



Alfredo Vigil, MD
Secretary

DEPARTMENT OF

Building a Healthy New Mexico!

Bill Richardson, Governor

Katrina Hotrum
Deputy Secretary

Duffy Rodriguez
Deputy Secretary

Jessica Sutin
Deputy Secretary

Karen Armitage, MD
Chief Medical Officer

Date: October 26, 2009

To: Scott Whitehurst, Executive Director
Provider: Mosaic - Northeast Region
Address: 920 Lobo Canyon Road Ste. 2A
State/Zip: Grants, New Mexico 87020-2101

CC: Linda Timmons, President & Chief Executive Officer
Address: 4980 South 118th Street
State/Zip: Omaha, Nebraska 68137-2220

E-mail Address: joseph.whitehurt@mosaicinfor.org

Region: Northeast
Survey Date: August 24 - 27, 2009
Program Surveyed: Developmental Disabilities Waiver
Service Surveyed: Community Living (Family Living)
Survey Type: Routine
Team Leader: Crystal Lopez-Beck, BA, Healthcare Surveyor, Division of Health Improvement/Quality Management Bureau
Team Members: Barbara Czinger, MSW, LISW, Healthcare Surveyor, Division of Health Improvement/Quality Management Bureau

Dear Mr. Whitehurst,

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

Quality Management Approval Rating:

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

Plan of Correction:

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

1. Quality Management Bureau, Attention: Plan of Correction Coordinator
5301 Central Ave. NE Suite 400 Albuquerque, NM 87108
2. Developmental Disabilities Supports Division Regional Office for region of service surveyed.

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

David Rodriguez, Division Director • Division of Health Improvement

Division of Health Improvement • Quality Management Bureau • 5301 Central Ave NE • Suite 400 • Albuquerque, New Mexico 87108
(505) 222-8633 • FAX: (505) 222-8661

DHI Quality Review Survey Report – Mosaic – NE Region – August 24-27, 2009

Survey Report #: Q10.01.95338233.NE.001.RTN.01

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

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

Request for Informal Reconsideration of Findings (IRF):

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

QMB Deputy Bureau Chief
5301 Central Ave NE Suite #400
Albuquerque, NM 87108
Attention: IRF request

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

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

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

Please call the Team Leader at 505-222-8633, if you have questions about the survey or the report. Thank you for your cooperation and for the work you perform.

Sincerely,



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

Survey Process Employed:

Entrance Conference Date: August 24, 2009

Present:

Mosaic

Lorraine Herrera, Family Living Coordinator
Claudia Gabaldon, Family Living Manager

DOH/DHI/QMB

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

Exit Conference Date: August 26, 2009

Present:

Mosaic

Lorraine Herrera, Family Living Coordinator
Claudia Gabaldon, Family Living Manager
Nancy 'Lilly' Collin, RN
Dawn Julius, District Director
Scott Whitehurst, Executive Director

DOH/DHI/QMB

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

Homes Visited Number: 7

Administrative Locations Visited Number: 1

Total Sample Size Number: 7
0 - Jackson Class Members
7 - Non-Jackson Class Members
7 - Family Living

Persons Served Interviewed Number: 2

Persons Served Observed Number: 5 (Four individuals were unavailable during the on-site survey week & one individual was unable to answer interview questions)

Records Reviewed (Persons Served) Number: 7

Administrative Files Reviewed

- Billing Records
- Medical Records
- Incident Management Records
- Personnel Files
- Training Records
- Agency Policy and Procedure
- Caregiver Criminal History Screening Records
- Employee Abuse Registry
- Human Rights Notes and/or Meeting Minutes
- Nursing personnel files
- Evacuation Drills
- Quality Improvement/Quality Assurance Plan

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

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

- After a QMB Quality Review, your Survey Report will be sent to you via certified mail. You may request that it also be sent to you electronically by calling George Perrault, Plan of Correction Coordinator at 505-222-8647.
- Within 10 business days of the date you received your survey report, you must develop and send your Plan of Correction response to the QMB office. (Providers who do not pick up their mail will be referred to the Internal Review Committee [IRC]).
- For each Deficiency in your Survey Report, include specific information about HOW you will correct each Deficiency, WHO will fix each Deficiency (“Responsible Party”), and by WHEN (“Date Due”).
- Your POC must not only address HOW, WHO and WHEN each Deficiency will be corrected, but must also address overall systemic issues to prevent the Deficiency from reoccurring, i.e., Quality Assurance (QA). Your description of your QA must include specifics about your self-auditing processes, such as HOW OFTEN you will self-audit, WHO will do it, and WHAT FORMS will be used.
- Corrective actions should be incorporated into your agency’s Quality Assurance/Quality Improvement policies and procedures.
- You may send your POC response electronically to George.Perrault@state.nm.us, by fax (505-222-8661), or by postal mail.
- Do not send supporting documentation to QMB until after your POC has been approved by QMB.
- QMB will notify you if your POC has been “Approved” or “Denied”.
- Whether your POC is “Approved” or “Denied”, you have a maximum of 45 business days to correct all survey Deficiencies from the date of receipt of your Survey Report. If your POC is “Denied” it must be revised and resubmitted ASAP, as the 45 working day limit is in effect. Providers whose revised POC is denied will be referred to the IRC.
- The POC must be completed on the official QMB Survey Report and Plan of Correction Form, unless approved in advance by the POC Coordinator.
- The following Deficiencies must be corrected within the deadlines below (after receipt of your Survey Report):
 - CCHS and EAR: 10 working days
 - Medication errors: 10 working days
 - IMS system/training: 20 working days
 - ISP related documentation: 30 working days
 - DDSD Training 45 working days
- If you have questions about the POC process, call the QMB POC Coordinator, George Perrault at 505-222-8647 for assistance.
- For Technical Assistance (TA) in developing or implementing your POC, contact your local DDSD Regional Office.
- Once your POC has been approved by QMB, the POC may not be altered or the dates changed.
- Requests for an extension or modification of your POC (post approval) must be made in writing and submitted to the POC Coordinator at QMB, and are approved on a case-by-case basis.
- When submitting supporting documentation, organize your documents by Tag #s, and annotate or label each document using Individual #s.
- Do not submit original documents, hard copies or scanned and electronically submitted copies are fine. Originals must be maintained in the agency/client file(s) as per DDSD Standards.
- Failure to submit, complete or implement your POC within the required timeframes will result in a referral to the IRC and the possible imposition of a \$200 per day Civil Monetary Penalty until it is received, completed and/or implemented.

QMB Scope and Severity Matrix of survey results

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

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

Scope and Severity Definitions:

Key to Scope scale:

Isolated:

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

Pattern:

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

Widespread:

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

Key to Severity scale:

Low Impact Severity: (Blue)

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

Medium Impact Severity: (Tan)

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

High Impact Severity: (Green or Yellow)

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

High Impact Severity: (Yellow)

“J, K, and L” Level findings:

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

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

Introduction:

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

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

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

The following limitations apply to the IRF process:

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

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

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

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

Administrative Review Process:

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

Regarding IRC Sanctions:

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

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

Agency: Mosaic – Northeast Region
Program: Developmental Disabilities Waiver
Service: Community Living (Family Living)
Monitoring Type: Routine
Date of Survey: August 24 - 27, 2009

Statute	Deficiency	Agency Plan of Correction and Responsible Party	Date Due
<p>Tag # 1A05 (CoP) General Requirements</p> <p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 1 II. PROVIDER AGENCY REQUIREMENTS: The objective of these standards is to establish Provider Agency policy, procedure and reporting requirements for DD Medicaid Waiver program. These requirements apply to all such Provider Agency staff, whether directly employed or subcontracting with the Provider Agency. Additional Provider Agency requirements and personnel qualifications may be applicable for specific service standards.</p> <p>A. General Requirements:</p> <p>(2) The Provider Agency is required to develop and implement written policies and procedures that maintain and protect the physical and mental health of individuals and which comply with all DDS policies and procedures and all relevant New Mexico State statutes, rules and standards. These policies and procedures shall be reviewed at least every three years and updated as needed.</p>	<p>Scope and Severity Rating: F</p> <p>Based on record review, the Agency failed to review and update its written policies and procedures every three years or as needed.</p> <p>The following policies and procedures provided during the on-site survey (August 26, 2009) showed no evidence of being reviewed every three years or being updated as needed:</p> <ul style="list-style-type: none"> • “Medication Policy & Procedures” - Last reviewed and/or revised – unknown, not dated. 		

Tag # 1A06 Provider Agency Policy and Procedure Requirements	Scope and Severity Rating: C		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 1. II. PROVIDER AGENCY REQUIREMENTS: The objective of these standards is to establish Provider Agency policy, procedure and reporting requirements for DD Medicaid Waiver program. These requirements apply to all such Provider Agency staff, whether directly employed or subcontracting with the Provider Agency. Additional Provider Agency requirements and personnel qualifications may be applicable for specific service standards.</p> <p>B. Provider Agency Policy and Procedure Requirements: All Provider Agencies, in addition to requirements under each specific service standard shall at a minimum develop, implement and maintain, at the designated Provider Agency main office, documentation of policies and procedures for the following:</p> <ul style="list-style-type: none"> (1) Coordination of Provider Agency staff serving individuals within the program which delineates the specific roles of agency staff, including expectations for coordination with interdisciplinary team members who do not work for the provider agency; (2) Response to individual emergency medical situations, including staff training for emergency response and on-call systems as indicated; and (3) Agency protocols for disaster planning and emergency preparedness. 	<p>Based on record review, the Agency failed to implement and maintain, at the Agency main office, documentation of policies and procedures for the following:</p> <ul style="list-style-type: none"> (2) Response to individual emergency medical situations, including staff training for emergency response and on-call systems as indicated; and (3) Agency protocols for disaster planning and emergency preparedness. <p>When Executive Director, #65, was asked about Mosaic - NE Region's Policy and Procedures he stated, "Mosaic - NE will have the same basic policy and procedures as Mosaic - NW (Grants). However, some will be different, for example the on-call procedures and the evacuation procedures for Mosaic - NE will be different then the ones for Mosaic - NW (Grants)."</p>		

