr>
<td><strong>Individual #3 October 2012</strong></td>
<td></td>
</tr>
<tr>
<td>• The Agency billed 25 units of Adult Habilitation (T2021, U2) on 10/15/2012. Documentation received accounted for 21 units.</td>
<td></td>
</tr>
<tr>
<td>• The Agency billed 25 units of Adult Habilitation (T2021, U2) on 10/17/2012. Documentation received accounted for 24 units.</td>
<td></td>
</tr>
<tr>
<td><strong>Individual #4 October 2012</strong></td>
<td></td>
</tr>
<tr>
<td>• The Agency billed 24 units of Adult Habilitation (T2021, U1) on 10/16/2012. Documentation did not contain the required elements on 10/16/2012. Documentation received accounted for 0 units. One of the following elements was not met:</td>
<td></td>
</tr>
</tbody>
</table>

**Provider:**
State your Plan of Correction for the deficiencies cited in this tag here: →

**Provider:**
Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →
to fully disclose the extent of the services provided to the Medicaid recipient. Services that have been billed to Medicaid, but are not substantiated in a treatment plan and/or patient records for the recipient are subject to recoupment.


CHAPTER 5 XVI. REIMBURSEMENT

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

B. Billable Activities
   (1) The Community Inclusion Provider Agency can bill for those activities listed and described on the ISP and within the Scope of Service. Partial units are allowable. Billable units are face-to-face, except that Adult Habilitation services may be non-face-to-face under the following conditions: (a) Time that is non face-to-face is documented separately and clearly identified as to the nature of the activity; and (b) Non face-to-face hours do not exceed 5% of the monthly billable hours.
   (2) Adult Habilitation Services can be provided with any other services, insofar as the services are not reported for the same hours on the same day, except that Therapy Services and Case Management may be provided and billed for the same hours.
| Tag # 6L27  
| Family Living Reimbursement | Standard Level Deficiency |  |
|--------------------------------|

**Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007**  
**CHAPTER 1 III. PROVIDER AGENCY DOCUMENTATION OF SERVICE DELIVERY AND LOCATION**  
**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.  

**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:  

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.  

**MAD-MR: 03-59 Eff 1/1/2004**  
**8.314.1 BI RECORD KEEPING AND DOCUMENTATION REQUIREMENTS:** Providers must maintain all records necessary to fully disclose the extent of the services provided to the Medicaid recipient. Services that have been billed to Medicaid, but are not substantiated in a treatment plan and/or based on record review, the Agency failed to provide written or electronic documentation as evidence for each unit billed for Family Living Services for 2 of 4 individuals.  

**Individual #3**  
September 2012  
- The Agency billed 7 units of Family Living (T2033) from 9/20/2012 through 9/26/2012. Documentation did not contain the required elements on 9/24/2012. Documentation received accounted for 6 units. One or more of the following elements was not met:  
  - The signature or authenticated name of staff providing the service.  

**Individual #5**  
September 2012  
- The Agency billed 7 units of Family Living (T2033) from 9/6/2012 through 9/12/2012. Documentation did not contain the required elements on 9/9/2012. Documentation received accounted for 6 units. One or more of the following elements was not met:  
  - The signature or authenticated name of staff providing the service.  

- The Agency billed 7 units of Family Living (T2033) from 9/20/2012 through 9/26/2012. Documentation did not contain the required elements on 9/22/2012. Documentation received accounted for 6 units. One or more of the following elements was not met:  
  - The signature or authenticated name of staff providing the service.  

**Provider:**  
State your Plan of Correction for the deficiencies cited in this tag here:  

**Provider:**  
Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here:  

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QMB Report of Findings – Angel Care of New Mexico, Inc. – Southwest Region – January 14 – 16, 2013  
Survey Report #: Q.13.3.DDW.D4361.3.001.RTN.01.077
patient records for the recipient are subject to recoupment.


CHAPTER 6. IX. REIMBURSEMENT FOR COMMUNITY LIVING SERVICES

B. Reimbursement for Family Living Services

(1) Billable Unit: The billable unit for Family Living Services is a daily rate for each individual in the residence. A maximum of 340 days (billable units) are allowed per ISP year.

(2) Billable Activities shall include:
   (a) Direct support provided to an individual in the residence any portion of the day;
   (b) Direct support provided to an individual by the Family Living Services direct support or substitute care provider away from the residence (e.g., in the community); and
   (c) Any other activities provided in accordance with the Scope of Services.

(3) Non-Billable Activities shall include:
   (a) The Family Living Services Provider Agency may not bill for room and board;
   (b) Personal care, nutritional counseling and nursing supports may not be billed as separate services for an individual receiving Family Living Services; and
   (c) Family Living services may not be billed for the same time period as Respite.
   (d) The Family Living Services Provider Agency may not bill on days when an individual is hospitalized or in an institutional care setting. For this
purpose a day is counted from one midnight to the following midnight.

Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007 - Chapter 6 - COMMUNITY LIVING SERVICES

III. REQUIREMENTS UNIQUE TO FAMILY LIVING SERVICES

C. Service Limitations. Family Living Services cannot be provided in conjunction with any other Community Living Service, Personal Support Service, Private Duty Nursing, or Nutritional Counseling. In addition, Family Living may not be delivered during the same time as respite; therefore, a specified deduction to the daily rate for Family Living shall be made for each unit of respite received.

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

SUBSTITUTE CARE means the provision of family living services by an agency staff or subcontractor during a planned/scheduled or emergency absence of the direct service provider.

RESPITE means a support service to allow the primary caregiver to take a break from care giving responsibilities while maintaining adequate supervision and support to the individual during the absence of the primary caregiver.
Date: June 7, 2013

To: Angela Ledesma, Executive Director
Provider: Angel Care of New Mexico, Inc.
Address: 151 Walnut, Suite C1
State/Zip: Las Cruces, New Mexico 88001

E-mail Address: angela@angelcarenm.net

Region: Southwest
Survey Date: January 14 - 16, 2013
Program Surveyed: Developmental Disabilities Waiver
Service Surveyed: Community Living Supports (Supported Living; Family Living) and Community Inclusion Supports (Adult Habilitation; Community Access)
Survey Type: Routine

Dear Ms. Ledesma;

The Division of Health Improvement/Quality Management Bureau has received, reviewed and approved the supporting documents you submitted for your Plan of Correction. The documents you provided verified that all previously cited survey Deficiencies have been corrected.

The Plan of Correction process is now complete.

Furthermore, your agency is now determined to be in Compliance with all Conditions of Participation.

To maintain ongoing compliance with standards and regulations, continue to use the Quality Assurance (self-auditing) processes you described in your Plan of Correction.

Consistent use of these Quality Assurance processes will enable you to identify and promptly respond to problems, enhance your service delivery, and result in fewer deficiencies cited in future QMB surveys.

Thank you for your cooperation with the Plan of Correction process, for striving to come into compliance with standards and regulations, and for helping to provide for the health, safety and personal growth of the people you serve.

Sincerely,

Crystal Lopez-Beck
Plan of Correction Coordinator
Quality Management Bureau/DHI

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