Dear Ms. Kathely Phoenix-Doyle;

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**
The following tags are identified as Condition of Participation Level Deficiencies:

- Tag # 1A26 and Consolidated On-line Registry Employee Abuse Registry

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 Anthony Fragua at 505-231-7436 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,

Jenny Bartos, BA
Team Lead/Healthcare Surveyor
Division of Health Improvement
Quality Management Bureau
Survey Process Employed:

Entrance Conference Date: September 29, 2014

Present: **La Vida Felicidad, Inc.**
Selma Dodson, Director of Developmental Disability Services

**DOH/DHI/QMB**
Jenny Bartos, BA, Team Lead/Healthcare Surveyor
Erica Nilsen, BA, Healthcare Surveyor
Nicole Brown, MBA, Healthcare Surveyor
Corrina Strain, RN, Healthcare Surveyor

Exit Conference Date: October 2, 2014

Present: **La Vida Felicidad, Inc.**
Patricia Anaya, Community Inclusion Staff
Juan Rios, CILC
Therese Baca, Service Coordinator
Lynette Garley, Human Resources Administrative Assistant
Valerie Jaramillo, Community Inclusion Employment Lead
Katie Otero, Quality Assurance Director
Kathey Phoenix-Doyle, Executive Director
Selma Dodson, Director of Developmental Disability Services
Patti Montoya, RN
Lisa Suazo, Service Coordinator

**DOH/DHI/QMB**
Jenny Bartos, BA, Team Lead/Healthcare Surveyor
Erica Nilsen, Healthcare Surveyor

Administrative Locations Visited
Number: 1

Total Sample Size
Number: 23

0 - Jackson Class Members
23 - Non-Jackson Class Members

15 - Family Living
10 - Customized Community Supports
6 – Community Integrated Employment Services
4 - Customized In-Home Supports

Total Homes Visited
Number: 12

Family Living Homes Visited
Number: 12

Note: The following Individuals share a FL residence:
➤ #12, 13

Persons Served Records Reviewed
Number: 23

Persons Served Interviewed
Number: 13
Persons Served Observed  Number: 10 (4 individuals chose not to participate in the interview process; 6 individuals were not available during the on-site survey).

Direct Support Personnel Interviewed  Number: 23

Direct Support Personnel Records Reviewed  Number: 73

Substitute Care/Respite Personnel Records Reviewed  Number: 68

Service Coordinator Records Reviewed  Number: 5

Administrative Processes and Records Reviewed:

- Medicaid Billing/Reimbursement Records for all Services Provided
- Accreditation Records
- 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 / General Events Reports
- 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
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 deficiencies and non-compliance.

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

If you have questions about the Plan of Correction process, call the Plan of Correction Coordinator at 505-231-7436 or email at Anthony.Fragua@state.nm.us. Requests for technical assistance must be requested through your Regional DDSD 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 six required Center for Medicare and Medicaid Services (CMS) core elements to address each deficiency cited in the Report of Findings:
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 Plan of Correction:
- 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, Abuse, Neglect and Exploitation Reporting, and Individual-Specific service requirements, etc;
- How accuracy in Billing/Reimbursement documentation is assured;
- How health, safety is assured;
- For Case Management Providers, how Individual Specific Plans 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 indicators; 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 must 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 POC Coordinator, Anthony Fragua at 505-231-7436 for assistance.
3. For Technical Assistance (TA) in developing or implementing your POC, contact your Regional DDSD Office.
4. Submit your POC to Anthony Fragua, POC Coordinator in any of the following ways:
   a. Electronically at Anthony.Fragua@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
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 “approved” 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.
   e. Please note that all POC correspondence will be sent electronically unless otherwise requested.

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. It is preferred that you submit your documents via USPS or other carrier (scanned and saved to CD/DVD disc, flash drive, etc.). If the documents do not contain protected Health information (PHI) the preferred method is that you submit your documents 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. When billing deficiencies are cited, you must provide documentation to justify billing and/or void and adjust forms submitted to Xerox State Healthcare, LLC for the deficiencies cited in the Report of Findings. In addition to this, we ask that you submit:
   - Evidence of an internal audit of billing/reimbursement conducted for a sample of individuals and timeframes of your choosing to verify POC implementation;
   - Copies of “void and adjust” forms submitted to Xerox State Healthcare, LLC to correct all unjustified units identified and submitted for payment 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 Plan of Correction Coordinator, 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.
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 provider 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 and 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 and Safety**
Condition of Participation:
6. **Individual Health, Safety and Welfare**: 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 Determinations of Compliance

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.
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, Crystal Lopez-Beck at crystal.lopez-beck@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.
**Agency:** La Vida Felicidad, Inc. - Metro, Northwest, and Southwest Regions  
**Program:** Developmental Disabilities Waiver  
**Service:** 2012: Living Supports (Family Living); Inclusion Supports (Customized Community Supports, Community Integrated Employment Services) and Other (Customized In-Home Supports)  
**Monitoring Type:** Routine Survey  
**Survey Date:** September 29 – October 2, 2014

### Standard of Care

<table>
<thead>
<tr>
<th>Tag # 1A08</th>
<th>Standard Level Deficiency</th>
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<tbody>
<tr>
<td>H. Consumer Records Policy: All Provider Agencies must maintain at the administrative office a confidential case file for each individual. Provider agency case files for individuals are required to comply with the DDSD Consumer Records Policy. Additional documentation that is required to be maintained at the administrative office includes: 1. Vocational Assessments that are of quality and contain content acceptable to DVR and DDSD; 2. Career Development Plans as incorporated in the ISP; and 3. Documentation of evidence that services provided under the DDW are not otherwise available under the Rehabilitation Act of 1973 (DVR).</td>
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Based on record review, the Agency did not maintain a complete and confidential case file at the administrative office for 6 of 23 individuals.

Review of the Agency individual case files revealed the following items were not found, incomplete, and/or not current:

- **Current Emergency and Personal Identification Information**  
  - Did not contain Health Plan (i.e. Insurance) Information (#5)

- **ISP Teaching and Support Strategies**  
  - Individual #13 - TSS not found for the following Action Steps:
    - Work/Education/Volunteer Outcome Statement #1
      - "Will keep a budget learning how to balance her income with desired expenses weekly."
    - "Will plan spending based on her budget weekly."

**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: →

---

QMB Report of Findings – La Vida Felicidad, Inc. – Metro, Northwest and Southwest Regions – September 29 – October 2, 2014

policy. Additional documentation that is required to be maintained at the administrative office includes:

1. Vocational Assessments (if applicable) that are of quality and contain content acceptable to DVR and DDSD.

**Chapter 7 (CIHS) 3. Agency Requirements:**

**E. Consumer Records Policy:** All Provider Agencies must maintain at the administrative office a confidential case file for each individual. Provider agency case files for individuals are required to comply with the DDSD Individual Case File Matrix policy.

**Chapter 11 (FL) 3. Agency Requirements:**

**D. Consumer Records Policy:** All Family Living Provider Agencies must maintain at the administrative office a confidential case file for each individual. Provider agency case files for individuals are required to comply with the DDSD Individual Case File Matrix policy.

**Chapter 12 (SL) 3. Agency Requirements:**

**D. Consumer Records Policy:** All Living Supports- Supported Living Provider Agencies must maintain at the administrative office a confidential case file for each individual. Provider agency case files for individuals are required to comply with the DDSD Individual Case File Matrix policy.

**Chapter 13 (IMLS) 2. Service Requirements:**

C. Documents to be maintained in the agency administrative office, include: (This is not an all-inclusive list; refer to standard as it includes other items)

- Emergency contact information;
- Personal identification;
- ISP budget forms and budget prior authorization;
- ISP with signature page and all applicable assessments, including teaching and support strategies, Positive Behavior Support Plan

- Work/Education/Volunteer Outcome Statement #2
  - “Will work with coins and identify their denominations once per week.”

- Relationships/Have Fun Outcome Statement
  - “Will identify and work on art projects once a quarter.”

- Individual #14 - TSS not found for the following Action Steps:

- Live Outcome Statement
  - “Will play matching games once per week”.
  - “With prompts I will identify and match colors once per week”.

- Positive Behavioral Support Plan (#4)

- **Annual Physical (#16, 17)**

- **Dental Exam**
  - Individual #5 – As indicated by the DDSD file matrix Dental Exams are to be conducted annually. No evidence of exam was found.
  - Individual #10 – As indicated by the DDSD file matrix Dental Exams are to be conducted annually. No evidence of exam was found.
  - Individual #16 - As indicated by collateral documentation reviewed, the exam was completed on 2/22/2012. As indicated by the DDSD file matrix, Dental Exams are to

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</tr>
</tbody>
</table>

- Positive Behavioral Support Plan (#4)

- **Annual Physical (#16, 17)**

- **Dental Exam**
  - Individual #5 – As indicated by the DDSD file matrix Dental Exams are to be conducted annually. No evidence of exam was found.
  - Individual #10 – As indicated by the DDSD file matrix Dental Exams are to be conducted annually. No evidence of exam was found.
  - Individual #16 - As indicated by collateral documentation reviewed, the exam was completed on 2/22/2012. As indicated by the DDSD file matrix, Dental Exams are to
(PBSP), Behavior Crisis Intervention Plan (BCIP), or other relevant behavioral plans, Medical Emergency Response Plan (MERP), Healthcare Plan, Comprehensive Aspiration Risk Management Plan (CARMP), and Written Direct Support Instructions (WDSI);

- Dated and signed evidence that the individual has been informed of agency grievance/complaint procedure at least annually, or upon admission for a short term stay;
- Copy of Guardianship or Power of Attorney documents as applicable;
- Behavior Support Consultant, Occupational Therapist, Physical Therapist and Speech-Language Pathology progress reports as applicable, except for short term stays;
- Written consent by relevant health decision maker and primary care practitioner for self-administration of medication or assistance with medication from DSP as applicable;
- Progress notes written by DSP and nurses;
- Signed secondary freedom of choice form;
- Transition Plan as applicable for change of provider in past twelve (12) months.

**DEVELOPMENTAL DISABILITIES SUPPORTS DIVISION (DDSD): Director’s Release: Consumer Record Requirements eff. 11/1/2012**

**III. Requirement Amendments(s) or Clarifications:**

A. All case management, living supports, customized in-home supports, community integrated employment and customized community supports providers must maintain records for individuals served through DD Waiver in accordance with the Individual Case File Matrix incorporated in this director’s release.

H. Readily accessible electronic records are accessible, including those stored through the Therap web-based system.

- Dental Exams are to be conducted annually. No evidence of current exam was found.
  - Individual #17 - As indicated by collateral documentation reviewed, the exam was completed on 11/13/2012. As indicated by the DDSD file matrix, Dental Exams are to be conducted annually. No evidence of current exam was found.

- Vision Exam
  - Individual #17 - As indicated by collateral documentation reviewed, exam was completed on 3/03/2011. Follow-up was to be completed in one year. No evidence of follow-up found.
CHAPTER 1 II. PROVIDER AGENCY REQUIREMENTS: 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:

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 # 1A08.1</th>
<th>Agency Case File - Progress Notes</th>
<th>Standard Level Deficiency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tag # 1A08.1</td>
<td>Agency Case File - Progress Notes</td>
<td>Standard Level Deficiency</td>
</tr>
<tr>
<td>Tag # 1A08.1</td>
<td>Agency Case File - Progress Notes</td>
<td>Standard Level Deficiency</td>
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<td>Tag # 1A08.1</td>
<td>Agency Case File - Progress Notes</td>
<td>Standard Level Deficiency</td>
</tr>
<tr>
<td>Tag # 1A08.1</td>
<td>Agency Case File - Progress Notes</td>
<td>Standard Level Deficiency</td>
</tr>
<tr>
<td>Developmental Disabilities (DD) Waiver Service Standards effective 11/1/2012 revised 4/23/2013</td>
<td>Based on record review, the Agency did not maintain progress notes and other service delivery documentation for 1 of 23 Individuals.</td>
<td>Provider: State your Plan of Correction for the deficiencies cited in this tag here: →</td>
</tr>
<tr>
<td>Chapter 5 (CIES) 3. Agency Requirements: 6. Reimbursement A. 1.</td>
<td>Review of the Agency individual case files revealed the following items were not found:</td>
<td>Provider: Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →</td>
</tr>
<tr>
<td>Chapter 6 (CCS) 3. Agency Requirements: 4. Reimbursement A. Record Requirements 1.</td>
<td>• Individual #14 - None found for 8/2014.</td>
<td></td>
</tr>
</tbody>
</table>
**Chapter 13 (IMLS) 3. Agency Requirements:**
4. Reimbursement A. 1. …Provider Agencies must maintain all records necessary to fully disclose the service, quality…The documentation of the billable time spent with an individual shall be kept on the written or electronic record…

**Chapter 15 (ANS) 4. Reimbursement A. 1.** …Provider Agencies must maintain all records necessary to fully disclose the service, quality…The documentation of the billable time spent with an individual shall be kept on the written or electronic record…


**CHAPTER 1 II. PROVIDER AGENCY REQUIREMENTS: 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:

1. Progress notes and other service delivery documentation;

<table>
<thead>
<tr>
<th>QMB Report of Findings – La Vida Felicidad, Inc. – Metro, Northwest and Southwest Regions – September 29 – October 2, 2014</th>
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<table>
<thead>
<tr>
<th>Tag # 1A32 and LS14 / 6L14</th>
<th>Standard Level Deficiency</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Individual Service Plan Implementation</strong></td>
<td>Based on record review, the Agency did not 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>
<td>Provider: State your Plan of Correction for the deficiencies cited in this tag here: →</td>
</tr>
<tr>
<td><strong>NMAC 7.26.5.16.C and D Development of the ISP. Implementation of the ISP.</strong> 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.</td>
<td>As indicated by Individuals ISP the following was found with regards to the implementation of ISP Outcomes: <strong>Administrative Files Reviewed:</strong> <strong>Family Living Data Collection/Data Tracking/Progress with regards to ISP Outcomes:</strong> Individual #2 • According to the Live Outcome, Action Step for “helping to prepare his lunch” is to be completed 2 times per week; evidence found indicated it was not being completed at the required frequency as indicated in the ISP for 8/2014.</td>
<td>Provider: Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →</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. | Individual #4 • According to the Live Outcome; Action Step for “learn denominations of money and how to count” is to be completed daily; evidence found indicated it was not being completed at the required frequency as indicated in the ISP for 6/2014 - 8/2014. **Individual #14** • None found regarding: Live Outcome/Action Step: “I will play matching games once per week” for 8/2014. | }
D. The intent is to provide choice and obtain opportunities for individuals to live, work and play with full participation in their communities. The following principles provide direction and purpose in planning for individuals with developmental disabilities. [05/03/94; 01/15/97; Recompiled 10/31/01]

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</table>

• None found regarding: Live Outcome/Action Step: “With prompts I will identify and match colors once per week” for 8/2014.