Tag # 1A08 Agency Case File	Scope and Severity Rating: A		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 1 II. PROVIDER AGENCY REQUIREMENTS: The objective of these standards is to establish Provider Agency policy, procedure and reporting requirements for DD Medicaid Waiver program. These requirements apply to all such Provider Agency staff, whether directly employed or subcontracting with the Provider Agency. Additional Provider Agency requirements and personnel qualifications may be applicable for specific service standards.</p> <p>D. Provider Agency Case File for the Individual: All Provider Agencies shall maintain at the administrative office a confidential case file for each individual. Case records belong to the individual receiving services and copies shall be provided to the receiving agency whenever an individual changes providers. The record must also be made available for review when requested by DOH, HSD or federal government representatives for oversight purposes. The individual's case file shall include the following requirements:</p> <ol style="list-style-type: none"> (1) Emergency contact information, including the individual's address, telephone number, names and telephone numbers of relatives, or guardian or conservator, physician's name(s) and telephone number(s), pharmacy name, address and telephone number, and health plan if appropriate; (2) The individual's complete and current ISP, with all supplemental plans specific to the individual, and the most current completed Health Assessment Tool (HAT); (3) Progress notes and other service delivery documentation; (4) Crisis Prevention/Intervention Plans, if there are any for the individual; (5) A medical history, which shall include at least demographic data, current and past medical diagnoses including the cause (if known) of the 	<p>Based on record review, the Agency failed to maintain at the administrative office a confidential case file for 1 of 7 individuals.</p> <p>Review of the Agency individual case files revealed the following items were not found, incomplete, and/or not current:</p> <ul style="list-style-type: none"> • Physical Therapy Plan (#5) 		

<p>developmental disability, psychiatric diagnoses, allergies (food, environmental, medications), immunizations, and most recent physical exam;</p> <p>(6) When applicable, transition plans completed for individuals at the time of discharge from Fort Stanton Hospital or Los Lunas Hospital and Training School; and</p> <p>(7) Case records belong to the individual receiving services and copies shall be provided to the individual upon request.</p> <p>(8) The receiving Provider Agency shall be provided at a minimum the following records whenever an individual changes provider agencies:</p> <ul style="list-style-type: none"> (a) Complete file for the past 12 months; (b) ISP and quarterly reports from the current and prior ISP year; (c) Intake information from original admission to services; and (d) When applicable, the Individual Transition Plan at the time of discharge from Los Lunas Hospital and Training School or Ft. Stanton Hospital. 			
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Tag # 1A08 Agency Case File - Progress Notes	Scope & Severity Rating: B		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 1 II. PROVIDER AGENCY REQUIREMENTS: The objective of these standards is to establish Provider Agency policy, procedure and reporting requirements for DD Medicaid Waiver program. These requirements apply to all such Provider Agency staff, whether directly employed or subcontracting with the Provider Agency. Additional Provider Agency requirements and personnel qualifications may be applicable for specific service standards.</p> <p>D. Provider Agency Case File for the Individual: All Provider Agencies shall maintain at the administrative office a confidential case file for each individual. Case records belong to the individual receiving services and copies shall be provided to the receiving agency whenever an individual changes providers. The record must also be made available for review when requested by DOH, HSD or federal government representatives for oversight purposes. The individual's case file shall include the following requirements:</p> <p>(3) Progress notes and other service delivery documentation;</p>	<p>Based on record review, the Agency failed to maintain progress notes and other service delivery documentation for 2 of 7 Individuals.</p> <p>Family Living Progress Notes/Daily Contact Logs</p> <ul style="list-style-type: none"> • Individual #7 - None found for 05/19/2009 - 05/31/2009 • Individual #4 - None found for May 2, 3, 9, 10, 16, 17, 23, 24, 30 & 31; June 6, 7, 13, 14, 21 & 27 & July 4, 5, 11, 12, 18, 19, 25 & 26. 		

Tag # 1A09 Medication Delivery (MAR) - Routine Medication	Scope and Severity Rating: F		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 1 II. PROVIDER AGENCY REQUIREMENTS: The objective of these standards is to establish Provider Agency policy, procedure and reporting requirements for DD Medicaid Waiver program. These requirements apply to all such Provider Agency staff, whether directly employed or subcontracting with the Provider Agency. Additional Provider Agency requirements and personnel qualifications may be applicable for specific service standards.</p> <p>E. Medication Delivery: Provider Agencies that provide Community Living, Community Inclusion or Private Duty Nursing services shall have written policies and procedures regarding medication(s) delivery and tracking and reporting of medication errors in accordance with DDSD Medication Assessment and Delivery Policy and Procedures, the Board of Nursing Rules and Board of Pharmacy standards and regulations.</p> <p>(2) When required by the DDSD Medication Assessment and Delivery Policy, Medication Administration Records (MAR) shall be maintained and include:</p> <ol style="list-style-type: none"> The name of the individual, a transcription of the physician's written or licensed health care provider's prescription including the brand and generic name of the medication, diagnosis for which the medication is prescribed; Prescribed dosage, frequency and method/route of administration, times and dates of administration; Initials of the individual administering or assisting with the medication; Explanation of any medication irregularity; Documentation of any allergic reaction or adverse medication effect; and 	<p>Medication Administration Records (MAR) were reviewed for the months of May, June, July & August 2009.</p> <p>Based on record review, 6 of 6 individuals had Medication Administration Records, which contained missing medications entries and/or other errors:</p> <p>Individual #1 May 2009 Medication Administration Records contain the following medications. No Physician's Orders were found for the following medications:</p> <ul style="list-style-type: none"> Depakote 1500"mgm" (1 time daily) Zyprexa 10mg (2 times daily) <p>June 2009 Medication Administration Records contain the following medications. No Physician's Orders were found for the following medications:</p> <ul style="list-style-type: none"> Depakote 1500"mgm" (1 time daily) Haldol 5"mgm" (1 time daily) Nystatin Cream 10,000 un or as OTC (2 times daily) Nicotine Patch (1 time daily) <p>Medication Administration Records did not contain the dosage for the following medications:</p> <ul style="list-style-type: none"> Nicotine Patch (1 time daily) <p>July 2009 Medication Administration Records did not contain the frequency of medication to be given:</p> <ul style="list-style-type: none"> Lithium 300"mgm" Z-pack 		