• None found regarding: Work/Education/Volunteer/Action Step: “I will go to the library and use the computer once per month” for 8/2014.

• None found regarding: Work/Education/Volunteer Outcome/Action Step: “I will play computer games once per month” for 8/2014.

Customized Community Supports Data Collection/Data Tracking/Progress with regards to ISP Outcomes:

<table>
<thead>
<tr>
<th>Individual #3</th>
<th></th>
</tr>
</thead>
<tbody>
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</table>

• None found regarding: Work/learn Outcome/Action Step: “Will remove the outdated clothing from the racks 2x per month” for 8/2014.

• None found regarding: Work/learn Outcome/Action Step: “Will complete a timed typing test 1x per week” for 8/2014.

<table>
<thead>
<tr>
<th>Individual #20</th>
<th></th>
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<tbody>
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</table>

• No Outcomes or DDSD exemption/decision justification found for Customized Community Supports (CCS) Services. As indicated by NMAC 7.26.5.14 “Outcomes are required for any life area for which the individual receives services funded by the developmental disabilities Medicaid waiver.”

Residential Files Reviewed:
Family Living Data Collection/Data Tracking/Progress with regards to ISP Outcomes:

Individual #4

- None found regarding: Live Outcome/Action Step: "Learn denominations of money and how to count daily" for 10/1 – 2. FLP #276 stated, "I have not been keeping track of data, I didn’t realize I had to."
<table>
<thead>
<tr>
<th>Tag # IS11 / 5111 Reporting Requirements</th>
<th>Inclusion Reports</th>
<th>Standard Level Deficiency</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.26.5.17 DEVELOPMENT OF THE INDIVIDUAL SERVICE PLAN (ISP) - DISSEMINATION OF THE ISP, DOCUMENTATION AND COMPLIANCE:</td>
<td></td>
<td>Based on record review, the Agency did not complete written status reports as required for 1 of 12 individuals receiving Inclusion Services.</td>
</tr>
<tr>
<td>C. Objective quantifiable data reporting progress or lack of progress towards stated outcomes, and action plans shall be maintained in the individual's records at each provider agency implementing the ISP. Provider agencies shall use this data to evaluate the effectiveness of services provided. Provider agencies shall submit to the case manager data reports and individual progress summaries quarterly, or more frequently, as decided by the IDT. These reports shall be included in the individual's case management record, and used by the team to determine the ongoing effectiveness of the supports and services being provided. Determination of effectiveness shall result in timely modification of supports and services as needed.</td>
<td>Review of the Agency individual case files revealed the following items were not found, and/or incomplete:</td>
<td></td>
</tr>
<tr>
<td><strong>Customized Community Annual Assessment</strong></td>
<td>- Individual #13 - None found for 3/1/2013 – 2/28/2014.</td>
<td>Provider: State your Plan of Correction for the deficiencies cited in this tag here: →</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: →

Provider:
Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →
<table>
<thead>
<tr>
<th></th>
<th>IDT meeting unless changes requiring team input need to be made (e.g., adding more hours to the Community Integrated Employment budget);</th>
</tr>
</thead>
<tbody>
<tr>
<td>b.</td>
<td>Written annual updates to the ISP work/learn action plan to DDSD;</td>
</tr>
<tr>
<td>2.</td>
<td>VAP to the case manager if completed externally to the ISP;</td>
</tr>
<tr>
<td>3.</td>
<td>Initial ISP reflecting the Vocational Assessment or the annual ISP with the updated VAP integrated or a copy of an external VAP if one was completed to DDSD;</td>
</tr>
<tr>
<td>4.</td>
<td>Quarterly Community Integrated Employment Wage and Hour Reports for individuals employed and in job development to DDSD based on the DDSD fiscal year; and</td>
</tr>
<tr>
<td>a.</td>
<td>Data related to the requirements of the Performance Contract to DDSD quarterly.</td>
</tr>
</tbody>
</table>

**CHAPTER 6 (CCS) 3. Agency Requirements: H. Reporting Requirements:** The Customized Community Supports Provider Agency shall submit the following:

1. Semi-annual progress reports one hundred ninety (190) days following the date of the annual ISP, and 14 days prior to the annual IDT meeting:
   a. Identification of and implementation of a Meaningful Day definition for each person served;
   b. Documentation for each date of service delivery summarizing the following:
      i. Choice based options offered throughout the day; and
ii. Progress toward outcomes using age appropriate strategies specified in each individual’s action steps in the ISP, and associated support plans/WDSI.

c. Record of personally meaningful community inclusion activities; and

d. Written updates, to the ISP Work/Learn Action Plan annually or as necessary due to change in work goals. These updates do not require an IDT meeting unless changes requiring team input need to be made.

e. Data related to the requirements of the Performance Contract to DDSD quarterly.


CHAPTER 5 IV. COMMUNITY INCLUSION SERVICES PROVIDER AGENCY REQUIREMENTS

E. Provider Agency Reporting Requirements: All Community Inclusion Provider Agencies are required to submit written quarterly status reports to the individual’s Case Manager no later than fourteen (14) calendar days following the end of each quarter. In addition to reporting required by specific Community Access, Supported Employment, and Adult Habilitation Standards, the quarterly reports shall contain the following written documentation:

(1) Identification and implementation of a meaningful day definition for each person served;
(2) Documentation summarizing the following:
   (a) Daily choice-based options; and
(b) Daily progress toward goals using age-appropriate strategies specified in each individual's action plan in the ISP.

(3) Significant changes in the individual's routine or staffing;

(4) Unusual or significant life events;

(5) Quarterly updates on health status, including changes in medication, assistive technology needs and durable medical equipment needs;

(6) Record of personally meaningful community inclusion;

(7) Success of supports as measured by whether or not the person makes progress toward his or her desired outcomes as identified in the ISP; and

(8) Any additional reporting required by DDSD.
<table>
<thead>
<tr>
<th>Tag # LS14 / 6L14</th>
<th>Standard Level Deficiency</th>
<th>Provider:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Case File</td>
<td>Based on record review, the Agency did not maintain a complete and confidential case file in the residence for 11 of 15 Individuals receiving Family Living Services.</td>
<td>State your Plan of Correction for the deficiencies cited in this tag here: →</td>
</tr>
<tr>
<td>Developmental Disabilities (DD) Waiver Service Standards effective 11/1/2012 revised 4/23/2013 CHAPTER 11 (FL) 3. Agency Requirements C. Residence Case File: The Agency must maintain in the individual’s home a complete and current confidential case file for each individual. Residence case files are required to comply with the DDSD Individual Case File Matrix policy.</td>
<td>Review of the residential individual case files revealed the following items were not found, incomplete, and/or not current:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Current Emergency and Personal Identification Information</td>
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<tr>
<td></td>
<td>☰ Did not contain Health Plan (Insurance) Information (#1, 2, 6, 23)</td>
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<td></td>
<td>☰ None Found (#21)</td>
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<tr>
<td></td>
<td>• Annual ISP (#9)</td>
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<tr>
<td></td>
<td>• Individual Specific Training Section of ISP (formerly Addendum B) (#9)</td>
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</tr>
<tr>
<td></td>
<td>• Teaching and Support Strategies</td>
<td></td>
</tr>
<tr>
<td></td>
<td>➢ Individual #3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>☰ None found for: Live outcome / Action Step: “Will prepare a simple meal twice per month”.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>☰ None found for: Fun outcome / Action Step: “Will use the Skype application to communicate with relatives twice per month”.</td>
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<tr>
<td></td>
<td>➢ Individual #9</td>
<td></td>
</tr>
<tr>
<td></td>
<td>☰ None found for: Live outcome / Action Step: “Once the hamper is full, will sort her clothes weekly.”</td>
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</tbody>
</table>

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

QMB Report of Findings – La Vida Felicidad, Inc. – Metro, Northwest and Southwest Regions – September 29 – October 2, 2014

h. Record of medical and dental appointments for the current year, or during the period of stay for short term stays, including any treatment provided;
  i. Progress notes written by DSP and nurses;
  j. Documentation and data collection related to ISP implementation;
  k. Medicaid card;
  l. Salud membership card or Medicare card as applicable; and
  m. A Do Not Resuscitate (DNR) document and/or Advanced Directives as applicable.

DEVELOPMENTAL DISABILITIES SUPPORTS DIVISION (DDSD): Director’s Release: Consumer Record Requirements eff. 11/1/2012

III. Requirement Amendments(s) or Clarifications:

A. All case management, living supports, customized in-home supports, community integrated employment and customized community supports providers must maintain records for individuals served through DD Waiver in accordance with the Individual Case File Matrix incorporated in this director’s release.

H. Readily accessible electronic records are accessible, including those stored through the Therap web-based system.

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

**CHAPTER 6. VIII. COMMUNITY LIVING SERVICE PROVIDER AGENCY REQUIREMENTS**

**A. Residence Case File:** For individuals receiving Supported Living or Family Living, the Agency shall maintain in the individual’s home a complete and current confidential case file for each individual. For individuals receiving Independent Living Services, rather than maintaining this file at the individual’s home, the complete and current

<table>
<thead>
<tr>
<th>Individual #12</th>
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<tbody>
<tr>
<td>None found for: Live outcome / Action Step: “Will apply two new social skills to her routine work at the food bank once per week.”</td>
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<thead>
<tr>
<th>Individual #13</th>
</tr>
</thead>
<tbody>
<tr>
<td>None found for: Live outcome / Action Step: “Will deposit at least $10 per month in her bank account (once per month).”</td>
</tr>
</tbody>
</table>

- Positive Behavioral Plan (#22, 23)
- Speech Therapy Plan (#3)
- Occupational Therapy Plan (#23)
- Healthcare Passport (#4, 21)

**Special Health Care Needs**

- Nutritional Plan (#1)

**Health Care Plans**

- Allergies (#9)
- Body Mass Index (#9)
- Constipation (#4)
- Falls (#9)
- GERD (#9)
- Oral Hygiene (#9)
- Pain (#9)
- Respiratory (#3)
- Seizures (#9)
- Skin Integrity (#9)
confidential case file for each individual shall be maintained at the agency's administrative site. Each file shall include the following:

1. Complete and current ISP and all supplemental plans specific to the individual;
2. Complete and current Health Assessment Tool;
3. Current emergency contact information, which includes the individual's address, telephone number, names and telephone numbers of residential Community Living Support providers, relatives, or guardian or conservator, primary care physician's name(s) and telephone number(s), pharmacy name, address and telephone number and dentist name, address and telephone number, and health plan;
4. Up-to-date progress notes, signed and dated by the person making the note for at least the past month (older notes may be transferred to the agency office);
5. Data collected to document ISP Action Plan 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;

<table>
<thead>
<tr>
<th>Medical Emergency Response Plans</th>
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<tbody>
<tr>
<td>- Allergies (#9)</td>
</tr>
<tr>
<td>- Falls (#9)</td>
</tr>
<tr>
<td>- GERD (#9)</td>
</tr>
<tr>
<td>- Pain (#9)</td>
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<tr>
<td>- Respiratory (#3)</td>
</tr>
<tr>
<td>- Seizures (#9)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Progress Notes/Daily Contacts Logs:</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Individual #3 - None found for 9/15 – 29, 2014</td>
</tr>
<tr>
<td>- Individual #4 - None found for 10/1 - 2, 2014</td>
</tr>
</tbody>
</table>
(d) Dosage, frequency and method/route of delivery;
(e) Times and dates of delivery;
(f) Initials of person administering or assisting with medication; and
(g) An explanation of any medication irregularity, allergic reaction or adverse effect.

(h) For PRN medication an explanation for the use of the PRN must include:
   (i) Observable signs/symptoms or circumstances in which the medication is to be used, and
   (ii) Documentation of the effectiveness/result of the PRN delivered.

(i) A MAR is not required for individuals participating in Independent Living Services who self-administer their own medication. However, when medication administration is provided as part of the Independent Living Service a MAR must be maintained at the individual’s home and an updated copy must be placed in the agency file on a weekly basis.

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

(11) Medical History to include: demographic data, current and past medical diagnoses including the cause (if known) of the developmental disability and any psychiatric diagnosis, allergies (food, environmental, medications), status of routine adult health care screenings, immunizations, hospital discharge summaries for past twelve (12) months, past medical history including hospitalizations, surgeries, injuries, family history and current physical exam.
### Standard of Care

#### Service Domain: 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 # 1A11.1 Transportation Training</th>
<th>Standard Level Deficiency</th>
</tr>
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</table>
| Department of Health (DOH) Developmental Disabilities Supports Division (DDSD) Policy Training Requirements for Direct Service Agency Staff Policy **Eff. Date:** March 1, 2007 | Based on record review and interview, the Agency did not provide and/or have documentation for staff training regarding the safe operation of the vehicle, assisting passengers and safe lifting procedures for 12 of 73 Direct Support Personnel. No documented evidence was found of the following required training:

- Transportation (DSP #203, 212, 217, 221, 225, 232, 253, 254, 257, 263, 268, 276)

When DSP were asked if they had received transportation training including training on wheelchair tie downs and van lift safety the following was reported:

- DSP #212 stated, “No.”
- DSP #253 stated, “No. I took it at a different agency before I got hired here.”
- DSP #276 stated, “No, nope, I’ve never been offered.” |

**Provider:**

- State your Plan of Correction for the deficiencies cited in this tag here: →
- Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →
(1) Any employee or agent of a regulated facility or agency who is responsible for assisting a resident in boarding or alighting from a motor vehicle must complete a state-approved training program in passenger transportation assistance before assisting any resident. The passenger transportation assistance program shall be comprised of but not limited to the following elements: resident assessment, emergency procedures, supervised practice in the safe operation of equipment, familiarity with state regulations governing the transportation of persons with disabilities, and a method for determining and documenting successful completion of the course. The course requirements above are examples and may be modified as needed.

(2) Any employee or agent of a regulated facility or agency who drives a motor vehicle provided by the facility or agency for use in the transportation of clients must complete:

(a) A state approved training program in passenger assistance and

(b) A state approved training program in the operation of a motor vehicle to transport clients of a regulated facility or agency. The motor vehicle transportation assistance program shall be comprised of but not limited to the following elements: resident assessment, emergency procedures, supervised practice in the safe operation of motor vehicles, familiarity with state regulations governing the transportation of persons with disabilities, maintenance and safety record keeping, training on hazardous driving conditions and a method for determining and documenting successful completion of the course. The course requirements above are examples and may be modified as needed.
(c) A valid New Mexico drivers license for the type of vehicle being operated consistent with State of New Mexico requirements.

(3) Each regulated facility and agency shall establish and enforce written polices (including training) and procedures for employees who provide assistance to clients with boarding or alighting from motor vehicles.

(4) Each regulated facility and agency shall establish and enforce written polices (including training and procedures for employees who operate motor vehicles to transport clients.


CHAPTER 5 (CIES) 3. Agency Requirements
G. Training Requirements: 1. All Community Inclusion Providers must provide staff training in accordance with the DDSD policy T-003: Training Requirements for Direct Service Agency Staff Policy.

CHAPTER 6 (CCS) 3. Agency Requirements
F. Meet all training requirements as follows:
1. All Customized Community Supports Providers shall provide staff training in accordance with the DDSD Policy T-003: Training Requirements for Direct Service Agency Staff Policy;

CHAPTER 7 (CIHS) 3. Agency Requirements
C. Training Requirements: The Provider Agency must report required personnel training status to the DDSD Statewide Training Database as specified in the DDSD Policy T-001: Reporting and Documentation of DDSD Training Requirements Policy. The Provider Agency must ensure that the personnel support staff have completed training as specified in the
DDSD Policy T-003: Training Requirements for Direct Service Agency Staff Policy

CHAPTER 11 (FL) 3. Agency Requirements
B. Living Supports- Family Living Services Provider Agency Staffing Requirements: 3. Training:
A. All Family Living Provider agencies must ensure staff training in accordance with the Training Requirements for Direct Service Agency Staff policy. DSP's or subcontractors delivering substitute care under Family Living must at a minimum comply with the section of the training policy that relates to Respite, Substitute Care, and personal support staff [Policy T-003: for Training Requirements for Direct Service Agency Staff; Sec. II-J, Items 1-4]. Pursuant to the Centers for Medicare and Medicaid Services (CMS) requirements, the services that a provider renders may only be claimed for federal match if the provider has completed all necessary training required by the state. All Family Living Provider agencies must report required personnel training status to the DDSD Statewide Training Database as specified in DDSD Policy T-001: Reporting and Documentation for DDSD Training Requirements.

CHAPTER 12 (SL) 3. Agency Requirements
B. Living Supports- Supported Living Services Provider Agency Staffing Requirements: 3. Training:
A. All Living Supports- Supported Living Provider Agencies must ensure staff training in accordance with the DDSD Policy T-003: for Training Requirements for Direct Service Agency Staff. Pursuant to CMS requirements, the services that a provider renders may only be claimed for federal match if the provider has
completed all necessary training required by the state. All Supported Living provider agencies must report required personnel training status to the DDSD Statewide Training Database as specified in DDSD Policy T-001: Reporting and Documentation for DDSD Training Requirements.

CHAPTER 13 (IMLS) R. 2. Service Requirements. Staff Qualifications 2. DSP Qualifications. E. Complete training requirements as specified in the DDSD Policy T-003: Training Requirements for Direct Service Agency Staff - effective March 1, 2007. Report required personnel training status to the DDSD Statewide Training Database as specified in the DDSD Policy T-001: Reporting and Documentation of DDSD Training Requirements Policy;
<table>
<thead>
<tr>
<th>Tag # 1A20</th>
<th>Direct Support Personnel Training</th>
<th>Standard Level Deficiency</th>
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<tbody>
<tr>
<td><strong>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:</strong>&lt;br&gt;A. Individuals shall receive services from competent and qualified staff.&lt;br&gt;B. Staff shall complete individual-specific (formerly known as “Addendum B”) training requirements in accordance with the specifications described in the individual service plan (ISP) of each individual served.&lt;br&gt;C. Staff shall complete training on DOH-approved incident reporting procedures in accordance with 7 NMAC 1.13.&lt;br&gt;D. Staff providing direct services shall complete training in universal precautions on an annual basis. The training materials shall meet Occupational Safety and Health Administration (OSHA) requirements.&lt;br&gt;E. Staff providing direct services shall maintain certification in first aid and CPR. The training materials shall meet OSHA requirements/guidelines.&lt;br&gt;F. Staff who may be exposed to hazardous chemicals shall complete relevant training in accordance with OSHA requirements.&lt;br&gt;G. Staff shall be certified in a DDSD-approved behavioral intervention system (e.g., Mandt, CPI) before using physical restraint techniques. Staff members providing direct services shall maintain certification in a DDSD-approved behavioral intervention system if an individual they support has a behavioral crisis plan that includes the use of physical restraint techniques.&lt;br&gt;H. Staff shall complete and maintain certification in a DDSD-approved medication course in Based on record review, the Agency did not ensure Orientation and Training requirements were met for 19 of 73 Direct Support Personnel. Review of Direct Support Personnel training records found no evidence of the following required DOH/DDSD trainings and certification being completed:&lt;br&gt;• Pre- Service (DSP #212, 215, 270, 276)&lt;br&gt;• Foundation for Health and Wellness (DSP #212, 270)&lt;br&gt;• Person-Centered Planning (1-Day) (DSP #212, 257, 268, 276)&lt;br&gt;• First Aid (DSP #202, 205, 213, 217, 243, 263, 268)&lt;br&gt;• CPR (DSP #202, 205, 213, 217, 243, 263, 268)&lt;br&gt;• Assisting With Medication Delivery (DSP #200, 203, 204, 209, 211, 212, 217, 237, 242, 263, 268)&lt;br&gt;• Participatory Communication and Choice Making (DSP #268, 276)&lt;br&gt;• Rights and Advocacy (DSP #268, 276)&lt;br&gt;• Positive Behavior Supports Strategies (DSP #268, 276)&lt;br&gt;• Teaching and Support Strategies (DSP #203, 268, 276)</td>
<td>Provider: &lt;br&gt;State your Plan of Correction for the deficiencies cited in this tag here: →</td>
<td></td>
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</tbody>
</table>

Provider: Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: → |
accordance with the DDSD Medication Delivery Policy M-001.
I. Staff providing direct services shall complete safety training within the first thirty (30) days of employment and before working alone with an individual receiving service.

CHAPTER 5 (CIES) 3. Agency Requirements
G. Training Requirements: 1. All Community Inclusion Providers must provide staff training in accordance with the DDSD policy T-003: Training Requirements for Direct Service Agency Staff Policy.

CHAPTER 6 (CCS) 3. Agency Requirements
F. Meet all training requirements as follows:
1. All Customized Community Supports Providers shall provide staff training in accordance with the DDSD Policy T-003: Training Requirements for Direct Service Agency Staff Policy;

CHAPTER 7 (CIHS) 3. Agency Requirements
C. Training Requirements: The Provider Agency must report required personnel training status to the DDSD Statewide Training Database as specified in the DDSD Policy T-001: Reporting and Documentation of DDSD Training Requirements Policy. The Provider Agency must ensure that the personnel support staff have completed training as specified in the DDSD Policy T-003: Training Requirements for Direct Service Agency Staff Policy.

CHAPTER 11 (FL) 3. Agency Requirements
B. Living Supports- Family Living Services Provider Agency Staffing Requirements: 3. Training:
A. All Family Living Provider agencies must ensure staff training in accordance with the Training Requirements for Direct Service Agency Staff policy. DSP’s or subcontractors delivering substitute care under Family Living must at a minimum comply with the section of the training policy that relates to Respite, Substitute Care, and personal support staff [Policy T-003: for Training Requirements for Direct Service Agency Staff; Sec. II-J, Items 1-4]. Pursuant to the Centers for Medicare and Medicaid Services (CMS) requirements, the services that a provider renders may only be claimed for federal match if the provider has completed all necessary training required by the state. All Family Living Provider agencies must report required personnel training status to the DDSD Statewide Training Database as specified in DDSD Policy T-001: Reporting and Documentation for DDSD Training Requirements.

CHAPTER 12 (SL) 3. Agency Requirements
B. Living Supports- Supported Living Services Provider Agency Staffing Requirements: 3. Training:
A. All Living Supports- Supported Living Provider Agencies must ensure staff training in accordance with the DDSD Policy T-003: for Training Requirements for Direct Service Agency Staff. Pursuant to CMS requirements, the services that a provider renders may only be claimed for federal match if the provider has completed all necessary training required by the state. All Supported Living provider agencies must report required personnel training status to the DDSD Statewide Training Database as specified in DDSD Policy T-001: Reporting and Documentation for DDSD Training Requirements.
CHAPTER 13 (IMLS) R. 2. Service Requirements. Staff Qualifications 2. DSP Qualifications.

E. Complete training requirements as specified in the DDSD Policy T-003: Training Requirements for Direct Service Agency Staff - effective March 1, 2007. Report required personnel training status to the DDSD Statewide Training Database as specified in the DDSD Policy T-001: Reporting and Documentation of DDSD Training Requirements Policy;
<table>
<thead>
<tr>
<th>Tag # 1A22 Agency Personnel Competency</th>
<th>Standard Level Deficiency</th>
</tr>
</thead>
</table>
| 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. B. Staff shall complete individual specific (formerly known as “Addendum B”) training requirements in accordance with the specifications described in the individual service plan (ISP) for each individual serviced. Developmental Disabilities (DD) Waiver Service Standards effective 11/1/2012 revised 4/23/2013 CHAPTER 5 (CIES) 3. Agency Requirements G. Training Requirements: 1. All Community Inclusion Providers must provide staff training in accordance with the DDSD policy T-003: Training Requirements for Direct Service Agency Staff Policy. 3. Ensure direct service personnel receives Individual Specific Training as outlined in each individual ISP, including aspects of support plans (healthcare and behavioral) or WDSI that pertain to the employment environment. | Based on interview, the Agency did not ensure training competencies were met for 3 of 23 Direct Support Personnel.  
When DSP were asked if they received training on the Individual’s Individual Service Plan and what the plan covered, the following was reported:  
- DSP #276 stated, “No.” (Individual #4)  
When DSP were asked if the Individual had a Positive Behavioral Supports Plan and if so, what the plan covered, the following was reported:  
- DSP #253 stated, “No.” According to the Individual Specific Training Section of the ISP, the Individual has a Positive Behavioral Supports Plan. (Individual #17).  
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 #253 stated, “No.” According to the Individual Specific Training Section of the ISP, the Individual has a Positive Behavioral Crisis Plan. (Individual #17).  
When DSP were asked if the Individual had Health Care Plans and if so, what the plan(s) covered, the following was reported:  
- DSP #276 stated, “I don’t know anything about this book, (Service Coordinator #271)  |
| 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: → |
status to the DDSD Statewide Training Database as specified in the DDSD Policy T-001: Reporting and Documentation of DDSD Training Requirements Policy. The Provider Agency must ensure that the personnel support staff have completed training as specified in the DDSD Policy T-003: Training Requirements for Direct Service Agency Staff Policy. 3. Staff shall complete individual specific training requirements in accordance with the specifications described in the ISP of each individual served; and 4. Staff that assists the individual with medication (e.g., setting up medication, or reminders) must have completed Assisting with Medication Delivery (AWMD) Training.