<p>(f) For PRN medication, an explanation for the use of the PRN medication shall include observable signs/symptoms or circumstances in which the medication is to be used, and documentation of effectiveness of PRN medication administered.</p> <p>(3) The Provider Agency shall also maintain a signature page that designates the full name that corresponds to each initial used to document administered or assisted delivery of each dose;</p> <p>(4) MARs are not required for individuals participating in Independent Living who self-administer their own medications;</p> <p>(5) Information from the prescribing pharmacy regarding medications shall be kept in the home and community inclusion service locations and shall include the expected desired outcomes of administering the medication, signs and symptoms of adverse events and interactions with other medications;</p> <p>NMAC 16.19.11.8 MINIMUM STANDARDS: A. MINIMUM STANDARDS FOR THE DISTRIBUTION, STORAGE, HANDLING AND RECORD KEEPING OF DRUGS:</p> <p>(d) The facility shall have a Medication Administration Record (MAR) documenting medication administered to residents, including over-the-counter medications. This documentation shall include:</p> <ul style="list-style-type: none"> (i) Name of resident; (ii) Date given; (iii) Drug product name; (iv) Dosage and form; (v) Strength of drug; (vi) Route of administration; (vii) How often medication is to be taken; (viii) Time taken and staff initials; (ix) Dates when the medication is discontinued or changed; (x) The name and initials of all staff 	<ul style="list-style-type: none"> • Methylprednisolone 4mg <p>Medication Administration Records contain the following medications. No Physician's Orders were found for the following medications:</p> <ul style="list-style-type: none"> • Depakote 1500“mgm” (1 time daily) • Haldol 2“mgm” (1 time daily) • Nystatin Cream 10,000 un or as OTC (2 times daily) • Nicotine Patch (1 time daily) • Methylprednisolone 4mg <p>Medication Administration Records did not contain the dosage for the following medications:</p> <ul style="list-style-type: none"> • Nicotine Patch • Z-pack <p>Individual #2 May 2009 Medication Administration Records did not contain the diagnosis for which the medication is prescribed:</p> <ul style="list-style-type: none"> • Lorazepam 0.5“mgm” (2 times daily) <p>June 2009 Medication Administration Records did not contain the diagnosis for which the medication is prescribed:</p> <ul style="list-style-type: none"> • Lorazepam 0.5“mgm” (2 times daily) <p>July 2009 Medication Administration Records did not contain the diagnosis for which the medication is prescribed:</p> <ul style="list-style-type: none"> • Lorazepam 0.5“mgm” (2 times daily) 		
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<p>administering medications.</p> <p>Model Custodial Procedure Manual D. Administration of Drugs Unless otherwise stated by practitioner, patients will not be allowed to administer their own medications. Document the practitioner’s order authorizing the self-administration of medications.</p> <p>All PRN (As needed) medications shall have complete detail instructions regarding the administering of the medication. This shall include:</p> <ul style="list-style-type: none"> ➤ symptoms that indicate the use of the medication, ➤ exact dosage to be used, and ➤ the exact amount to be used in a 24 hour period. 	<p>Individual #3 May 2009 Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries:</p> <ul style="list-style-type: none"> • Vitamin B-6 100“mgm” (1 time daily) – Blank 5/1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 & 31. • Citrucel 1 - 2 tablespoons (1 time daily) – Blank 5/1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 & 31. <p>June 2009 Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries:</p> <ul style="list-style-type: none"> • Vitamin B-6 100“mgm” (1 time daily) – Blank 6/1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 & 30 • Citrucel 1 - 2 tablespoons (1 time daily) – Blank 6/1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 & 30. <p>July 2009 Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries:</p> <ul style="list-style-type: none"> • Vitamin B-6 100“mgm” (1 time daily) – Blank 7/1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 & 31. • Citrucel 1 - 2 tablespoons (1 time daily) – Blank 7/1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 & 31. 		
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	<p>Individual #4 May 2009 Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries:</p> <ul style="list-style-type: none"> • Oxygen @ 1 Liter (per minute continuously) – Blank 5/1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 & 31. <p>June 2009 Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries:</p> <ul style="list-style-type: none"> • Oxygen at 1 Liter (per minute continuously) – Blank 6/1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 & 30. <p>July 2009 Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries:</p> <ul style="list-style-type: none"> • Oxygen at 1 Liter (per minute continuously) – Blank 7/1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 & 31. <p>Individual #5 May 2009 As indicated by the Medication Administration Records the individual is to take Abilify 5“mgm” (1 time daily in the PM). According to the Physician’s Orders, Abilify 5“mgm” is to be taken 1 time daily in the AM. Medication Administration Record & Physician’s Orders do not match.</p> <p>Medication Administration Records did not contain the frequency of medication to be given:</p> <ul style="list-style-type: none"> • Topamax 25“mgm” 		
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	<p>Medication Administration Records did not contain the diagnosis for which the medication is prescribed:</p> <ul style="list-style-type: none"> • Diazepam/Valium 5“mgm” (1 time daily) <p>Medication Administration Records contain the following medications. No Physician’s Orders were found for the following medications:</p> <ul style="list-style-type: none"> • Topamax 25“mgm” <p>June 2009</p> <p>As indicated by the Medication Administration Records the individual is to take Abilify 5“mgm” (1 time daily in the PM). According to the Physician’s Orders, Abilify 5“mgm” is to be taken 1 time daily in the AM. Medication Administration Record & Physician’s Orders do not match.</p> <p>Medication Administration Records did not contain the frequency of medication to be given:</p> <ul style="list-style-type: none"> • Topamax 25“mgm” <p>Medication Administration Records did not contain the diagnosis for which the medication is prescribed:</p> <ul style="list-style-type: none"> • Diazepam/Valium 5“mgm” (1 time daily) <p>Medication Administration Records contain the following medications. No Physician’s Orders were found for the following medications:</p> <ul style="list-style-type: none"> • Topamax 25“mgm” <p>July 2009</p> <p>As indicated by the Medication Administration Records the individual is to take Abilify 5“mgm” (1 time daily in the PM). According to the Physician’s Orders, Abilify 5 “mgm” is to be taken 1 time daily in the AM. Medication Administration Record & Physician’s Orders do not match.</p> <p>Medication Administration Records did not contain the frequency of medication to be given:</p>		
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	<ul style="list-style-type: none"> • Topamax 25“mgm” <p>Medication Administration Records did not contain the diagnosis for which the medication is prescribed:</p> <ul style="list-style-type: none"> • Diazepam/Valium 5“mgm” (1 time daily) <p>Medication Administration Records contain the following medications. No Physician’s Orders were found for the following medications:</p> <ul style="list-style-type: none"> • Topamax 25“mgm” <p>August 2009 As indicated by the Physician’s Order and Medication Administration Record the individual is to take Lovastatin 40“mgm” (1 time daily). According to the Prescription Bottle, Lovastatin 20“mgm” was being given 1 time daily.</p> <p>Individual #7 May 2009 As indicated by the Medication Administration Records the individual is to take Topamax 100“mgm” (2 times daily). According to the Physician’s Orders, Topamax 100“mgm” is to be taken 1 time daily in the evening. Medication Administration Record & Physician’s Orders do not match.</p> <p>Medication Administration Records did not contain the diagnosis for which the medication is prescribed:</p> <ul style="list-style-type: none"> • Paxil 20“mgm” (1 time daily) <p>June 2009 As indicated by the Medication Administration Records the individual is to take Topamax 100“mgm” (2 times daily). According to the Physician’s Orders, Topamax 100“mgm” is to be taken 1 time daily in the evening. Medication Administration Record & Physician’s Orders do not match.</p>		
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	<p>Medication Administration Records did not contain the diagnosis for which the medication is prescribed:</p> <ul style="list-style-type: none">• Paxil 20“mgm” (1 time daily) <p>July 2009</p> <p>As indicated by the Medication Administration Records the individual is to take Topamax 100“mgm” (2 times daily). According to the Physician’s Orders, Topamax 100“mgm” is to be taken 1 time daily in the evening. Medication Administration Record & Physician’s Orders do not match.</p> <p>Medication Administration Records did not contain the diagnosis for which the medication is prescribed:</p> <ul style="list-style-type: none">• Paxil 20“mgm” (1 time daily)		
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Tag # 1A09 Medication Delivery - PRN Medication	Scope and Severity Rating: E	
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 1 II. PROVIDER AGENCY REQUIREMENTS: The objective of these standards is to establish Provider Agency policy, procedure and reporting requirements for DD Medicaid Waiver program. These requirements apply to all such Provider Agency staff, whether directly employed or subcontracting with the Provider Agency. Additional Provider Agency requirements and personnel qualifications may be applicable for specific service standards.</p> <p>E. Medication Delivery: Provider Agencies that provide Community Living, Community Inclusion or Private Duty Nursing services shall have written policies and procedures regarding medication(s) delivery and tracking and reporting of medication errors in accordance with DDSD Medication Assessment and Delivery Policy and Procedures, the Board of Nursing Rules and Board of Pharmacy standards and regulations.</p> <p>(2) When required by the DDSD Medication Assessment and Delivery Policy, Medication Administration Records (MAR) shall be maintained and include:</p> <ul style="list-style-type: none"> (a) The name of the individual, a transcription of the physician's written or licensed health care provider's prescription including the brand and generic name of the medication, diagnosis for which the medication is prescribed; (b) Prescribed dosage, frequency and method/route of administration, times and dates of administration; (c) Initials of the individual administering or assisting with the medication; (d) Explanation of any medication irregularity; (e) Documentation of any allergic reaction or adverse medication effect; and 	<p>Based on record review, the Agency failed to maintain PRN Medication Administration Records which contained all elements required by standard for 5 of 6 Individuals.</p> <p>Individual #1 May 2009 Medication Administration Records contain the following medications. No Physician's Orders were found for the following medications:</p> <ul style="list-style-type: none"> • Zyprexa 5mg (PRN) <p>Medication Administration Records did not contain the circumstance for which the medication is to be used:</p> <ul style="list-style-type: none"> • Zyprexa 5mg (PRN) <p>No Signs/Symptoms were noted on the Medication Administration Record for the following PRN medication:</p> <ul style="list-style-type: none"> • Clonazepam 2mg – PRN – 05/1, 2, 3, 4, 5, 6, 7, 10,11 12, 13,1 4,15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 & 31 (given 1 time daily) <p>No Effectiveness was noted on the Medication Administration Record for the following PRN medication:</p> <ul style="list-style-type: none"> • Clonazepam 2mg – PRN – 05/1, 2, 3, 4, 5, 6, 7, 10,11 12, 13,1 4,15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 & 31 (given 1 time daily) <p>June 2009 Medication Administration Records contain the following medications. No Physician's Orders were found for the following medications:</p> <ul style="list-style-type: none"> • Zyprexa 5mg (PRN) <p>Medication Administration Records did not</p>	

<p>(f) For PRN medication, an explanation for the use of the PRN medication shall include observable signs/symptoms or circumstances in which the medication is to be used, and documentation of effectiveness of PRN medication administered.</p> <p>(3) The Provider Agency shall also maintain a signature page that designates the full name that corresponds to each initial used to document administered or assisted delivery of each dose;</p> <p>(4) MARs are not required for individuals participating in Independent Living who self-administer their own medications;</p> <p>(5) Information from the prescribing pharmacy regarding medications shall be kept in the home and community inclusion service locations and shall include the expected desired outcomes of administering the medication, signs and symptoms of adverse events and interactions with other medications;</p> <p>NMAC 16.19.11.8 MINIMUM STANDARDS: A. MINIMUM STANDARDS FOR THE DISTRIBUTION, STORAGE, HANDLING AND RECORD KEEPING OF DRUGS:</p> <p>(d) The facility shall have a Medication Administration Record (MAR) documenting medication administered to residents, including over-the-counter medications. This documentation shall include:</p> <ul style="list-style-type: none"> (i) Name of resident; (ii) Date given; (iii) Drug product name; (iv) Dosage and form; (v) Strength of drug; (vi) Route of administration; (vii) How often medication is to be taken; (viii) Time taken and staff initials; (ix) Dates when the medication is discontinued 	<p>contain the circumstance for which the medication is to be used:</p> <ul style="list-style-type: none"> • Zyprexa 5mg (PRN) <p>No Signs/Symptoms were noted on the Medication Administration Record for the following PRN medication:</p> <ul style="list-style-type: none"> • Clonazepam 0.5mg – PRN – 6/26, 27, 28, 29 & 30 (given 1 time daily) <p>No Effectiveness was noted on the Medication Administration Record for the following PRN medication:</p> <ul style="list-style-type: none"> • Clonazepam 0.5mg – PRN – 6/26, 27, 28, 29 & 30 (given 1 time daily) <p>July 2009</p> <p>No Signs/Symptoms were noted on the Medication Administration Record for the following PRN medication:</p> <ul style="list-style-type: none"> • Clonazepam 0.5mg– PRN – 7/1, 2, 3, 4, 5, 6, 7, 8, 13, 14, 17, 18, 20, 22, 23, 27, 28, 29, 30 & 31 (given 1 time daily) <p>No Effectiveness was noted on the Medication Administration Record for the following PRN medication:</p> <ul style="list-style-type: none"> • Clonazepam 0.5mg – PRN – 7/1, 2, 3, 4, 5, 6, 7, 8, 13, 14, 17, 18, 20, 22, 23, 27, 28, 29, 30 & 31 (given 1 time daily) <p>Individual #2</p> <p>May 2009</p> <p>Medication Administration Records contain the following medications. No Physician’s Orders were found for the following medications:</p> <ul style="list-style-type: none"> • Mylanta (Myalagen) (PRN) • Milk of Magnesia (PRN) • Guiatuss (Robitussin) (PRN) 	
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<p>or changed;</p> <p>(x) The name and initials of all staff administering medications.</p> <p>Model Custodial Procedure Manual D. Administration of Drugs Unless otherwise stated by practitioner, patients will not be allowed to administer their own medications. Document the practitioner's order authorizing the self-administration of medications.</p> <p>All PRN (As needed) medications shall have complete detail instructions regarding the administering of the medication. This shall include:</p> <ul style="list-style-type: none"> ➤ symptoms that indicate the use of the medication, ➤ exact dosage to be used, and ➤ the exact amount to be used in a 24 hour period. <p>Department of Health Developmental Disabilities Supports Division (DDSD) Medication Assessment and Delivery Policy - Eff. November 1, 2006 F. PRN Medication 3. Prior to self-administration, self-administration with physical assist or assisting with delivery of PRN medications, the direct support staff must contact the agency nurse to describe observed symptoms and thus assure that the PRN medication is being used according to instructions given by the ordering PCP. In cases of fever, respiratory distress (including coughing), severe pain, vomiting, diarrhea, change in responsiveness/level of consciousness, the nurse must strongly consider the need to conduct a face-to-face assessment to assure that the PRN does not mask a condition better treated by seeking medical attention. This does not apply to home based/family living settings where the provider is related by affinity or by consanguinity to the individual.</p>	<ul style="list-style-type: none"> • Triple antibiotic ointment (PRN) • SPF 15 sunscreen (PRN) • Tylenol (Acetaminophen) 325“mgm” (PRN) <p>June 2009 Medication Administration Records contain the following medications. No Physician's Orders were found for the following medications:</p> <ul style="list-style-type: none"> • Mylanta (Myalagen) (PRN) • Milk of Magnesia (PRN) • Guiatuss (Robitussin) (PRN) • Triple antibiotic ointment (PRN) • SPF 15 sunscreen (PRN) • Tylenol (Acetaminophen) 325“mgm” (PRN) <p>July 2009 Medication Administration Records contain the following medications. No Physician's Orders were found for the following medications:</p> <ul style="list-style-type: none"> • Mylanta (Myalagen) (PRN) • Milk of Magnesia (PRN) • Guiatuss (Robitussin) (PRN) • Guiatuss (Robitussin) 2 teaspoons (PRN) • Triple antibiotic ointment (PRN) • SPF 15 sunscreen (PRN) • Tylenol (Acetaminophen) 325 “mgm” (PRN) <p>Individual #3</p>		
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4. The agency nurse shall review the utilization of PRN medications routinely. Frequent or escalating use of PRN medications must be reported to the PCP and discussed by the Interdisciplinary for changes to the overall support plan (see Section H of this policy).