CHAPTER 11 (FL)  3. Agency Requirements B. Living Supports- Family Living Services Provider Agency Staffing Requirements: 3. Training:
A. All Family Living Provider agencies must ensure staff training in accordance with the Training Requirements for Direct Service Agency Staff policy. DSP’s or subcontractors delivering substitute care under Family Living must at a minimum comply with the section of the training policy that relates to Respite, Substitute Care, and personal support staff [Policy T-003: for Training Requirements for Direct Service Agency Staff; Sec. II-J, Items 1-4]. Pursuant to the Centers for Medicare and Medicaid Services (CMS) requirements, the services that a provider renders may only be claimed for federal match if the provider has completed all necessary training required by the state. All Family Living Provider agencies must report required personnel training status to the DDSD Statewide Training Database as specified in DDSD Policy T-001: Reporting and does it.” As indicated by the Electronic Comprehensive Health Assessment Tool, the Individual requires a Health Care Plan for Constipation. (Individual #4)

- DSP #266 stated, “Yes, for seizures, constipation, weight, skin care, pain, and that’s it.” As indicated by the Electronic Comprehensive Health Assessment Tool, the Individual requires a Health Care Plan for Reflux. (Individual #23)

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 #266 stated, “Seizures, I think that’s it, just for seizures, that’s it.” As indicated by the Electronic Comprehensive Health Assessment Tool, the Individual also requires Medical Emergency Response Plans for Pain and Constipation. (Individual #23)

When DSP were asked if the Individual had Bowel and Bladder issues and if so, what are they to monitor, the following was reported:

- DSP #276 stated, “Yes, I should track them but I don’t, I’ve never called the nurse, I deal with everything myself.” According to the Health Care Plan and eCHAT, the Individual has bowel and bladder issues. (Individual #4)
Documentation for DDSD Training Requirements.

B. Individual specific training must be arranged and conducted, including training on the Individual Service Plan outcomes, actions steps and strategies and associated support plans (e.g. health care plans, MERP, PBSP and BCIP etc), information about the individual’s preferences with regard to privacy, communication style, and routines. Individual specific training for therapy related WDSI, Healthcare Plans, MERPs, CARMP, PBSP, and BCIP must occur at least annually and more often if plans change or if monitoring finds incorrect implementation. Family Living providers must notify the relevant support plan author whenever a new DSP is assigned to work with an individual, and therefore needs to receive training, or when an existing DSP requires a refresher. The individual should be present for and involved in individual specific training whenever possible.

CHAPTER 12 (SL) 3. Agency Requirements
B. Living Supports- Supported Living Services Provider Agency Staffing Requirements: 3. Training:
A. All Living Supports- Supported Living Provider Agencies must ensure staff training in accordance with the DDSD Policy T-003: for Training Requirements for Direct Service Agency Staff. Pursuant to CMS requirements, the services that a provider renders may only be claimed for federal match if the provider has completed all necessary training required by the state. All Supported Living provider agencies must report required personnel training status to the DDSD Statewide Training Database as specified in DDSD Policy T-001: Reporting and
Documentation for DDSD Training Requirements.
B Individual specific training must be arranged and conducted, including training on the ISP Outcomes, actions steps and strategies, associated support plans (e.g. health care plans, MERP, PBSP and BCIP, etc), and information about the individual's preferences with regard to privacy, communication style, and routines. Individual specific training for therapy related WDSI, Healthcare Plans, MERP, CARMP, PBSP, and BCIP must occur at least annually and more often if plans change or if monitoring finds incorrect implementation. Supported Living providers must notify the relevant support plan author whenever a new DSP is assigned to work with an individual, and therefore needs to receive training, or when an existing DSP requires a refresher. The individual should be present for and involved in individual specific training whenever possible.

CHAPTER 13 (IMLS) R. 2. Service Requirements. Staff Qualifications 2. DSP Qualifications. E. Complete training requirements as specified in the DDSD Policy T-003: Training Requirements for Direct Service Agency Staff - effective March 1, 2007. Report required personnel training status to the DDSD Statewide Training Database as specified in the DDSD Policy T-001: Reporting and Documentation of DDSD Training Requirements Policy;
<table>
<thead>
<tr>
<th>Tag # 1A25</th>
<th>Criminal Caregiver History Screening</th>
<th>Standard Level Deficiency</th>
<th>Provider:</th>
</tr>
</thead>
<tbody>
<tr>
<td>NMAC 7.1.9.8 CAREGIVER AND HOSPITAL CAREGIVER EMPLOYMENT REQUIREMENTS:</td>
<td>Based on record review, the Agency did not maintain documentation indicating no “disqualifying convictions” or documentation of the timely submission of pertinent application information to the Caregiver Criminal History Screening Program was on file for 1 of 145 Agency Personnel.</td>
<td>State your Plan of Correction for the deficiencies cited in this tag here: →</td>
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<tr>
<td>F. Timely Submission: Care providers shall submit all fees and pertinent application information for all individuals who meet the definition of an applicant, caregiver or hospital caregiver as described in Subsections B, D and K of 7.1.9.7 NMAC, no later than twenty (20) calendar days from the first day of employment or effective date of a contractual relationship with the care provider.</td>
<td>The following Agency Personnel Files contained no evidence of Caregiver Criminal History Screenings:</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>NMAC 7.1.9.9 CAREGIVERS OR HOSPITAL CAREGIVERS AND APPLICANTS WITH DISQUALIFYING CONVICTIONS:</td>
<td>Direct Support Personnel (DSP):</td>
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<td></td>
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<tr>
<td>A. Prohibition on Employment: A care provider shall not hire or continue the employment or contractual services of any applicant, caregiver or hospital caregiver for whom the care provider has received notice of a disqualifying conviction, except as provided in Subsection B of this section.</td>
<td>• #268 – Date of hire 9/27/2011.</td>
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<tr>
<td>(1) In cases where the criminal history record lists an arrest for a crime that would constitute a disqualifying conviction and no final disposition is listed for the arrest, the department will attempt to notify the applicant, caregiver or hospital caregiver and request information from the applicant, caregiver or hospital caregiver within timelines set forth in the department's notice regarding the final disposition of the arrest. Information requested by the department may be evidence, for example, a certified copy of an acquittal, dismissal or conviction of a lesser included crime.</td>
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| timelines regarding the final disposition of the arrest for a crime that would constitute a disqualifying conviction shall result in the applicant's, caregiver's or hospital caregiver's temporary disqualification from employment as a caregiver or hospital caregiver pending written documentation submitted to the department evidencing the final disposition of the arrest. Information submitted to the department may be evidence, for example, of the certified copy of an acquittal, dismissal or conviction of a lesser included crime. In instances where the applicant, caregiver or hospital caregiver has failed to respond within the required timelines the department shall provide notice by certified mail that an employment clearance has not been granted. The Care Provider shall then follow the procedure of Subsection A., of Section 7.1.9.9. (3) The department will not make a final determination for an applicant, caregiver or hospital caregiver with a pending potentially disqualifying conviction for which no final disposition has been made. In instances of a pending potentially disqualifying conviction for which no final disposition has been made, the department shall notify the care provider, applicant, caregiver or hospital caregiver by certified mail that an employment clearance has not been granted. The Care Provider shall then follow the procedure of Subsection A, of Section 7.1.9.9. **B. Employment Pending Reconsideration Determination:** At the discretion of the care provider, an applicant, caregiver or hospital caregiver whose nationwide criminal history record reflects a disqualifying conviction and who has requested administrative reconsideration may continue conditional supervised employment pending a determination on reconsideration.
NMAC 7.1.9.11 DISQUALIFYING CONVICTIONS. The following felony convictions disqualify an applicant, caregiver or hospital caregiver from employment or contractual services with a care provider:

A. homicide;

B. trafficking, or trafficking in controlled substances;

C. kidnapping, false imprisonment, aggravated assault or aggravated battery;

D. rape, criminal sexual penetration, criminal sexual contact, incest, indecent exposure, or other related felony sexual offenses;

E. crimes involving adult abuse, neglect or financial exploitation;

F. crimes involving child abuse or neglect;

G. crimes involving robbery, larceny, extortion, burglary, fraud, forgery, embezzlement, credit card fraud, or receiving stolen property; or

H. an attempt, solicitation, or conspiracy involving any of the felonies in this subsection.
<table>
<thead>
<tr>
<th>Tag # 1A26</th>
<th>Consolidated On-line Registry Employee Abuse Registry</th>
<th>Condition of Participation Level Deficiency</th>
<th>Provider: State your Plan of Correction for the deficiencies cited in this tag here: →</th>
</tr>
</thead>
<tbody>
<tr>
<td>NMAC 7.1.12.8 REGISTRY ESTABLISHED; PROVIDER INQUIRY REQUIRED: Upon the effective date of this rule, the department has established and maintains an accurate and complete electronic registry that contains the name, date of birth, address, social security number, and other appropriate identifying information of all persons who, while employed by a provider, have been determined by the department, as a result of an investigation of a complaint, to have engaged in a substantiated registry-referred incident of abuse, neglect or exploitation of a person receiving care or services from a provider. Additions and updates to the registry shall be posted no later than two (2) business days following receipt. Only department staff designated by the custodian may access, maintain and update the data in the registry.</td>
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<tr>
<td>A. <strong>Provider requirement to inquire of registry.</strong> A provider, prior to employing or contracting with an employee, shall inquire of the registry whether the individual under consideration for employment or contracting is listed on the registry.</td>
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<tr>
<td>B. <strong>Prohibited employment.</strong> A provider may not employ or contract with an individual to be an employee if the individual is listed on the registry as having a substantiated registry-referred incident of abuse, neglect or exploitation of a person receiving care or services from a provider.</td>
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<tr>
<td>D. <strong>Documentation of inquiry to registry.</strong> The provider shall maintain documentation in the employee’s personnel or employment records that evidences the fact that the provider made an inquiry utilizing the Employee Abuse Registry.</td>
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<td>After an analysis of the evidence it has been determined there is a significant potential for a negative outcome to occur.</td>
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<td>Based on record review, the Agency did not maintain documentation in the employee’s personnel records that evidenced inquiry into the Employee Abuse Registry prior to employment for 18 of 145 Agency Personnel.</td>
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<td>The following Agency personnel records contained no evidence of the Employee Abuse Registry check being completed:</td>
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<tr>
<td><strong>Direct Support Personnel (DSP):</strong></td>
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<tr>
<td>• #268 – Date of hire 9/27/2011.</td>
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<tr>
<td><strong>The following Agency Personnel records contained evidence that indicated the Employee Abuse Registry check was completed after hire:</strong></td>
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<tr>
<td><strong>Direct Support Personnel (DSP):</strong></td>
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<tr>
<td>• #207 – Date of hire 8/26/2011, completed 8/29/2011.</td>
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<td>• #270 – Date of hire 6/1/2014, completed 6/9/2014.</td>
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<td><strong>Service Coordination Personnel (SC):</strong></td>
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<tr>
<td>• #271 – Date of hire 1/1/2014, completed 2/1/2014.</td>
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</table>
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.

<table>
<thead>
<tr>
<th>Substitute Care/Respite Personnel:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• #286 – Date of hire 2/21/2013, completed 2/26/2013.</td>
</tr>
<tr>
<td>• #293 – Date of hire 3/8/2012, completed 3/12/2012.</td>
</tr>
<tr>
<td>• #300 – Date of hire 8/26/2011, completed 8/29/2011.</td>
</tr>
<tr>
<td>• #327 – Date of hire 4/9/2012, completed 4/16/2012.</td>
</tr>
<tr>
<td>• #331 – Date of hire 8/3/2012, completed 8/10/2012.</td>
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<tr>
<td>#344 – Date of hire 11/01/2011, completed 12/19/2011.</td>
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<tr>
<td>Tag # 1A28.1</td>
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<tr>
<td>Incident Mgt. System - Personnel Training</td>
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</tbody>
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**NMAC 7.1.14 ABUSE, NEGLECT, EXPLOITATION, AND DEATH REPORTING, TRAINING AND RELATED REQUIREMENTS FOR COMMUNITY PROVIDERS**

**NMAC 7.1.14.9 INCIDENT MANAGEMENT SYSTEM REQUIREMENTS:**

**A. General:** All community-based service providers shall establish and maintain an incident management system, which emphasizes the principles of prevention and staff involvement. The community-based service provider shall ensure that the incident management system policies and procedures requires all employees and volunteers to be competently trained to respond to, report, and preserve evidence related to incidents in a timely and accurate manner.

**B. Training curriculum:** Prior to an employee or volunteer's initial work with the community-based service provider, all employees and volunteers shall be trained on an applicable written training curriculum including incident policies and procedures for identification, and timely reporting of abuse, neglect, exploitation, suspicious injury, and all deaths as required in Subsection A of 7.1.14.8 NMAC. The trainings shall be reviewed at annual, not to exceed 12-month intervals. The training curriculum as set forth in Subsection C of 7.1.14.9 NMAC may include computer-based training. Periodic reviews shall include, at a minimum, review of the written training curriculum and site-specific issues pertaining to the community-based service provider’s facility. Training shall be conducted in a language that is understood by the employee or volunteer.

**Direct Support Personnel (DSP):**

- Incident Management Training (Abuse, Neglect and Exploitation) (DSP# 207, 214, 217, 243, 263, 264, 268, 276)

When Direct Support Personnel were asked what State Agency must be contacted when there is suspected Abuse, Neglect and Exploitation, the following was reported:

- DSP #212 stated, “I’m not sure, I haven’t been trained yet.” Staff was not able to identify the State Agency as the Division of Health Improvement.

When DSP were asked to give examples of Abuse, Neglect and Exploitation, the following was reported DSP reported the following response for exploitation:

- DSP #212 stated, “It would be like making fun of him or ignoring him.”
- DSP #276 stated, “I just don’t know.”

**Per NMAC 7.1.14. Exploitation “means an unjust or improper use of a person's money or property for another person's profit or advantage, financial, or otherwise.”**
C. Incident management system training curriculum requirements:

(1) The community-based service provider shall conduct training or designate a knowledgeable representative to conduct training, in accordance with the written training curriculum provided electronically by the division that includes but is not limited to:
   (a) an overview of the potential risk of abuse, neglect, or exploitation;
   (b) informational procedures for properly filing the division's abuse, neglect, and exploitation or report of death form;
   (c) specific instructions of the employees' legal responsibility to report an incident of abuse, neglect and exploitation, suspicious injury, and all deaths;
   (d) specific instructions on how to respond to abuse, neglect, or exploitation;
   (e) emergency action procedures to be followed in the event of an alleged incident or knowledge of abuse, neglect, exploitation, or suspicious injury.

(2) All current employees and volunteers shall receive training within 90 days of the effective date of this rule.

(3) All new employees and volunteers shall receive training prior to providing services to consumers.

D. Training documentation: All community-based service providers shall prepare training documentation for each employee and volunteer to include a signed statement indicating the date, time, and place they received their incident management reporting instruction. The community-based service provider shall maintain documentation of an employee or volunteer's training for a period of at least three years, or six months after termination of an employee's employment or the volunteer's work.
curricula shall be kept on the provider premises and made available upon request by the department. Training documentation shall be made available immediately upon a division representative’s request. Failure to provide employee and volunteer training documentation shall subject the community-based service provider to the penalties provided for in this rule.

**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.

C. Staff shall complete training on DOH-approved incident reporting procedures in accordance with 7 NMAC 1.13.
<table>
<thead>
<tr>
<th>Tag # 1A36</th>
<th>Service Coordination Requirements</th>
<th>Standard Level Deficiency</th>
<th>Provider:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Service Coordination Requirements</strong></td>
<td><strong>Standard Level Deficiency</strong></td>
<td><strong>Provider:</strong></td>
<td></td>
</tr>
<tr>
<td>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:</td>
<td>Based on record review, the Agency did not ensure that Orientation and Training requirements were met for 2 of 5 Service Coordinators.</td>
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<td>K. In addition to the applicable requirements described in policy statements B – I (above), direct support staff, direct support supervisors, and internal service coordinators shall complete DDSD-approved core curriculum training. Attachments A and B to this policy identify the specific competency requirements for the following levels of core curriculum training:</td>
<td>Review of Service Coordinators training records found no evidence of the following required DOH/DDSD trainings being completed:</td>
<td></td>
<td></td>
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<tr>
<td>1. Introductory Level – must be completed within thirty (30) days of assignment to his/her position with the agency.</td>
<td>- Promoting Effective Teamwork (SC #272, 274)</td>
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<tr>
<td>2. Orientation – must be completed within ninety (90) days of assignment to his/her position with the agency.</td>
<td><strong>Provider:</strong></td>
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<td>3. Level I – must be completed within one (1) year of assignment to his/her position with the agency.</td>
<td>State your Plan of Correction for the deficiencies cited in this tag here: →</td>
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<td><em>NMAC 7.26.5.7</em> “service coordinator”: the community provider staff member, sometimes called the program manager or the internal case manager, who supervises, implements and monitors the service plan within the community service provider agency</td>
<td><strong>Provider:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>NMAC 7.26.5.11</em> (b) service coordinator: the service coordinators of the community provider agencies shall assure that appropriate staff develop strategies specific to their responsibilities in the ISP; the service coordinators shall assure the action plans and strategies are implemented consistent with the</td>
<td>Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →</td>
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</tbody>
</table>
provisions of the ISP, and shall report to the case manager on ISP implementation and the individual's progress on action plans within their agencies; for persons funded solely by state general funds, the service coordinator shall assume all the duties of the independent case manager described within these regulations; if there are two or more “key” community service provider agencies with two or more service coordinator staff, the IDT shall designate which service coordinator shall assume the duties of the case manager; the criteria to guide the IDTs selection are set forth as follows:

(i) the designated service coordinator shall have the skills necessary to carry out the duties and responsibilities of the case manager as defined in these regulations;
(ii) the designated service coordinator shall have the time and interest to fulfill the functions of the case manager as defined in these regulations;
(iii) the designated service coordinator shall be familiar with and understand community service delivery and supports;
(iv) the designated service coordinator shall know the individual or be willing to become familiar and develop a relationship with the individual being served;
<table>
<thead>
<tr>
<th>Tag # 1A37</th>
<th>Standard Level Deficiency</th>
<th>Provider:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individual Specific Training</td>
<td>Based on record review, the Agency did not ensure that Individual Specific Training requirements were met for 17 of 78 Agency Personnel.</td>
<td>State your Plan of Correction for the deficiencies cited in this tag here: →</td>
</tr>
<tr>
<td>Department of Health (DOH) Developmental</td>
<td>Review of personnel records found no evidence of the following:</td>
<td>Provider:</td>
</tr>
<tr>
<td>Disabilities Supports Division (DDSD) Policy</td>
<td>Direct Support Personnel (DSP):</td>
<td>Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →</td>
</tr>
<tr>
<td>- Policy Title: Training Requirements for</td>
<td>- Individual Specific Training (DSP #211, 212, 217, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 257, 263, 265, 276)</td>
<td></td>
</tr>
<tr>
<td>Direct Service Agency Staff Policy - Eff.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>March 1, 2007 - II. POLICY STATEMENTS:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. Individuals shall receive services from</td>
<td></td>
<td></td>
</tr>
<tr>
<td>competent and qualified staff.</td>
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<tr>
<td>B. Staff shall complete individual specific</td>
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<tr>
<td>(formerly known as “Addendum B”) training</td>
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<tr>
<td>requirements in accordance with the specifications described in the individual service plan (ISP) for each individual serviced.</td>
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<tr>
<td>Developmental Disabilities (DD) Waiver Service</td>
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<tr>
<td>Standards effective 11/1/2012 revised 4/23/2013</td>
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<td></td>
</tr>
<tr>
<td>CHAPTER 5 (CIES) 3. Agency Requirements</td>
<td></td>
<td></td>
</tr>
<tr>
<td>G. Training Requirements: 1. All Community</td>
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<tr>
<td>Inclusion Providers must provide staff training in accordance with the DDSD policy T-003: Training Requirements for Direct Service Agency Staff Policy. 3. Ensure direct service personnel receives Individual Specific Training as outlined in each individual ISP, including aspects of support plans (healthcare and behavioral) or WDSI that pertain to the employment environment.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CHAPTER 6 (CCS) 3. Agency Requirements</td>
<td></td>
<td></td>
</tr>
<tr>
<td>F. Meet all training requirements as follows:</td>
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<tr>
<td>1. All Customized Community Supports Providers shall provide staff training in accordance with the DDSD Policy T-003: Training Requirements for Direct Service Agency Staff Policy;</td>
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<td></td>
</tr>
<tr>
<td>CHAPTER 7 (CIHS) 3. Agency Requirements</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C. Training Requirements: The Provider Agency must report required personnel training</td>
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</tbody>
</table>
status to the DDSD Statewide Training Database as specified in the DDSD Policy T-001: Reporting and Documentation of DDSD Training Requirements Policy. The Provider Agency must ensure that the personnel support staff have completed training as specified in the DDSD Policy T-003: Training Requirements for Direct Service Agency Staff Policy. 3. Staff shall complete individual specific training requirements in accordance with the specifications described in the ISP of each individual served; and 4. Staff that assists the individual with medication (e.g., setting up medication, or reminders) must have completed Assisting with Medication Delivery (AWMD) Training.

CHAPTER 11 (FL) 3. Agency Requirements B. Living Supports- Family Living Services Provider Agency Staffing Requirements: 3. Training:
A. All Family Living Provider agencies must ensure staff training in accordance with the Training Requirements for Direct Service Agency Staff policy. DSP’s or subcontractors delivering substitute care under Family Living must at a minimum comply with the section of the training policy that relates to Respite, Substitute Care, and personal support staff [Policy T-003: for Training Requirements for Direct Service Agency Staff; Sec. II-J, Items 1-4]. Pursuant to the Centers for Medicare and Medicaid Services (CMS) requirements, the services that a provider renders may only be claimed for federal match if the provider has completed all necessary training required by the state. All Family Living Provider agencies must report required personnel training status to the DDSD Statewide Training Database as specified in DDSD Policy T-001: Reporting and
Documentation for DDSD Training Requirements.

B. Individual specific training must be arranged and conducted, including training on the Individual Service Plan outcomes, actions steps and strategies and associated support plans (e.g. health care plans, MERP, PBSP and BCIP etc), information about the individual’s preferences with regard to privacy, communication style, and routines. Individual specific training for therapy related WDSI, Healthcare Plans, MERPs, CARMP, PBSP, and BCIP must occur at least annually and more often if plans change or if monitoring finds incorrect implementation. Family Living providers must notify the relevant support plan author whenever a new DSP is assigned to work with an individual, and therefore needs to receive training, or when an existing DSP requires a refresher. The individual should be present for and involved in individual specific training whenever possible.

CHAPTER 12 (SL) 3. Agency Requirements
B. Living Supports- Supported Living Services Provider Agency Staffing Requirements: 3. Training:
A. All Living Supports- Supported Living Provider Agencies must ensure staff training in accordance with the DDSD Policy T-003: for Training Requirements for Direct Service Agency Staff. Pursuant to CMS requirements, the services that a provider renders may only be claimed for federal match if the provider has completed all necessary training required by the state. All Supported Living provider agencies must report required personnel training status to the DDSD Statewide Training Database as specified in DDSD Policy T-001: Reporting and
Documentation for DDSD Training Requirements.

B Individual specific training must be arranged and conducted, including training on the ISP Outcomes, actions steps and strategies, associated support plans (e.g. health care plans, MERP, PBSP and BCIP, etc), and information about the individual’s preferences with regard to privacy, communication style, and routines. Individual specific training for therapy related WDSI, Healthcare Plans, MERP, CARMP, PBSP, and BCIP must occur at least annually and more often if plans change or if monitoring finds incorrect implementation. Supported Living providers must notify the relevant support plan author whenever a new DSP is assigned to work with an individual, and therefore needs to receive training, or when an existing DSP requires a refresher. The individual should be present for and involved in individual specific training whenever possible.