H. Agency Nurse Monitoring

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

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

C. 3. Prior to delivery of the PRN, direct support staff must contact the agency nurse to describe observed symptoms and thus assure that the PRN is being used according to instructions given by the ordering PCP. In cases of fever, respiratory distress (including coughing), severe pain, vomiting, diarrhea, change in responsiveness/level of consciousness, the nurse must strongly consider the need to conduct a face-to-face assessment to assure that the PRN does not mask a condition better treated by seeking medical attention.

May 2009

Medication Administration Records contain the following medications. No Physician's Orders were found for the following medications:

- SPF 15 sunscreen (PRN)
- Tylenol (Acetaminophen) 325“mgm” (PRN)

June 2009

Medication Administration Records contain the following medications. No Physician's Orders were found for the following medications:

- SPF 15 sunscreen (PRN)
- Tylenol (Acetaminophen) 325“mgm” (PRN)

July 2009

Medication Administration Records contain the following medications. No Physician's Orders were found for the following medications:

- SPF 15 sunscreen (PRN)
- Tylenol (Acetaminophen) 325“mgm” (PRN)

Individual #5

May 2009

Medication Administration Records contain the following medications. No Physician's Orders were found for the following medications:

- Loratadine 10“mgm” (PRN)
- Tylenol 325“mgm” (PRN)

No Signs/Symptoms were noted on the Medication Administration Record for the following PRN medication:

- Loratadine 10“mgm” – PRN – 5/1, 2, 3, 12, 13, 14, 18, 19, 21, 22 23, 27, 28 & 31 (given 1 time daily)

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

(References: Psychotropic Medication Use Policy, Section D, page 5 Use of PRN Psychotropic Medications; and, Human Rights Committee Requirements Policy, Section B, page 4 Interventions Requiring Review and Approval – Use of PRN Medications).

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

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

medication:

- Loratadine 10“mgm” – PRN – 5/1, 2, 3, 12, 13, 14, 18, 19, 21, 22 23, 27, 28 & 31 (given 1 time daily)

June 2009

Medication Administration Records contain the following medications. No Physician’s Orders were found for the following medications:

- Loratadine 10“mgm” (PRN)
- Tylenol 325“mgm” (PRN)

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

- Tylenol (Acetaminophen) 325“mgm” – PRN – 6/4, 8, 12, 13, 16 & 18, 2009 (given 1 time daily)

July 2009

Medication Administration Records contain the following medications. No Physician’s Orders were found for the following medications:

- Loratadine 10“mgm” (PRN)
- Tylenol 325“mgm” (PRN)

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

- Tylenol (Acetaminophen) 325“mgm” – PRN – 7/4, 7, 8, 19, 20, 26 & 27, 2009. (given 1 time daily)

Individual #7

Medication Administration Records contain the following medications. No Physician’s Orders were found for the following medications:

- Actonide 0.1 % cream/ointment (PRN)
- Milk of Magnesia (PRN)

	<ul style="list-style-type: none"> • SPF 15 sunscreen (PRN) • Tylenol (Acetaminophen) 325“mgm” (PRN) <p>No Effectiveness was noted on the Medication Administration Record for the following PRN medication:</p> <ul style="list-style-type: none"> • Tylenol (Acetaminophen) 325“mgm” – PRN – 5/10 (given 1 time daily) <p>June 2009</p> <p>Medication Administration Records contain the following medications. No Physician’s Orders were found for the following medications:</p> <ul style="list-style-type: none"> • Actonide 0.1 % cream/ointment(PRN) • Milk of Magnesia (PRN) • SPF 15 sunscreen (PRN) • Tylenol (Acetaminophen) 325“mgm” (PRN) <p>No Signs/Symptoms were noted on the Medication Administration Record for the following PRN medication:</p> <ul style="list-style-type: none"> • Actonide 0.1% cream/ointment– PRN – 6/1, 2 & 14 (given 1 time daily) • Milk of Magnesia – PRN – 6/14 (given 1 time daily) • SPF 15 sunscreen – PRN – 6/14 (given 1 time daily) • Tylenol (Acetaminophen) 325“mgm” – PRN – 6/14 (given 1 time daily) <p>No Effectiveness was noted on the Medication Administration Record for the following PRN medication:</p> <ul style="list-style-type: none"> • Actonide 0.1% cream/ointment– PRN – 6/1, 2 & 14 (given 1 time daily) 		
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- Milk of Magnesia 30cc/2 tablespoons – PRN – 6/14 (given 1 time daily)
- SPF 15 sunscreen – PRN – 6/14 (given 1 time daily)
- Tylenol (Acetaminophen) 325“mgm” – PRN – 6/14 (given 1 time daily)

July 2009

Medication Administration Records contain the following medications. No Physician's Orders were found for the following medications:

- Actonide 0.1 % cream/ointment(PRN)
- Milk of Magnesia (PRN)
- SPF 15 sunscreen (PRN)
- Tylenol (Acetaminophen) 325“mgm” (PRN)

Tag # 1A11 (CoP) Transportation P&P	Scope and Severity Rating: F	
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 1 II. PROVIDER AGENCY REQUIREMENTS: The objective of these standards is to establish Provider Agency policy, procedure and reporting requirements for DD Medicaid Waiver program. These requirements apply to all such Provider Agency staff, whether directly employed or subcontracting with the Provider Agency. Additional Provider Agency requirements and personnel qualifications may be applicable for specific service standards.</p> <p>G. Transportation: Provider agencies that provide Community Living, Community Inclusion or Non-Medical Transportation services shall have a written policy and procedures regarding the safe transportation of individuals in the community, which comply with New Mexico regulations governing the operation of motor vehicles to transport individuals, and which are consistent with DDSD guidelines issued July 1, 1999 titled "Client Transportation Safety". The policy and procedures must address at least the following topics:</p> <ol style="list-style-type: none"> (1) Drivers' requirements, (2) Individual safety, including safe locations for boarding and disembarking passengers, appropriate responses to hazardous weather and other adverse driving conditions, (3) Vehicle maintenance and safety inspections, (4) Staff training regarding the safe operation of the vehicle, assisting passengers and safe lifting procedures, (5) Emergency Plans, including vehicle evacuation techniques, (6) Documentation, and (7) Accident Procedures. <p>Department of Health (DOH) Developmental Disabilities Supports Division (DDSD) Policy - Training Requirements for Direct Service Agency Staff Policy Eff Date: March 1,</p>	<p>Based on record review, the Agency failed to have a written policies and procedures regarding the safe transportation of individuals in the community, which comply with New Mexico regulations governing the operation of motor vehicles to transport individuals.</p> <p>Review of Agency's policies and procedures indicated the following elements were not found:</p> <p>(3) Vehicle maintenance and safety inspections,</p>	

2007

II. POLICY STATEMENTS:

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

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

Tag # 1A11 (CoP) Transportation Training	Scope and Severity Rating: F		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 1 II. PROVIDER AGENCY REQUIREMENTS: The objective of these standards is to establish Provider Agency policy, procedure and reporting requirements for DD Medicaid Waiver program. These requirements apply to all such Provider Agency staff, whether directly employed or subcontracting with the Provider Agency. Additional Provider Agency requirements and personnel qualifications may be applicable for specific service standards.</p> <p>G. Transportation: Provider agencies that provide Community Living, Community Inclusion or Non-Medical Transportation services shall have a written policy and procedures regarding the safe transportation of individuals in the community, which comply with New Mexico regulations governing the operation of motor vehicles to transport individuals, and which are consistent with DDSD guidelines issued July 1, 1999 titled "Client Transportation Safety". The policy and procedures must address at least the following topics:</p> <ol style="list-style-type: none"> (1) Drivers' requirements, (2) Individual safety, including safe locations for boarding and disembarking passengers, appropriate responses to hazardous weather and other adverse driving conditions, (3) Vehicle maintenance and safety inspections, (4) Staff training regarding the safe operation of the vehicle, assisting passengers and safe lifting procedures, (8) Emergency Plans, including vehicle evacuation techniques, (9) Documentation, and (10) Accident Procedures. <p>Department of Health (DOH) Developmental Disabilities Supports Division (DDSD) Policy Training Requirements for Direct Service Agency</p>	<p>Based on record review and interview, the Agency failed to provide staff training regarding the safe operation of the vehicle, assisting passengers and safe lifting procedures for 21 of 24 Direct Service Personnel.</p> <p>No documented evidence was found of the following required training:</p> <ul style="list-style-type: none"> • Transportation (DSP #40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 53, 54, 55, 56, 58, 59, 60, 61 & 62) <p>When DSP were asked if they had received transportation training including training on wheelchair tie downs and van lift safety the following was reported:</p> <ul style="list-style-type: none"> • DSP #40 stated, "No, there's no need to." • DSP #41 stated, "Nothing through Mosaic." • DSP #42 stated, "No." • DSP #44 stated, "No." • DSP #46 stated, "No." 		

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

II. POLICY STATEMENTS:

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

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

Tag # 1A12 Reimbursement/Billable Units	Scope and Severity Rating: C	
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 1 III. PROVIDER AGENCY DOCUMENTATION OF SERVICE DELIVERY AND LOCATION</p> <p>A. General: All Provider Agencies shall maintain all records necessary to fully disclose the service, quality, quantity and clinical necessity furnished to individuals who are currently receiving services. The Provider Agency records shall be sufficiently detailed to substantiate the date, time, individual name, servicing Provider Agency, level of services, and length of a session of service billed.</p> <p>B. Billable Units: The documentation of the billable time spent with an individual shall be kept on the written or electronic record that is prepared prior to a request for reimbursement from the HSD. For each unit billed, the record shall contain the following:</p> <ol style="list-style-type: none"> (1) Date, start and end time of each service encounter or other billable service interval; (2) A description of what occurred during the encounter or service interval; and (3) The signature or authenticated name of staff providing the service. <p>MAD-MR: 03-59 Eff 1/1/2004</p> <p>8.314.1 BI RECORD KEEPING AND DOCUMENTATION REQUIREMENTS:</p> <p>Providers must maintain all records necessary to fully disclose the extent of the services provided to the Medicaid recipient. Services that have been billed to Medicaid, but are not substantiated in a treatment plan and/or patient records for the recipient are subject to recoupment.</p>	<p>Based on record review, the Agency failed to provide written or electronic documentation as evidence for each unit billed, which contained the required information for 7 of 7 individuals.</p> <p>Individual #1 May 2009</p> <ul style="list-style-type: none"> • The Agency billed 29 units of Family Living Services from 5/1/2009 through 5/25/2009 & 5/28/2009 through 5/31/2009. Documentation did not contain a signature/authenticated name of the staff providing the service to justify billing. <p>June 2009</p> <ul style="list-style-type: none"> • Documentation provided accounted for 18 units of Family Living Services from 6/1/09 through 6/30/09. Billing units were unable to be verified, remittance forms were not provided. <p>Individual #2 May 2009</p> <ul style="list-style-type: none"> • The Agency billed 31 units of Family Living Services from 5/1/2009 through 5/31/2009. Documentation did not contain a signature/authenticated name of the staff providing the service to justify billing. <p>June 2009</p> <ul style="list-style-type: none"> • Documentation provided accounted for 30 units of Family Living Services from 6/1/09 through 6/30/09. Billing units were unable to be verified, remittance forms were not provided. <p>July 2009</p> <ul style="list-style-type: none"> • The Agency billed 28 units of Family Living Services from 7/1/2009 through 7/31/2009. Documentation did not contain a signature/authenticated name of the staff providing the service to justify billing. <p>Individual #3</p>	

	<p>May 2009</p> <ul style="list-style-type: none"> The Agency billed 31 units of Family Living Services from 5/01/2009 through 5/31/2009. Documentation did not contain a signature/authenticated name of the staff providing the service to justify billing. <p>June 2009</p> <ul style="list-style-type: none"> Documentation provided accounted for 23 units of Family Living Services from 06/1/09 through 06/30/09. Billing units were unable to be verified, remittance forms were not provided. <p>July 2009</p> <ul style="list-style-type: none"> The Agency billed 28 units of Family Living Services from 7/1/2009 through 7/31/2009. Documentation did not contain a signature/authenticated name of the staff providing the service to justify billing. <p>Individual #4</p> <p>May 2009</p> <ul style="list-style-type: none"> The Agency billed 3 units of Family Living Services on 05/26/2009, 05/28/2009 & 05/29/2009. Documentation did not contain a signature/authenticated name of the staff providing the service to justify billing. <p>June 2009</p> <ul style="list-style-type: none"> Documentation provided accounted for 22 units of Family Living Services from 6/1/09 through 6/30/09. Billing units were unable to be verified, remittance forms were not provided. <p>July 2009</p> <ul style="list-style-type: none"> The Agency billed 4 units of Family Living Services on 7/16/2009, 7/28/2009, 7/29/2009 & 7/31/2009. Documentation did not contain a signature/authenticated name of the staff providing the service to justify billing. <p>Individual #5</p>		
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	<p>May 2009</p> <ul style="list-style-type: none"> The Agency billed 31 units of Family Living Services from 5/1/2009 through 5/31/2009. Documentation did not contain a signature/authenticated name of the staff providing the service to justify billing. <p>June 2009</p> <ul style="list-style-type: none"> Documentation provided accounted for 31 units of Family Living Services from 6/1/09 through 6/30/09. Billing units were unable to be verified, remittance forms were not provided. <p>July 2009</p> <ul style="list-style-type: none"> The Agency billed 28 units of Family Living Services from 07/01/2009 through 07/31/2009. Documentation did not contain a signature/authenticated name of the staff providing the service to justify billing. <p>Individual #6</p> <p>June 2009</p> <ul style="list-style-type: none"> Documentation provided accounted for 29 units of Family Living Services from 6/1/09 through 6/30/09. Billing units were unable to be verified, remittance forms were not provided. <p>July 2009</p> <ul style="list-style-type: none"> The Agency billed 28 units of Family Living Services from 7/1/2009 through 7/31/2009. Documentation received for 7/11/2009 through 7/17/2009 did not contain all the required elements per Medicaid regulations/DD Waiver Standards. Documentation had one entry for 9 days of service. The Agency billed 28 units of Family Living Services from 7/1/2009 through 7/31/2009. Documentation received for 7/20/2009 through 7/23/2009 did not contain all the required elements per Medicaid regulations/DD Waiver Standards. Documentation had one entry for 3 		
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	<p>days of service.</p> <p>Individual #7 June 2009</p> <ul style="list-style-type: none">• Documentation provided accounted for 30 units of Family Living Services from 6/1/09 through 6/30/09. Billing units were unable to be verified, remittance forms were not provided.		
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Tag # 1A15 Healthcare Documentation	Scope and Severity Rating: D		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007 Chapter 1. III. E. (1 - 4) CHAPTER 1. III. PROVIDER AGENCY DOCUMENTATION OF SERVICE DELIVERY AND LOCATION</p> <p>E. Healthcare Documentation by Nurses For Community Living Services, Community Inclusion Services and Private Duty Nursing Services: Nursing services must be available as needed and documented for Provider Agencies delivering Community Living Services, Community Inclusion Services and Private Duty Nursing Services.</p> <p>(1) Documentation of nursing assessment activities</p> <p>(a) The following hierarchy shall be used to determine which provider agency is responsible for completion of the HAT and MAAT and related subsequent planning and training:</p> <ul style="list-style-type: none"> (i) Community living services provider agency; (ii) Private duty nursing provider agency; (iii) Adult habilitation provider agency; (iv) Community access provider agency; and (v) Supported employment provider agency. <p>(b) The provider agency must arrange for their nurse to complete the Health Assessment Tool (HAT) and the Medication Administration Assessment Tool (MAAT) on at least an annual basis for each individual receiving community living, community inclusion or private duty nursing services, unless the provider agency arranges for the individual's Primary Care Practitioner (PCP) to voluntarily complete these assessments in lieu of the agency nurse. Agency nurses may also complete these assessments in collaboration with the Primary Care Practitioner if they believe such consultation is necessary for an accurate assessment. Family Living Provider Agencies have the option of having the subcontracted caregiver</p>	<p>Based on record review, the Agency failed to maintain the required documentation in the Individuals Agency Record as required per standard for 1 of 7 individual</p> <p>The following were not found, incomplete and/or not current:</p> <ul style="list-style-type: none"> • Special Health Care Needs: <ul style="list-style-type: none"> • Nutritional Plan <ul style="list-style-type: none"> ◦ Individual #5 - As indicated by the IST section of ISP the individual is required to have a plan. 		

complete the HAT instead of the nurse or PCP, if the caregiver is comfortable doing so. However, the agency nurse must be available to assist the caregiver upon request.

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

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

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

(2) Health related plans

(a) For individuals with chronic conditions that have the potential to exacerbate into a life-threatening situation, a medical crisis prevention and