CHAPTER 13 (IMLS) R. 2. Service Requirements. Staff Qualifications 2. DSP Qualifications. E. Complete training requirements as specified in the DDSD Policy T-003: Training Requirements for Direct Service Agency Staff - effective March 1, 2007. Report required personnel training status to the DDSD Statewide Training Database as specified in the DDSD Policy T-001: Reporting and Documentation of DDSD Training Requirements Policy;
**Standard of Care**

**Service Domain: 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 # 1A15.2 and IS09 / 5I09

**Healthcare Documentation**

<table>
<thead>
<tr>
<th>Standard of Care</th>
<th>Deficiencies</th>
<th>Agency Plan of Correction, On-going QA/QI and Responsible Party</th>
<th>Date Due</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Developmental Disabilities (DD) Waiver Service Standards effective 11/1/2012 revised 4/23/2013 Chapter 5 (CIES) 3. Agency Requirements</strong></td>
<td><strong>Healthcare Documentation</strong></td>
<td><strong>Standard Level Deficiency</strong></td>
<td></td>
</tr>
<tr>
<td><strong>H. Consumer Records Policy:</strong> All Provider Agencies must maintain at the administrative office a confidential case file for each individual. Provider agency case files for individuals are required to comply with the DDSD Consumer Records Policy.</td>
<td>Based on record review, the Agency did not maintain the required documentation in the Individuals Agency Record as required by standard for 3 of 23 individuals.</td>
<td><strong>Provider:</strong> State your Plan of Correction for the deficiencies cited in this tag here: →</td>
<td></td>
</tr>
<tr>
<td><strong>Chapter 6 (CCS) 2. Service Requirements. E.</strong> The agency nurse(s) for Customized Community Supports providers must provide the following services: 1. Implementation of pertinent PCP orders; ongoing oversight and monitoring of the individual’s health status and medically related supports when receiving this service; 3. <strong>Agency Requirements: Consumer Records Policy:</strong> All Provider Agencies shall maintain at the administrative office a confidential case file for each individual. Provider agency case files for individuals are required to comply with the DDSD Individual Case File Matrix policy.</td>
<td><strong>Comprehensive Aspiration Risk Management Plan:</strong></td>
<td><strong>Provider:</strong> Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →</td>
<td></td>
</tr>
<tr>
<td><strong>Chapter 7 (CIHS) 3. Agency Requirements: E. Consumer Records Policy:</strong> All Provider Agencies must maintain at the administrative office a confidential case file for each individual. Provider agency case files for individuals are required to comply with the DDSD Individual Case File Matrix policy.</td>
<td><strong>Electronic Comprehensive Health Assessment Tool (eCHAT) (#8)</strong></td>
<td></td>
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<tr>
<td><strong>Semi-Annual Nursing Review of HCP/Medical Emergency Response Plans:</strong></td>
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</table>
### Chapter 11 (FL) 3. Agency Requirements:

#### D. Consumer Records Policy:
All Family Living Provider Agencies must maintain at the administrative office a confidential case file for each individual. Provider agency case files for individuals are required to comply with the DDSD Individual Case File Matrix policy.

#### I. Health Care Requirements for Family Living: 5.
A nurse employed or contracted by the Family Living Supports provider must complete the e-CHAT, the Aspiration Risk Screening Tool, (ARST), and the Medication Administration Assessment Tool (MAAT) and any other assessments deemed appropriate on at least an annual basis for each individual served, upon significant change of clinical condition and upon return from any hospitalizations. In addition, the MAAT must be updated for any significant change of medication regime, change of route that requires delivery by licensed or certified staff, or when an individual has completed training designed to improve their skills to support self-administration.

a. For newly-allocated or admitted individuals, assessments are required to be completed within three (3) business days of admission or two (2) weeks following the initial ISP meeting, whichever comes first.

b. For individuals already in services, the required assessments are to be completed no more than forty-five (45) calendar days and at least fourteen (14) calendar days prior to the annual ISP meeting.

c. Assessments must be updated within three (3) business days following any significant change of clinical condition and within three
(3) business days following return from hospitalization.

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

e. Develop any urgently needed interim Healthcare Plans or MERPs per DDSD policy pending authorization of ongoing Adult Nursing services as indicated by health status and individual/guardian choice.

Chapter 12 (SL) 3. Agency Requirements:  
D. Consumer Records Policy: All Living Supports- Supported Living Provider Agencies must maintain at the administrative office a confidential case file for each individual. Provider agency case files for individuals are required to comply with the DDSD Individual Case File Matrix policy.

2. Service Requirements. L. Training and Requirements. 5. Health Related Documentation: For each individual receiving Living Supports- Supported Living, the provider
agency must ensure and document the following:

a. That an individual with chronic condition(s) with the potential to exacerbate into a life threatening condition, has a MERP developed by a licensed nurse or other appropriate professional according to the DDSD Medical Emergency Response Plan Policy, that DSP have been trained to implement such plan(s), and ensure that a copy of such plan(s) are readily available to DSP in the home;

b. That an average of five (5) hours of documented nutritional counseling is available annually, if recommended by the IDT and clinically indicated;

c. That the nurse has completed 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 must be documented whether they occur by phone or in person; and

d. Document for each individual that:

   i. The individual has a Primary Care Provider (PCP);

   ii. The individual receives an annual physical examination and other examinations as specified by a PCP;

   iii. The individual receives annual dental check-ups and other check-ups as specified by a licensed dentist;
iv. The individual receives a hearing test as specified by a licensed audiologist;

v. The individual receives eye examinations as specified by a licensed optometrist or ophthalmologist; and

vi. Agency activities occur as required for follow-up activities to medical appointments (e.g. treatment, visits to specialists, and changes in medication or daily routine).

vii. The agency nurse will provide the individual’s team with a semi-annual nursing report that discusses the services provided and the status of the individual in the last six (6) months. This may be provided electronically or in paper format to the team no later than (2) weeks prior to the ISP and semi-annually.

f. The Supported Living Provider Agency must ensure that activities conducted by agency nurses comply with the roles and responsibilities identified in these standards.

Chapter 13 (IMLS) 2. Service Requirements:
C. Documents to be maintained in the agency administrative office, include:
A. All assessments completed by the agency nurse, including the Intensive Medical Living Eligibility Parameters tool; for e-CHAT a printed copy of the current e-CHAT summary report shall suffice;

F. Annual physical exams and annual dental exams (not applicable for short term stays);

G. Tri-annual vision exam (Not applicable for short term stays. See Medicaid policy 8.310.6
for allowable exceptions for more frequent vision exam);

H. Audiology/hearing exam as applicable (Not applicable for short term stays; See Medicaid policy 8.324.6 for applicable requirements);

I. All other evaluations called for in the ISP for which the Services provider is responsible to arrange;
J. Medical screening, tests and lab results (for short term stays, only those which occur during the period of the stay);

L. Record of medical and dental appointments, including any treatment provided (for short term stays, only those appointments that occur during the stay);

O. Semi-annual ISP progress reports and MERP reviews (not applicable for short term stays);

P. Quarterly nursing summary reports (not applicable for short term stays);

**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.
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.

CHAPTER 1 II. PROVIDER AGENCY REQUIREMENTS: 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...1, 2, 3, 4, 5, 6, 7, 8,

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: Chapter 1. III. E. (1 - 4) (1) Documentation of nursing assessment activities (2) Health related plans and (4) General Nursing Documentation


CHAPTER 5 IV. COMMUNITY INCLUSION SERVICES PROVIDER AGENCY REQUIREMENTS B. IDT Coordination (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.
<table>
<thead>
<tr>
<th>Tag # 1A27</th>
<th>Standard Level Deficiency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Incident Mgt. Late and Failure to Report</td>
<td>Based on the Incident Management Bureau's Late and Failure Reports, the Agency did not report suspected abuse, neglect, or misappropriation of property, unexpected and natural/expected deaths; or other reportable incidents to the Division of Health Improvement, as required by regulations for 3 of 26 individuals.</td>
</tr>
</tbody>
</table>

### NMAC 7.1.14 ABUSE, NEGLECT, EXPLOITATION, AND DEATH REPORTING, TRAINING AND RELATED REQUIREMENTS FOR COMMUNITY PROVIDERS |

**NMAC 7.1.14.8 INCIDENT MANAGEMENT SYSTEM REPORTING REQUIREMENTS FOR COMMUNITY-BASED SERVICE PROVIDERS:**

#### A. Duty to report:

1. All community-based providers shall immediately report alleged crimes to law enforcement or call for emergency medical services as appropriate to ensure the safety of consumers.

2. All community-based service providers, their employees and volunteers shall immediately call the department of health improvement (DHI) hotline at 1-800-445-6242 to report abuse, neglect, exploitation, suspicious injuries or any death and also to report an environmentally hazardous condition which creates an immediate threat to health or safety.

#### B. Reporter requirement. All community-based service providers shall ensure that the employee or volunteer with knowledge of the alleged abuse, neglect, exploitation, suspicious injury, or death calls the division’s hotline to report the incident.

#### C. Initial reports, form of report, immediate action and safety planning, evidence preservation, required initial notifications:

1. Abuse, neglect, and exploitation, suspicious injury or death reporting: Any person may report an allegation of abuse, neglect, or exploitation, suspicious injury or a death by calling the division’s toll-free hotline number 1-800-445-6242. Any consumer, |

### 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: →
family member, or legal guardian may call the division’s hotline to report an allegation of abuse, neglect, or exploitation, suspicious injury or death directly, or may report through the community-based service provider who, in addition to calling the hotline, must also utilize the division’s abuse, neglect, and exploitation or report of death form. The abuse, neglect, and exploitation or report of death form and instructions for its completion and filing are available at the division's website, http://dhi.health.state.nm.us, or may be obtained from the department by calling the division’s toll free hotline number, 1-800-445-6242.

(2) Use of abuse, neglect, and exploitation or report of death form and notification by community-based service providers: In addition to calling the division’s hotline as required in Paragraph (2) of Subsection A of 7.1.14.8 NMAC, the community-based service provider shall also report the incident of abuse, neglect, exploitation, suspicious injury, or death utilizing the division’s abuse, neglect, and exploitation or report of death form consistent with the requirements of the division’s abuse, neglect, and exploitation reporting guide. The community-based service provider shall ensure all abuse, neglect, exploitation or death reports describing the alleged incident are completed on the division’s abuse, neglect, and exploitation or report of death form and received by the division within 24 hours of the verbal report. If the provider has internet access, the report form shall be submitted via the division’s website at http://dhi.health.state.nm.us; otherwise it may be submitted via fax to 1-800-584-6057. The community-based service provider shall ensure that the reporter with the most direct
knowledge of the incident participates in the preparation of the report form.

(3) **Limited provider investigation:** No investigation beyond that necessary in order to be able to report the abuse, neglect, or exploitation and ensure the safety of consumers is permitted until the division has completed its investigation.

(4) **Immediate action and safety planning:** Upon discovery of any alleged incident of abuse, neglect, or exploitation, the community-based service provider shall:
   (a) develop and implement an immediate action and safety plan for any potentially endangered consumers, if applicable;
   (b) be immediately prepared to report that immediate action and safety plan verbally, and revise the plan according to the division’s direction, if necessary; and
   (c) provide the accepted immediate action and safety plan in writing on the immediate action and safety plan form within 24 hours of the verbal report. If the provider has internet access, the report form shall be submitted via the division’s website at http://dhi.health.state.nm.us; otherwise it may be submitted by faxing it to the division at 1-800-584-6057.

(5) **Evidence preservation:** The community-based service provider shall preserve evidence related to an alleged incident of abuse, neglect, or exploitation, including records, and do nothing to disturb the evidence. If physical evidence must be removed or affected, the provider shall take photographs or do whatever is reasonable to document the location and type of evidence found which appears related to the incident.

(6) **Legal guardian or parental notification:** The responsible community-
based service provider shall ensure that the consumer’s legal guardian or parent is notified of the alleged incident of abuse, neglect and exploitation within 24 hours of notice of the alleged incident unless the parent or legal guardian is suspected of committing the alleged abuse, neglect, or exploitation, in which case the community-based service provider shall leave notification to the division’s investigative representative.

(7) **Case manager or consultant notification by community-based service providers:** The responsible community-based service provider shall notify the consumer’s case manager or consultant within 24 hours that an alleged incident involving abuse, neglect, or exploitation has been reported to the division. Names of other consumers and employees may be redacted before any documentation is forwarded to a case manager or consultant.

(8) **Non-responsible reporter:** Providers who are reporting an incident in which they are not the responsible community-based service provider shall notify the responsible community-based service provider within 24 hours of an incident or allegation of an incident of abuse, neglect, and exploitation.
<table>
<thead>
<tr>
<th>Tag # 1A28.2</th>
<th>Incident Mgt. System - Parent/Guardian Training</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Standard Level Deficiency</strong></td>
<td>Based on record review, the Agency did not provide documentation indicating consumer, family members, or legal guardians had received an orientation packet including incident management system policies and procedural information concerning the reporting of Abuse, Neglect and Misappropriation of Consumers' Property, for 1 of 23 individuals. Review of the Agency individual case files revealed the following items were not found and/or incomplete:</td>
</tr>
<tr>
<td><strong>INCIDENT MANAGEMENT SYSTEM REQUIREMENTS:</strong></td>
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<tr>
<td><strong>A. General:</strong></td>
<td>All community-based service providers shall establish and maintain an incident management system, which emphasizes the principles of prevention and staff involvement. The community-based service provider shall ensure that the incident management system policies and procedures requires all employees and volunteers to be competently trained to respond to, report, and preserve evidence related to incidents in a timely and accurate manner.</td>
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<tr>
<td><strong>E. Consumer and guardian orientation packet:</strong></td>
<td>Consumers, family members, and legal guardians shall be made aware of and have available immediate access to the community-based service provider incident reporting processes. The community-based service provider shall provide consumers, family members, or legal guardians an orientation packet to include incident management systems policies and procedural information concerning the reporting of abuse, neglect, exploitation, suspicious injury, or death. The community-based service provider shall include a signed statement indicating the date, time, and place they received their orientation packet to be contained in the consumer’s file. The appropriate consumer, family member, or legal guardian shall sign this at the time of orientation.</td>
</tr>
<tr>
<td><strong>Provider:</strong></td>
<td>State your Plan of Correction for the deficiencies cited in this tag here: →</td>
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<tr>
<td><strong>Provider:</strong></td>
<td>Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →</td>
</tr>
<tr>
<td>Tag # 1A29</td>
<td>Complaints / Grievances Acknowledgement</td>
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<tr>
<td><strong>NMAC 7.26.3.6</strong>&lt;br&gt;A These regulations set out rights that the department expects all providers of services to individuals with developmental disabilities to respect. These regulations are intended to complement the department's Client Complaint Procedures (7 NMAC 26.4) [now 7.26.4 NMAC].&lt;br&gt;&lt;br&gt;<strong>NMAC 7.26.3.13 Client Complaint Procedure Available.</strong> A complainant may initiate a complaint as provided in the client complaint procedure to resolve complaints alleging that a service provider has violated a client's rights as described in Section 10 [now 7.26.3.10 NMAC]. The department will enforce remedies for substantiated complaints of violation of a client's rights as provided in client complaint procedure. [09/12/94; 01/15/97; Recompiled 10/31/01]&lt;br&gt;&lt;br&gt;<strong>NMAC 7.26.4.13 Complaint Process:</strong>&lt;br&gt;A. (2). The service provider's complaint or grievance procedure shall provide, at a minimum, that: (a) the client is notified of the service provider's complaint or grievance procedure.</td>
<td><strong>Based on record review, the Agency did not provide documentation, the complaint procedure had been made available to individuals or their legal guardians for 1 of 23 individuals.</strong>&lt;br&gt;Review of the Agency's individual case files revealed the following items were not found and/or incomplete:&lt;br&gt;&lt;ul&gt;&lt;li&gt;Grievance/Complaint Procedure Acknowledgement (#20)&lt;/li&gt;&lt;/ul&gt;</td>
</tr>
<tr>
<td>Tag # 1A31</td>
<td>Standard Level Deficiency</td>
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</tr>
<tr>
<td>Tag # 1A31 Client Rights/Human Rights</td>
<td>Based on record review, the Agency did not ensure the rights of Individuals were not restricted or limited for 2 of 23 Individuals. A review of Agency Individual files indicated Human Rights Committee Approval was required for restrictions. No documentation was found regarding Human Rights Approval for the following:</td>
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</table>

**7.26.3.11 RESTRICTIONS OR LIMITATION OF CLIENT’S RIGHTS:**

A. A service provider shall not restrict or limit a client’s rights except:
1. where the restriction or limitation is allowed in an emergency and is necessary to prevent imminent risk of physical harm to the client or another person; or
2. where the interdisciplinary team has determined that the client’s limited capacity to exercise the right threatens his or her physical safety; or
3. as provided for in Section 10.1.14 [now Subsection N of 7.26.3.10 NMAC].

B. Any emergency intervention to prevent physical harm shall be reasonable to prevent harm, shall be the least restrictive intervention necessary to meet the emergency, shall be allowed no longer than necessary and shall be subject to interdisciplinary team (IDT) review. The IDT upon completion of its review may refer its findings to the office of quality assurance. The emergency intervention may be subject to review by the service provider’s behavioral support committee or human rights committee in accordance with the behavioral support policies or other department regulation or policy.

C. The service provider may adopt reasonable program policies of general applicability to clients served by that service provider that do not violate client rights. [09/12/94; 01/15/97; Recompiled 10/31/01]

**Long Term Services Division**

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QMB Report of Findings – La Vida Felicidad, Inc. – Metro, Northwest and Southwest Regions – September 29 – October 2, 2014

Policy Title: Human Rights Committee
Requirements Eff Date: March 1, 2003

IV. POLICY STATEMENT - Human Rights Committees are required for residential service provider agencies. The purpose of these committees with respect to the provision of Behavior Supports is to review and monitor the implementation of certain Behavior Support Plans.

Human Rights Committees may not approve any of the interventions specifically prohibited in the following policies:
• Aversive Intervention Prohibitions
• Psychotropic Medications Use
• Behavioral Support Service Provision.

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

A. HUMAN RIGHTS COMMITTEE ROLE IN BEHAVIOR SUPPORTS
Only those Behavior Support Plans with an aversive intervention included as part of the plan or associated Crisis Intervention Plan need to be reviewed prior to implementation. Plans not containing aversive interventions do not require Human Rights Committee review or approval.

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

3. Records, including minutes of all meetings will be retained at the agency with primary
responsibility for implementation for at least five years from the completion of each individual's Individual Service Plan.

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

B. 1. e. If the PRN medication is to be used in response to psychiatric and/or behavioral symptoms in addition to the above requirements, obtain current written consent from the individual, guardian or surrogate health decision maker and submit for review by the agency's Human Rights Committee (References: Psychotropic Medication Use Policy, Section D, page 5 Use of PRN Psychotropic Medications; and, Human Rights Committee Requirements Policy, Section B, page 4 Interventions Requiring Review and Approval – Use of PRN Medications).
<table>
<thead>
<tr>
<th>Tag # LS06 / 6L06</th>
<th>Standard Level Deficiency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family Living Requirements</td>
<td>Based on record review, the Agency did not complete all DDSD requirements for approval of each direct support provider for 2 of 15 individuals.</td>
</tr>
<tr>
<td></td>
<td>Review of the Agency files revealed the following items were not found, incomplete, and/or not current:</td>
</tr>
<tr>
<td>CHAPTER 12 (FL) I. Living Supports – Family Living Home Studies:</td>
<td></td>
</tr>
<tr>
<td>The Living Supports-Family Living Services Provider Agency must complete all Developmental Disabilities Support Division (DDSD) requirements for approval of each direct support provider, including completion of an approved home study and training of the direct support provider prior to placement. After the initial home study, an updated home study must 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 must be approved by DDSD.</td>
<td></td>
</tr>
<tr>
<td>2. Service Requirements:</td>
<td></td>
</tr>
<tr>
<td>E. Supervision: The Living Supports- Family Living Provider Agency must provide and document:</td>
<td></td>
</tr>
<tr>
<td>1. Monthly face to face consultation, by agency supervisors or internal service coordinators, with the DSP on at least a monthly basis to include:</td>
<td></td>
</tr>
<tr>
<td>a. Review implementation of the individual’s ISP Action Plans and associated support plans, including, Positive Behavior Support Plan (PBSP), Written Direct Support Instructions (WDSI) from therapist(s) serving the individual, schedule of activities and appointments; and advise direct support personnel regarding expectations and next</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: → |
steps including need for individual specific training or retraining from therapists and Behavior Support Consultants;

b. Review implementation and the effectiveness of therapy, healthcare, PBSP, Behavior Crisis Intervention Plan (BCIP), MERP, and Comprehensive Aspiration Risk Management Plan (CARMP) plans if applicable;

c. Assist with resolution of service or support issues raised by the DSP or observed by the supervisor, service coordinator or other IDT members; and

d. Monitor the Assistive Technology Inventory to ensure that needed adaptive equipment, augmentative communication and assistive technology devices are available and functioning properly.


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:

(5) Monthly consultation, by agency supervisors or internal service coordinators, with the direct support provider to include:

(a) Review, advise, and prompt the implementation of the individual’s ISP Action Plans, schedule of activities and appointments; and
(b) Assist with service or support issues raised by the direct support provider or observed by supervisor, service coordinator or other IDT members.

B. Home Studies. The Family Living Services Provider Agency shall complete all DDSD requirements for approval of each direct support provider, including completion of an approved home study and training prior to placement. After the initial home study, an updated home study shall be completed annually. The home study must also be updated each time there is a change in family composition or when the family moves to a new home. The content and procedures used by the Provider Agency to conduct home studies shall be approved by DDSD.

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>
<thead>
<tr>
<th>Tag # LS13 / 6L13 Community Living Healthcare Reqs.</th>
<th>Standard Level Deficiency</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NMAC 8.302.1.17 RECORD KEEPING AND DOCUMENTATION REQUIREMENTS:</strong> 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.</td>
<td></td>
</tr>
<tr>
<td>Based on record review, the Agency did not provide documentation of annual physical examinations and/or other examinations as specified by a licensed physician for 4 of 15 individuals receiving Community Living Services.</td>
<td></td>
</tr>
<tr>
<td>Review of the administrative individual case files revealed the following items were not found, incomplete, and/or not current:</td>
<td></td>
</tr>
<tr>
<td>• <strong>Annual Physical</strong> (#14)</td>
<td></td>
</tr>
</tbody>
</table>
| • **Dental Exam**  
  ° Individual #13 - As indicated by collateral documentation reviewed, exam was completed on 3/5/2014. Follow-up was to be completed in 6 months. No evidence of follow-up found. |
| • **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. |
| • **Blood Levels**  
  ° Individual #24 - As indicated by collateral documentation reviewed, lab work was ordered on 6/26/2014 for CBC and Valproic acid levels. No evidence of lab results were 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: →

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Chapter 11 (FL) 3. Agency Requirements:
D. Consumer Records Policy: All Family Living Provider Agencies must maintain at the administrative office a confidential case file for each individual. Provider agency case files for individuals are required to comply with the DDSD Individual Case File Matrix policy.

Chapter 12 (SL) 3. Agency Requirements:
D. Consumer Records Policy: All Living Supports– Supported Living Provider Agencies must maintain at the administrative office a confidential case file for each individual. Provider agency case files for individuals are required to comply with the DDSD Individual Case File Matrix policy.

#### CHAPTER 6. VI. GENERAL REQUIREMENTS FOR COMMUNITY LIVING

G. Health Care Requirements for Community Living Services.

1. The Community Living Service providers shall ensure completion of a HAT for each individual receiving this service. The HAT shall be completed 2 weeks prior to the annual ISP meeting and submitted to the Case Manager and all other IDT Members. A revised HAT is required to also be submitted whenever the individual’s health status changes significantly. For individuals who are newly allocated to the DD Waiver program, the HAT may be completed within 2 weeks following the initial ISP meeting and submitted with any strategies and support plans indicated in the ISP, or within 72 hours following admission into direct services, whichever comes first.

2. Each individual will have a Health Care Coordinator, designated by the IDT. When the individual’s HAT score is 4, 5 or 6 the Health Care Coordinator shall be an IDT member, other than the individual. The Health Care Coordinator shall oversee and monitor health care services for the individual in accordance with these standards. In circumstances where no IDT member voluntarily accepts designation as the health care coordinator, the community living provider shall assign a staff member to this role.

3. For each individual receiving Community Living Services, the provider agency shall ensure and document the following:
   a. Provision of health care oversight consistent with these Standards as detailed in Chapter One section III E: Healthcare Documentation by Nurses For Community Living Services, Community
<p>| | | |</p>
<table>
<thead>
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</thead>
<tbody>
<tr>
<td>Inclusion Services and Private Duty Nursing Services.</td>
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<tr>
<td>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.</td>
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<tr>
<td>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.</td>
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<tr>
<td>4) That an average of 3 hours of documented nutritional counseling is available annually, if recommended by the IDT.</td>
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<tr>
<td>5) That the physical property and grounds are free of hazards to the individual’s health and safety.</td>
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<tr>
<td>6) In addition, for each individual receiving Supported Living or Family Living Services, the provider shall verify and document the following:</td>
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</tr>
<tr>
<td>(a) The individual has a primary licensed physician;</td>
<td></td>
<td></td>
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<tr>
<td>(b) The individual receives an annual physical examination and other examinations as specified by a licensed physician;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(c) The individual receives annual dental check-ups and other check-ups as specified by a licensed dentist;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(d) The individual receives eye examinations as specified by a licensed optometrist or ophthalmologist; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(e) Agency activities that occur as follow-up to medical appointments (e.g. treatment, visits to specialists, changes in medication or daily routine).</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Tag # LS25 / 6L25
**Residential Health and Safety (SL/FL)**

<table>
<thead>
<tr>
<th>Standard Level Deficiency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Based on observation, the Agency did not ensure that each individual’s residence met all requirements within the standard for 2 of 12 Family Living residences. Review of the residential records and observation of the residence revealed the following items were not found, not functioning or incomplete: <strong>Family Living Requirements:</strong></td>
</tr>
<tr>
<td>• Battery operated or electric smoke detectors, heat sensors, or a sprinkler system installed in the residence (#4)</td>
</tr>
<tr>
<td>• Accessible written procedures for the safe storage of all medications with dispensing instructions for each individual that are consistent with the Assisting with Medication Administration training or each individual’s ISP (#23)</td>
</tr>
</tbody>
</table>

**Note:** The following Individuals share a residence:  
- #12, 13

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**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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**Developmental Disabilities (DD) Waiver Service Standards effective 11/1/2012 revised 4/23/2013**

**CHAPTER 11 (FL) Living Supports – Family Living Agency Requirements G. Residence Requirements for Living Supports- Family Living Services:**  
1. Family Living Services providers must assure that each individual’s residence is maintained to be clean, safe and comfortable and accommodates the individuals’ daily living, social and leisure activities. In addition the residence must:

   a. Maintain basic utilities, i.e., gas, power, water and telephone;  
   b. Provide environmental accommodations and assistive technology devices in the residence including modifications to the bathroom (i.e., shower chairs, grab bars, walk in shower, raised toilets, etc.) based on the unique needs of the individual in consultation with the IDT;  
   c. Have a battery operated or electric smoke detectors, carbon monoxide detectors, fire extinguisher, or a sprinkler system;  
   d. Have a general-purpose first aid kit;  
   e. Allow at a maximum of two (2) individuals to share, with mutual consent, a bedroom and each individual has the right to have his or her own bed;  
   f. Have accessible written documentation of actual evacuation drills occurring at least three (3) times a year;  
   g. Have accessible written procedures for the safe storage of all medications with dispensing instructions for each individual that are

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QMB Report of Findings – La Vida Felicidad, Inc. – Metro, Northwest and Southwest Regions – September 29 – October 2, 2014  
consistent with the Assisting with Medication Delivery training or each individual’s ISP; and

h. Have 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 must address, but are not limited to, fire, chemical and/or hazardous waste spills, and flooding.