<p>intervention plan must be written by the nurse or other appropriately designated healthcare professional.</p> <p>(b) Crisis prevention and intervention plans must be written in user-friendly language that is easily understood by those implementing the plan.</p> <p>(c) The nurse shall also document training regarding the crisis prevention and intervention plan delivered to agency staff and other team members, clearly indicating competency determination for each trainee.</p> <p>(d) If the individual receives services from separate agencies for community living and community inclusion services, nurses from each agency shall collaborate in the development of and training delivery for crisis prevention and intervention plans to assure maximum consistency across settings.</p> <p>(3) For all individuals with a HAT score of 4, 5 or 6, the nurse shall develop a comprehensive healthcare plan that includes health related supports identified in the ISP (The healthcare plan is the equivalent of a nursing care plan; two separate documents are not required nor recommended):</p> <p>(a) Each healthcare plan must include a statement of the person's healthcare needs and list measurable goals to be achieved through implementation of the healthcare plan. Needs statements may be based upon supports needed for the individual to maintain a current strength, ability or skill related to their health, prevention measures, and/or supports needed to remediate, minimize or manage an existing health condition.</p> <p>(b) Goals must be measurable and shall be revised when an individual has met the goal and has the potential to attain additional goals or no longer requires supports in order to maintain the goal.</p> <p>(c) Approaches described in the plan shall be individualized to reflect the individual's unique needs, provide guidance to the caregiver(s) and designed to support successful interactions. Some interventions may be carried out by staff, family members or other team members, and other</p>			
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<p>interventions may be carried out directly by the nurse – persons responsible for each intervention shall be specified in the plan.</p> <p>(d) Healthcare plans shall be written in language that will be easily understood by the person(s) identified as implementing the interventions.</p> <p>(e) The nurse shall also document training on the healthcare plan delivered to agency staff and other team members, clearly indicating competency determination for each trainee. If the individual receives services from separate agencies for community living and community inclusion services, nurses from each agency shall collaborate in the development of and training delivery for healthcare plans to assure maximum consistency across settings.</p> <p>(f) Healthcare plans must be updated to reflect relevant discharge orders whenever an individual returns to services following a hospitalization.</p> <p>(g) All crisis prevention and intervention plans and healthcare plans shall include the individual's name and date on each page and shall be signed by the author.</p> <p>(h) Crisis prevention and intervention plans as well as healthcare plans shall be reviewed by the nurse at least quarterly, and updated as needed.</p> <p>(4) General Nursing Documentation</p> <p>(a) The nurse shall complete legible and signed progress notes with date and time indicated that describe all interventions or interactions conducted with individuals served as well as all interactions with other healthcare providers serving the individual. All interactions shall be documented whether they occur by phone or in person.</p> <p>(b) For individuals with a HAT score of 4, 5 or 6, or who have identified health concerns in their ISP, the nurse shall provide the interdisciplinary team with a quarterly report that indicates current health status and progress to date on health related ISP desired outcomes and action plans as well as progress toward goals in the healthcare plan.</p>			
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Tag # 1A20 DSP Training Documents	Scope and Severity Rating: E		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 1 IV. GENERAL REQUIREMENTS FOR PROVIDER AGENCY SERVICE</p> <p>PERSONNEL: The objective of this section is to establish personnel standards for DD Medicaid Waiver Provider Agencies for the following services: Community Living Supports, Community Inclusion Services, Respite, Substitute Care and Personal Support Companion Services. These standards apply to all personnel who provide services, whether directly employed or subcontracting with the Provider Agency. Additional personnel requirements and qualifications may be applicable for specific service standards.</p> <p>C. Orientation and Training Requirements: Orientation and training for direct support staff and his or her supervisors shall comply with the DDS/DOH Policy Governing the Training Requirements for Direct Support Staff and Internal Service Coordinators Serving Individuals with Developmental Disabilities to include the following:</p> <p>(1) Each new employee shall receive appropriate orientation, including but not limited to, all policies relating to fire prevention, accident prevention, incident management and reporting, and emergency procedures; and</p> <p>(2) Individual-specific training for each individual under his or her direct care, as described in the individual service plan, prior to working alone with the individual.</p> <p>Department of Health (DOH) Developmental Disabilities Supports Division (DDSD) Policy - Policy Title: Training Requirements for Direct Service Agency Staff Policy - Eff. March 1, 2007</p>	<p>Based on record review, the Agency failed to ensure that Orientation and Training requirements were met for 16 of 24 Direct Service Personnel.</p> <p>Review of Direct Service Personnel training records found no evidence of the following required DOH/DDSD trainings and certification being completed:</p> <ul style="list-style-type: none"> • Pre- Service (DSP #59) • Basic Health/Orientation (DSP #57 & 59) • Person-Centered Planning (1-Day) (DSP #46, 57 & 63) • First Aid (DSP #41, 42, 46, 47, 49, 50, 54, 55, 57 & 59) • CPR (DSP #46, 47, 50 & 57) • Assisting With Medications (DSP #41, 51, 52, 57 & 63) • Rights & Advocacy (DSP #60 & 61) • Teaching & Support Strategies (DSP #49) • Participatory Communication & Choice Making (DSP #58, 60 & 61) 		

Tag # 1A22 Staff Competence	Scope and Severity Rating: E	
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 1 IV. GENERAL REQUIREMENTS FOR PROVIDER AGENCY SERVICE</p> <p>PERSONNEL: The objective of this section is to establish personnel standards for DD Medicaid Waiver Provider Agencies for the following services: Community Living Supports, Community Inclusion Services, Respite, Substitute Care and Personal Support Companion Services. These standards apply to all personnel who provide services, whether directly employed or subcontracting with the Provider Agency. Additional personnel requirements and qualifications may be applicable for specific service standards.</p> <p>F. Qualifications for Direct Service Personnel: The following employment qualifications and competency requirements are applicable to all Direct Service Personnel employed by a Provider Agency:</p> <ol style="list-style-type: none"> (1) Direct service personnel shall be eighteen (18) years or older. Exception: Adult Habilitation can employ direct care personnel under the age of eighteen 18 years, but the employee shall work directly under a supervisor, who is physically present at all times; (2) Direct service personnel shall have the ability to read and carry out the requirements in an ISP; (3) Direct service personnel shall be available to communicate in the language that is functionally required by the individual or in the use of any specific augmentative communication system utilized by the individual; (4) Direct service personnel shall meet the qualifications specified by DDSD in the Policy Governing the Training Requirements for Direct Support Staff and Internal Service Coordinators, Serving Individuals with DD... 	<p>Based on interview, the Agency failed to ensure that training competencies were met for 3 of 7 Direct Service Personnel.</p> <p>When DSP were asked if the individual had any Health Care Plans and what the plan covered, the following was reported:</p> <ul style="list-style-type: none"> • DSP #44 stated, "There are no Health Care Plans." As indicated by the Agency file, the Individual has Health Care Plans for high cholesterol, obesity, anti-depressant, blindness, mobility, health status, hypertension & seizure disorder. (Individual #5) <p>When DSP were asked if the individual had any Crisis Plans and what the plan covered, the following was reported:</p> <ul style="list-style-type: none"> • DSP #44 stated, "I don't know if he has any specific plans but if a crisis happens I'd call the nurse or therapists." As indicated by the Agency file the Individual has Crisis Plans for seizures & allergies. (Individual #5) • DSP # 45 stated, "I don't think so but I'd just call 911 and take him to the hospital. I'd also call Lorraine and Isabelle his case manager." As indicated by the Agency file the Individual has a Crisis Plan for Aspiration. (Individual # 6) <p>When DSP were asked what they are suppose to do if there is a medication error, the following was reported:</p> <ul style="list-style-type: none"> • DSP #42 stated, "If I dropped a pill, I would just toss it." (Individual #3) 	

Tag # 1A25 (CoP) CCHS	Scope and Severity Rating: E		
<p>NMAC 7.1.9.8 CAREGIVER AND HOSPITAL CAREGIVER EMPLOYMENT REQUIREMENTS: 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.</p> <p>NMAC 7.1.9.9 CAREGIVERS OR HOSPITAL CAREGIVERS AND APPLICANTS WITH DISQUALIFYING CONVICTIONS: A. Prohibition on Employment: A care provider shall not hire or continue the employment or contractual services of any applicant, caregiver or hospital caregiver for whom the care provider has received notice of a disqualifying conviction, except as provided in Subsection B of this section.</p> <p>NMAC 7.1.9.11 DISQUALIFYING CONVICTIONS. The following felony convictions disqualify an applicant, caregiver or hospital caregiver from employment or contractual services with a care provider: A. homicide; B. trafficking, or trafficking in controlled substances; C. kidnapping, false imprisonment, aggravated assault or aggravated battery; D. rape, criminal sexual penetration, criminal sexual contact, incest, indecent exposure, or other related felony sexual offenses; E. crimes involving adult abuse, neglect or financial exploitation; F. crimes involving child abuse or neglect; G. crimes involving robbery, larceny, extortion, burglary, fraud, forgery, embezzlement, credit card fraud, or receiving stolen property; or H. an attempt, solicitation, or conspiracy involving any of the felonies in this subsection.</p>	<p>Based on record review, the Agency failed to maintain documentation indicating no “disqualifying convictions” or documentation of the timely submission of pertinent application information to the Caregiver Criminal History Screening Program was on file for 13 of 25 Agency Personnel.</p> <p>The following Agency Personnel Files contained no evidence of Caregiver Criminal History Screenings:</p> <ul style="list-style-type: none"> • #42 – Date of hire 11/01/2007 • #43 – Date of hire 10/01/2006 • #46 – Date of hire 01/13/2009 • #47 – Date of hire 11/07/2008 • #57 - Date of hire 03/01/2009 • #59 – Date of hire 11/04/2008 • #63 – Date of hire 05/04/2009 <p>The following Agency Personnel Files contained Caregiver Criminal History Screenings, which were not specific to the Agency:</p> <ul style="list-style-type: none"> • #41 – Date of hire 10/01/2006 • #44 – Date of hire 10/01/2006 • #48 – Date of hire 03/01/2007 • #49 – Date of hire 10/01/2006 • #50 – Date of hire 10/01/2006 • #53 – Date of hire 10/01/2006 		

Tag # 1A26 (CoP) COR / EAR	Scope and Severity Rating: E		
<p>NMAC 7.1.12.8 REGISTRY ESTABLISHED; PROVIDER INQUIRY REQUIRED: Upon the effective date of this rule, the department has established and maintains an accurate and complete electronic registry that contains the name, date of birth, address, social security number, and other appropriate identifying information of all persons who, while employed by a provider, have been determined by the department, as a result of an investigation of a complaint, to have engaged in a substantiated registry-referred incident of abuse, neglect or exploitation of a person receiving care or services from a provider. Additions and updates to the registry shall be posted no later than two (2) business days following receipt. Only department staff designated by the custodian may access, maintain and update the data in the registry.</p> <p>A. Provider requirement to inquire of registry. A provider, prior to employing or contracting with an employee, shall inquire of the registry whether the individual under consideration for employment or contracting is listed on the registry.</p> <p>B. Prohibited employment. A provider may not employ or contract with an individual to be an employee if the individual is listed on the registry as having a substantiated registry-referred incident of abuse, neglect or exploitation of a person receiving care or services from a provider.</p> <p>D. Documentation of inquiry to registry. The provider shall maintain documentation in the employee's personnel or employment records that evidences the fact that the provider made an inquiry to the registry concerning that employee prior to employment. Such documentation must include evidence, based on the response to such inquiry received from the custodian by the provider, that the employee was not listed on the registry as having a substantiated registry-referred incident of abuse, neglect or exploitation.</p>	<p>Based on record review, the Agency failed to maintain documentation in the employee's personnel records that evidenced inquiry to the Employee Abuse Registry prior to employment for 12 of 25 Agency Personnel.</p> <p>The following Agency personnel records contained NO evidence of the Employee Abuse Registry being completed:</p> <ul style="list-style-type: none"> • #41 – Date of hire 10/01/2006 • #44 – Date of hire 10/01/2006 • #47 – Date of hire 11/07/2008 • #48 – Date of hire 03/01/2007 • #57 – Date of hire 03/01/2009 • #58 – Date of hire 04/01/2008 • #61 – Date of hire 02/01/2007 • #63 – Date of hire 05/04/2009 <p>The following Agency Personnel records contained evidence that indicated the Employee Abuse Registry was completed after hire:</p> <ul style="list-style-type: none"> • #40 – Date of hire 10/01/2006 • #51 – Date of hire 10/01/2006 • #52 – Date of hire 04/01/2007 • #56 – Date of hire 04/01/2007 		

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.

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Chapter 1.IV. General Provider Requirements.

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

Tag # 1A27 (CoP) Late & Failure to Report	Scope and Severity Rating: E		
<p>7.1.13.9 INCIDENT MANAGEMENT SYSTEM REPORTING REQUIREMENTS FOR COMMUNITY BASED SERVICE PROVIDERS:</p> <p>A. Duty To Report:</p> <p>(1) All community based service providers shall immediately report abuse, neglect or misappropriation of property to the adult protective services division.</p> <p>(2) All community based service providers shall report to the division within twenty four (24) hours : abuse, neglect, or misappropriation of property, unexpected and natural/expected deaths; and other reportable incidents to include:</p> <p>(a) an environmental hazardous condition, which creates an immediate threat to life or health; or</p> <p>(b) admission to a hospital or psychiatric facility or the provision of emergency services that results in medical care which is unanticipated or unscheduled for the consumer and which would not routinely be provided by a community based service provider.</p> <p>(3) All community based service providers shall ensure that the reporter with direct knowledge of an incident has immediate access to the division incident report form to allow the reporter to respond to, report, and document incidents in a timely and accurate manner.</p> <p>B. Notification: (1) Incident Reporting: Any consumer, employee, family member or legal guardian may report an incident independently or through the community based service provider to the division by telephone call, written correspondence or other forms of communication utilizing the division's incident report form. The incident report form and instructions for the completion and filing are available at the division's website, http://dhi.health.state.nm.us/elibrary/ironline/ir.php or may be obtained from the department by calling the toll free number.</p>	<p>Based on the Incident Management Bureau's Late and Failure Reports, the Agency failed to report suspected abuse, neglect, or misappropriation of property, unexpected and natural/expected deaths; or other reportable incidents to the Division of Health Improvement for 7 of 14 individuals.</p> <p>Individual #8</p> <ul style="list-style-type: none"> • Incident date 08/16/2008. Allegation was Neglect. Incident report was received 10/06/2008. Failure to Report. IMB Late & Failure Report indicated incident was "Confirmed." • Incident date 05/06/2009. Allegation was Neglect. Incident report was received 07/13/2009. Failure to Report. IMB Late & Failure Report indicated incident was "Confirmed." • Incident date 05/16/2009. Allegation was Neglect. Incident report was received 05/19/2009. Late Reporting. IMB Late & Failure Report indicated incident was "Confirmed." <p>Individual #9</p> <ul style="list-style-type: none"> • Incident date 10/16/2008. Allegation was Neglect. Incident report was received 10/21/2008. Late Reporting. IMB Late & Failure Report indicated incident was "Confirmed." <p>Individual #10</p> <ul style="list-style-type: none"> • Incident date 10/27/2008. Allegation was Neglect. Incident report was received 10/27/2008. Failure to Report. IMB Late & Failure Report indicated incident was "Confirmed." <p>Individual #11</p> <ul style="list-style-type: none"> • Incident date 10/31/2008. Allegation was Neglect. Incident report was received 11/04/2008. Late Reporting. IMB Late & Failure Report indicated incident was "Confirmed." 		

	<p>Individual #12</p> <ul style="list-style-type: none">• Incident date 05/30/2009. Allegation was Neglect. Incident report was received 06/04/2009. Failure to Report. IMB Late & Failure Report indicated incident was "Confirmed." <p>Individual #13</p> <ul style="list-style-type: none">• Incident date 05/16/2009. Allegation was Neglect. Incident report was received 05/19/2009. Late Reporting. IMB Late & Failure Report indicated incident was "Confirmed." <p>Individual #14</p> <ul style="list-style-type: none">• Incident date 05/16/2009. Allegation was Neglect. Incident report was received 05/19/2009. Late Reporting. IMB Late & Failure Report indicated incident was "Confirmed."		
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Tag # 1A28 (CoP) Incident Mgt. System - Policy & Procedure	Scope & Severity Rating: F		
<p>7.1.13.9 INCIDENT MANAGEMENT SYSTEM REPORTING REQUIREMENTS FOR COMMUNITY BASED SERVICE PROVIDERS:</p> <p>C. Incident Policies: All community based service providers shall maintain policies and procedures, which describe the community based service provider's immediate response to all reported allegations of incidents involving abuse, neglect, or misappropriation of property; all unexpected deaths or natural/expected deaths, and other reportable incidents required as required in Paragraph (2) of Subsection A of 7.1.13.9 NMAC.</p> <p>NMAC 7.1.13.10 INCIDENT MANAGEMENT SYSTEM REQUIREMENTS:</p> <p>A. General: All licensed health care facilities and community based service providers shall establish and maintain an incident management system, which emphasizes the principles of prevention and staff involvement. The licensed health care facility or community based service provider shall ensure that the incident management system policies and procedures requires all employees to be competently trained to respond to, report, and document incidents in a timely and accurate manner.</p> <p>B. Training Curriculum: The licensed health care facility and community based service provider shall provide all employees and volunteers with a written training curriculum on incident policies and procedures for identification, and timely reporting of abuse, neglect, misappropriation of consumers' property, and where applicable to community based service providers, unexpected deaths or other reportable incidents, within thirty (30) days of the employees' initial employment, and by annual review not to exceed twelve (12) month intervals. The training curriculum may include computer-</p>	<p>Based on record review and interview, the Agency failed to establish and maintain an incident management system, which emphasizes the principles of prevention and staff involvement.</p> <p>Based on record review, the Agency failed to establish and maintain an incident management system, which emphasizes the principles of prevention and staff involvement.</p> <p>As indicated by the Mosaic's Incident Management Reporting Orientation and Training; Procedure: 2. "Orientation and Training will be provided within the first 30 days of employment and bi-annually (every two years)." Per NMAC regulation "community based service provider shall provide all employees and volunteers with a written training ... within thirty (30) days of the employees' initial employment, and by annual review not to exceed twelve (12) month intervals."</p>		

based training. Periodic reviews shall include, at a minimum, review of the written training curriculum and site-specific issues pertaining to the licensed health care facilities or community based service provider's facility. Training shall be conducted in a language that is understood by the employee and volunteer.

C. Incident Management System Training Curriculum Requirements:

(1) The licensed health care facility and community based service provider shall conduct training, or designate a knowledgeable representative to conduct training, in accordance with the written training curriculum that includes but is not limited to:

- (a) an overview of the potential risk of abuse, neglect, misappropriation of consumers' property;
- (b) informational procedures for properly filing the division's incident management report form;
- (c) specific instructions of the employees' legal responsibility to report an incident of abuse, neglect and misappropriation of consumers' property.
- (d) specific instructions on how to respond to abuse, neglect, misappropriation of consumers' property;
- (e) emergency action procedures to be followed in the event of an alleged incident or knowledge of abuse, neglect, misappropriation of consumers' property; and
- (f) where applicable to employees of community based service providers, informational procedures for properly filing the division's incident management report form for unexpected deaths or other reportable incidents.

Tag # 1A28 (CoP) Incident Mgt. System - Personnel Training	Scope & Severity Rating: E		
<p>NMAC 7.1.13.10 INCIDENT MANAGEMENT SYSTEM REQUIREMENTS:</p> <p>A. General: All licensed health care facilities and community based service providers shall establish and maintain an incident management system, which emphasizes the principles of prevention and staff involvement. The licensed health care facility or community based service provider shall ensure that the incident management system policies and procedures requires all employees to be competently trained to respond to, report, and document incidents in a timely and accurate manner.</p> <p>D. Training Documentation: All licensed health care facilities and community based service providers shall prepare training documentation for each employee to include a signed statement indicating the date, time, and place they received their incident management reporting instruction. The licensed health care facility and community based service provider shall maintain documentation of an employee's training for a period of at least twelve (12) months, or six (6) months after termination of an employee's employment. Training curricula shall be kept on the provider premises and made available on request by the department. Training documentation shall be made available immediately upon a division representative's request. Failure to provide employee training documentation shall subject the licensed health care facility or community based service provider to the penalties provided for in this rule.</p> <p>Policy Title: Training Requirements for Direct Service Agency Staff Policy - Eff. March 1, 2007</p> <p>II. POLICY STATEMENTS:</p> <p>A. Individuals shall receive services from competent and qualified staff.</p>	<p>Based on record review, the Agency failed to provide documentation verifying completion of Incident Management Training for 17 of 25 Agency Personnel.</p> <ul style="list-style-type: none"> Incident Management Training (Abuse, Neglect & Misappropriation of Consumers' Property) (#47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 61, 62, 63 & 64) 		

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

Tag # 1A33 Board of Pharmacy - Med Storage	Scope and Severity Rating: B		
<p>New Mexico Board of Pharmacy Model Custodial Drug Procedures Manual</p> <p>E. Medication Storage:</p> <ol style="list-style-type: none"> 1. Prescription drugs will be stored in a locked cabinet and the key will be in the care of the administrator or designee. 2. Drugs to be taken by mouth will be separate from all other dosage forms. 3. A locked compartment will be available in the refrigerator for those items labeled "Keep in Refrigerator." The temperature will be kept in the 36°F - 46°F range. An accurate thermometer will be kept in the refrigerator to verify temperature. 4. Separate compartments are required for each resident's medication. 5. All medication will be stored according to their individual requirement or in the absence of temperature and humidity requirements, controlled room temperature (68-77°F) and protected from light. Storage requirements are in effect 24 hours a day. 6. Medication no longer in use, unwanted, outdated, or adulterated will be placed in a quarantine area in the locked medication cabinet and held for destruction by the consultant pharmacist. <p>8. References</p> <p>A. Adequate drug references shall be available for facility staff</p>	<p>Based on record review and observation, the Agency failed to ensure proper storage of medication for 2 of 7 individuals.</p> <p>Observation included:</p> <p>Individual #3</p> <ul style="list-style-type: none"> • Sulfamethoxazole expired 03/01/2006. Expired medication was not kept separate from other medications as required by Board of Pharmacy Procedures. • Lorazepam 1"mgm" - Was not kept in a locked compartment, as per Agency policy. <p>Individual #4</p> <ul style="list-style-type: none"> • Prescription medications were not kept in a locked compartment, as per Agency policy. 		