**CHAPTER 12 (SL) Living Supports – Supported Living Agency Requirements G. Residence Requirements for Living Supports-Supported Living Services:** 1. Supported Living Provider Agencies must assure that each individual’s residence is maintained to be clean, safe, and comfortable and accommodates the individual’s daily living, social, and leisure activities. In addition the residence must:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>f.</td>
<td>Maintain basic utilities, i.e., gas, power, water, and telephone;</td>
</tr>
<tr>
<td>g.</td>
<td>Provide environmental accommodations and assistive technology devices in the residence including modifications to the bathroom (i.e., shower chairs, grab bars, walk in shower, raised toilets, etc.) based on the unique needs of the individual in consultation with the IDT;</td>
</tr>
<tr>
<td>h.</td>
<td>Ensure water temperature in home does not exceed safe temperature (110°F) ;</td>
</tr>
<tr>
<td>i.</td>
<td>Have a battery operated or electric smoke detectors and carbon monoxide detectors, fire extinguisher, or a sprinkler system;</td>
</tr>
<tr>
<td>j.</td>
<td>Have a general-purpose First Aid kit;</td>
</tr>
</tbody>
</table>
k. Allow at a maximum of two (2) individuals to share, with mutual consent, a bedroom and each individual has the right to have his or her own bed;

l. Have accessible written documentation of actual evacuation drills occurring at least three (3) times a year. For Supported Living evacuation drills must occur at least once a year during each shift;

m. Have accessible written procedures for the safe storage of all medications with dispensing instructions for each individual that are consistent with the Assisting with Medication Delivery training or each individual’s ISP; and

n. Have 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 must address, but are not limited to, fire, chemical and/or hazardous waste spills, and flooding.

CHAPTER 13 (IMLS) 2. Service Requirements
R. Staff Qualifications: 3. Supervisor Qualifications And Requirements:
S. Each residence shall include operable safety equipment, including but not limited to, an operable smoke detector or sprinkler system, a carbon monoxide detector if any natural gas appliance or heating is used, fire extinguisher, general purpose first aid kit, written procedures for emergency evacuation due to fire or other emergency and documentation of evacuation drills occurring at least annually during each shift, phone number for poison control within line of site of the telephone, basic utilities, general household appliances, kitchen and dining utensils, adequate food and drink for
three meals per day, proper food storage, and cleaning supplies.

T Each residence shall have a blood borne pathogens kit as applicable to the residents’ health status, personal protection equipment, and any ordered or required medical supplies shall also be available in the home.

U If not medically contraindicated, and with mutual consent, up to two (2) individuals may share a single bedroom. Each individual shall have their own bed. All bedrooms shall have doors that may be closed for privacy. Individuals have the right to decorate their bedroom in a style of their choosing consistent with safe and sanitary living conditions.

V For residences with more than two (2) residents, there shall be at least two (2) bathrooms. Toilets, tubs/showers used by the individuals shall provide for privacy and be designed or adapted for the safe provision of personal care. Water temperature shall be maintained at a safe level to prevent injury and ensure comfort and shall not exceed one hundred ten (110) degrees.


CHAPTER 6. VIII. COMMUNITY LIVING SERVICE PROVIDER AGENCY REQUIREMENTS

L. Residence Requirements for Family Living Services and Supported Living Services
**Service Domain: Medicaid Billing/Reimbursement** – State financial oversight exists to assure that claims are coded and paid for in accordance with the reimbursement methodology specified in the approved waiver.

<table>
<thead>
<tr>
<th>Tag # IS30</th>
<th>Standard Level Deficiency</th>
<th>Agency Plan of Correction, On-going QA/QI and Responsible Party</th>
<th>Date Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>Customized Community Supports Reimbursement</td>
<td>Based on record review, the Agency did not provide written or electronic documentation as evidence for each unit billed for Customized Community Supports for 3 of 10 individuals.</td>
<td>Provider: State your Plan of Correction for the deficiencies cited in this tag here: →</td>
<td></td>
</tr>
<tr>
<td>Developmental Disabilities (DD) Waiver Service Standards effective 11/1/2012 revised 4/23/2013</td>
<td><strong>Individual #3</strong>&lt;br&gt;July 2014&lt;br&gt;• The Agency billed 203 units of Customized Community Supports (group) (T2021 HB U7) from 7/1/2014 through 7/31/2014. Documentation received accounted for 177 units. Documentation did not contain the required elements on 7/15/2014.&lt;br&gt;➢ Start and end time of service encounter or other billable service interval.</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>CHAPTER 6 (CCS) 4. REIMBURSEMENT A. Required Records: All Provider Agencies must maintain all records necessary to fully disclose the type, quality, quantity and clinical necessity of services furnished to individuals who are currently receiving services. The Provider Agency records must be sufficiently detailed to substantiate the date, time, individual name, servicing Provider Agency, nature of services, and length of a session of service billed.</td>
<td><strong>August 2014</strong>&lt;br&gt;• The Agency billed 210 units of Customized Community Supports (group) (T2021 HB U7) from 8/6/2014 through 8/31/2014. Documentation received accounted for 193 units.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. 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 Human Services Department (HSD). For each unit billed, the record shall contain the following:</td>
<td><strong>Individual #7</strong>&lt;br&gt;June 2014&lt;br&gt;• The Agency billed 277 units of Customized Community Supports (group) (T2021 HB U7) from 6/01/2014 through 6/30/2014. Documentation received accounted for 256 units.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Date, start and end time of each service encounter or other billable service interval;</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>b. A description of what occurred during the encounter or service interval; and</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. The signature or authenticated name of staff providing the service.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td><strong>B. Billable Unit:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
1. The billable unit for Individual Customized Community Supports is a fifteen (15) minute unit.

2. The billable unit for Community Inclusion Aide is a fifteen (15) minute unit.

3. The billable unit for Group Customized Community Supports is a fifteen (15) minute unit, with the rate category based on the NM DDW group.

4. The time at home is intermittent or brief; e.g. one hour time period for lunch and/or change of clothes. The Provider Agency may bill for providing this support under Customized Community Supports without prior approval from DDSD.

5. The billable unit for Intensive Behavioral Customized Community Supports is a fifteen (15) minute unit. (There is a separate rate established for individuals who require one-to-one (1:1) support either in the community or in a group day setting due to behavioral challenges (NM DDW group G).

6. The billable unit for Fiscal Management for Adult Education is dollars charged for each class including a 10% administrative processing fee.

C. Billable Activities:
1. All DSP activities that are:
   a. Provided face to face with the individual;
   b. Described in the individual’s approved ISP;

August 2014
- The Agency billed 331 units of Customized Community Supports (group) (T2021 HB U7) from 8/1/2014 through 8/31/2014. Documentation received accounted for 307 units.

Individual #20
July 2014
- The Agency billed 137 units of Customized Community Supports (group) (T2021 HB U7) from 7/16/2014 through 7/31/2014. Documentation received accounted for 95 units.
c. Provided in accordance with the Scope of Services; and

d. Activities included in billable services, activities or situations.

2. Purchase of tuition, fees, and/or related materials associated with adult education opportunities as related to the ISP Action Plan and Outcomes, not to exceed $550 including administrative processing fee.

3. Customized Community Supports can be included in ISP and budget with any other services.

**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 patient records for the recipient are subject to recoupment.
<table>
<thead>
<tr>
<th>Tag # LS27 / 6L27</th>
<th>Family Living Reimbursement</th>
<th>Standard Level Deficiency</th>
<th>Provider:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Developmental Disabilities (DD) Waiver Service Standards effective 11/1/2012 revised 4/23/2013</td>
<td></td>
<td>Based on record review, the Agency did not provide written or electronic documentation as evidence for each unit billed for Family Living Services for 1 of 15 individuals.</td>
<td>State your Plan of Correction for the deficiencies cited in this tag here:</td>
</tr>
<tr>
<td>CHAPTER 11 (FL) 4. REIMBURSEMENT A.</td>
<td>Individual #14</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Family Living Services Provider Agencies must maintain all records necessary to fully disclose the type, quality, quantity and clinical necessity of services furnished to individuals who are currently receiving services. The Family Living Services Provider Agency records must be sufficiently detailed to substantiate the date, time, individual name, servicing provider, nature of services, and length of a session of service billed.</td>
<td>August 2014</td>
<td>The Agency billed 29 units of Family Living (T2033 HB) from 8/1/2014 through 8/31/2014. Documentation did not contain the required elements on 8/1/2014 – 8/31/2014. Documentation received accounted for 0 units. The following element was not met:</td>
<td></td>
</tr>
<tr>
<td>1. The documentation of the billable time spent with an individual must be kept on the written or electronic record that is prepared prior to a request for reimbursement from the Human Services Department (HSD). For each unit billed, the record must contain the following:</td>
<td>No documentation found.</td>
<td>Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here:</td>
<td></td>
</tr>
<tr>
<td>a. Date, start and end time of each service encounter or other billable service interval;</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>b. A description of what occurred during the encounter or service interval; and</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. The signature or authenticated name of staff providing the service.</td>
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<tr>
<td>2. From the payments received for Family Living services, the Family Living Agency must:</td>
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<tr>
<td>a. Provide a minimum payment to the contracted primary caregiver of $2,051 per month; and</td>
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<tr>
<td>b. Provide or arrange up to seven hundred fifty (750) hours of substitute care as sick leave or relief for the primary caregiver.</td>
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</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: →
1. The billable unit for Living Supports- Family Living is based on a daily rate. A day is determined based on whether the individual was residing in the home at midnight.

2. The maximum allowable billable units cannot exceed three hundred forty (340) days per ISP year or one hundred seventy (170) days per six (6) months.

**Billable Activities:** Any activities which DSP provides in accordance with the Scope of Services for Living Supports which are not listed in non-billable services, activities or situations below.

**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 patient records for the recipient are subject to recoupment.


**CHAPTER 1 III. PROVIDER AGENCY DOCUMENTATION OF SERVICE DELIVERY AND LOCATION**

**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.


<table>
<thead>
<tr>
<th>CHAPTER 6. IX. REIMBURSEMENT FOR COMMUNITY LIVING SERVICES</th>
</tr>
</thead>
<tbody>
<tr>
<td>B. Reimbursement for Family Living Services</td>
</tr>
<tr>
<td>(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.</td>
</tr>
<tr>
<td>(2) Billable Activities shall include:</td>
</tr>
<tr>
<td>(a) Direct support provided to an individual in the residence any portion of the day;</td>
</tr>
<tr>
<td>(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</td>
</tr>
<tr>
<td>(c) Any other activities provided in accordance with the Scope of Services.</td>
</tr>
<tr>
<td>(3) Non-Billable Activities shall include:</td>
</tr>
<tr>
<td>(a) The Family Living Services Provider Agency may not bill the for room and board;</td>
</tr>
<tr>
<td>(b) Personal care, nutritional counseling and nursing supports may not be billed as separate services for an individual receiving Family Living Services; and</td>
</tr>
<tr>
<td>(c) Family Living services may not be billed for the same time period as Respite.</td>
</tr>
</tbody>
</table>

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QMB Report of Findings – La Vida Felicidad, Inc. – Metro, Northwest and Southwest Regions – September 29 – October 2, 2014

<table>
<thead>
<tr>
<th>(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.</th>
</tr>
</thead>
</table>

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.

QMB Report of Findings – La Vida Felicidad, Inc. – Metro, Northwest and Southwest Regions – September 29 – October 2, 2014

Date: January 16, 2015

To: Kathey Phoenix-Doyle, Executive Director
Provider: La Vida Felicidad, Inc.
Address: 530 Sun Ranch Village Road
State/Zip: Los Lunas, New Mexico 87031

E-mail Address: kathey@lvfnm.org

CC: John Tellez, Board Chair
Address: 2581 Scarlet Sage Road
State/Zip: Los Lunas, New Mexico 87031

Dear Ms. Phoenix-Dole and Mr. Tellez:

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 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 the health, safety and personal growth of the people you serve.

Sincerely,
Tony Fragua
Health Program Manager/Plan of Correction Coordinator
Quality Management Bureau/DHI