Tag # 1A37 Individual Specific Training	Scope and Severity Rating: E		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 1 IV. GENERAL REQUIREMENTS FOR PROVIDER AGENCY SERVICE</p> <p>PERSONNEL: The objective of this section is to establish personnel standards for DD Medicaid Waiver Provider Agencies for the following services: Community Living Supports, Community Inclusion Services, Respite, Substitute Care and Personal Support Companion Services. These standards apply to all personnel who provide services, whether directly employed or subcontracting with the Provider Agency. Additional personnel requirements and qualifications may be applicable for specific service standards.</p> <p>C. Orientation and Training Requirements: Orientation and training for direct support staff and his or her supervisors shall comply with the DDS/DOH Policy Governing the Training Requirements for Direct Support Staff and Internal Service Coordinators Serving Individuals with Developmental Disabilities to include the following: (2) Individual-specific training for each individual under his or her direct care, as described in the individual service plan, prior to working alone with the individual.</p> <p>Department of Health (DOH) Developmental Disabilities Supports Division (DDS) Policy - Policy Title: Training Requirements for Direct Service Agency Staff Policy - Eff. March 1, 2007</p> <p>II. POLICY STATEMENTS:</p> <p>A. Individuals shall receive services from competent and qualified staff.</p> <p>B. Staff shall complete individual-specific (formerly known as "Addendum B") training requirements in accordance with the specifications described in the individual service plan (ISP) of each individual served.</p>	<p>Based on record review, the Agency failed to ensure that Individual Specific Training requirements were met for 14 of 25 Agency Personnel.</p> <p>Review of personnel records found no evidence of the following:</p> <ul style="list-style-type: none"> • Individual Specific Training (#47, 48, 49, 50, 51, 54, 55, 57, 59, 60, 61, 62, 63 & 64) 		

Tag # 6L13 (CoP) - CL Healthcare Reqts.	Scope and Severity Rating: E		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 6. VI. GENERAL REQUIREMENTS FOR COMMUNITY LIVING</p> <p>G. Health Care Requirements for Community Living Services.</p> <p>(1) The Community Living Service providers shall ensure completion of a HAT for each individual receiving this service. The HAT shall be completed 2 weeks prior to the annual ISP meeting and submitted to the Case Manager and all other IDT Members. A revised HAT is required to also be submitted whenever the individual's health status changes significantly. For individuals who are newly allocated to the DD Waiver program, the HAT may be completed within 2 weeks following the initial ISP meeting and submitted with any strategies and support plans indicated in the ISP, or within 72 hours following admission into direct services, which ever comes first.</p> <p>(2) Each individual will have a Health Care Coordinator, designated by the IDT. When the individual's HAT score is 4, 5 or 6 the Health Care Coordinator shall be an IDT member, other than the individual. The Health Care Coordinator shall oversee and monitor health care services for the individual in accordance with these standards. In circumstances where no IDT member voluntarily accepts designation as the health care coordinator, the community living provider shall assign a staff member to this role.</p> <p>(3) For each individual receiving Community Living Services, the provider agency shall ensure and document the following:</p> <p>(a) Provision of health care oversight consistent with these Standards as detailed in Chapter One section III E: Healthcare Documentation by Nurses For Community Living Services, Community</p>	<p>Based on record review, the Agency failed to provide documentation of annual physical examinations and/or other examinations as specified by a licensed physician for 3 of 7 individuals receiving Community Living Services.</p> <ul style="list-style-type: none"> • Auditory Exam <ul style="list-style-type: none"> ◦ Individual #4 - As indicated by the documentation reviewed, exam was completed on 06/21/2007. Follow-up was to be completed in 1 year. No evidence of follow-up found. • Vision Exam <ul style="list-style-type: none"> ◦ Individual #1 - As indicated by the documentation reviewed, exam was completed on 03/28/2007. Follow-up was to be completed in 1 - 2 years. No evidence of follow-up found. ◦ Individual #5 - As indicated by the documentation reviewed, exam was completed on 06/06/2007. Follow-up was to be completed in 1 year. No evidence of follow-up found. 		

<p>Inclusion Services and Private Duty Nursing Services.</p> <p>b) That each individual with a score of 4, 5, or 6 on the HAT, has a Health Care Plan developed by a licensed nurse.</p> <p>(c) That an individual with chronic condition(s) with the potential to exacerbate into a life threatening condition, has Crisis Prevention/ Intervention Plan(s) developed by a licensed nurse or other appropriate professional for each such condition.</p> <p>(4) That an average of 3 hours of documented nutritional counseling is available annually, if recommended by the IDT.</p> <p>(5) That the physical property and grounds are free of hazards to the individual's health and safety.</p> <p>(6) In addition, for each individual receiving Supported Living or Family Living Services, the provider shall verify and document the following:</p> <p>(a) The individual has a primary licensed physician;</p> <p>(b) The individual receives an annual physical examination and other examinations as specified by a licensed physician;</p> <p>(c) The individual receives annual dental check-ups and other check-ups as specified by a licensed dentist;</p> <p>(d) The individual receives eye examinations as specified by a licensed optometrist or ophthalmologist; and</p> <p>(e) Agency activities that occur as follow-up to medical appointments (e.g. treatment, visits to specialists, changes in medication or daily routine).</p>			
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Tag # 6L14 Residential Case File	Scope and Severity Rating: F		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 6. VIII. COMMUNITY LIVING SERVICE PROVIDER AGENCY REQUIREMENTS</p> <p>A. Residence Case File: For individuals receiving Supported Living or Family Living, the Agency shall maintain in the individual's home a complete and current confidential case file for each individual. For individuals receiving Independent Living Services, rather than maintaining this file at the individual's home, the complete and current confidential case file for each individual shall be maintained at the agency's administrative site. Each file shall include the following:</p> <p>(1) Complete and current ISP and all supplemental plans specific to the individual;</p> <p>(2) Complete and current Health Assessment Tool;</p> <p>(3) Current emergency contact information, which includes the individual's address, telephone number, names and telephone numbers of residential Community Living Support providers, relatives, or guardian or conservator, primary care physician's name(s) and telephone number(s), pharmacy name, address and telephone number and dentist name, address and telephone number, and health plan;</p> <p>(4) Up-to-date progress notes, signed and dated by the person making the note for at least the past month (older notes may be transferred to the agency office);</p> <p>(5) Data collected to document ISP Action Plan implementation</p> <p>(6) Progress notes written by direct care staff and by nurses regarding individual health status and physical conditions including action taken in response to identified changes in condition for at</p>	<p>Based on record review, the Agency failed to maintain a complete and confidential case file in the residence for 7 of 7 Individuals receiving Family Living Services.</p> <p>The following was not found, incomplete and/or not current:</p> <ul style="list-style-type: none"> • ISP Signature Page (#2 & 4) • Addendum A (#2, 4 & 6) • Teaching & Support Strategies (#3 & 6) • Positive Behavioral Plan (#6) • Positive Behavioral Crisis Plan (#2 & 6) • Speech Therapy Plan (#6) • Occupational Therapy Plan (#5) • Physical Therapy Plan (#5, 6 & 7) • Health Assessment Tool (#6) • Special Health Care Needs <ul style="list-style-type: none"> ◦ Meal Time Plan (#6) ◦ Nutritional Plan (#5) • Crisis Plan <ul style="list-style-type: none"> ◦ Allergies (#1 & 5) • Progress Notes/Daily Contacts Logs: <ul style="list-style-type: none"> ◦ Individual #6 - None found for July 2009 • Data Collection/Data Tracking: <ul style="list-style-type: none"> ◦ Individual #6 - None found for July 2009 		

<p>least the past month;</p> <p>(7) Physician's or qualified health care providers written orders;</p> <p>(8) Progress notes documenting implementation of a physician's or qualified health care provider's order(s);</p> <p>(9) Medication Administration Record (MAR) for the past three (3) months which includes:</p> <ul style="list-style-type: none"> (a) The name of the individual; (b) A transcription of the healthcare practitioners prescription including the brand and generic name of the medication; (c) Diagnosis for which the medication is prescribed; (d) Dosage, frequency and method/route of delivery; (e) Times and dates of delivery; (f) Initials of person administering or assisting with medication; and (g) An explanation of any medication irregularity, allergic reaction or adverse effect. (h) For PRN medication an explanation for the use of the PRN must include: <ul style="list-style-type: none"> (i) Observable signs/symptoms or circumstances in which the medication is to be used, and (ii) Documentation of the effectiveness/result of the PRN delivered. (i) A MAR is not required for individuals participating in Independent Living Services who self-administer their own medication. However, when medication administration is provided as part of the Independent Living Service a MAR must be maintained at the individual's home and an updated copy must be placed in the agency file on a weekly basis. <p>(10) Record of visits to healthcare practitioners including any treatment provided at the visit and a record of all diagnostic testing for the current</p>			
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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.

Tag # 6L17 Reporting Requirements (Community Living Quarterly Reports)	Scope and Severity Rating: A		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 6. VIII. COMMUNITY LIVING SERVICE PROVIDER AGENCY REQUIREMENTS</p> <p>D. Community Living Service Provider Agency Reporting Requirements: All Community Living Support providers shall submit written quarterly status reports to the individual's Case Manager and other IDT Members no later than fourteen (14) days following the end of each ISP quarter. The quarterly reports shall contain the following written documentation:</p> <ol style="list-style-type: none"> (1) Timely completion of relevant activities from ISP Action Plans (2) Progress towards desired outcomes in the ISP accomplished during the quarter; (3) Significant changes in routine or staffing; (4) Unusual or significant life events; (5) Updates on health status, including medication and durable medical equipment needs identified during the quarter; and (6) Data reports as determined by IDT members. 	<p>Based on record review, the Agency failed to complete written quarterly status reports for 1 of 7 individuals receiving Community Living Services.</p> <p>Family Living Quarterly Reports:</p> <ul style="list-style-type: none"> • Individual #4 - None found for 10/2008 – 12/2008. Individual began services in 11/2008. When #64 was asked about the quarterlies for 10/2008 – 12/2008 they reported that quarterlies are done according to calendar year and since this individual didn't start till November 2008 there was no quarterly to include information for November & December 2008. 		

Tag # 6L17 Reporting Requirements (CL Quarterly Report Components)	Scope and Severity Rating: C		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 6. VIII. COMMUNITY LIVING SERVICE PROVIDER AGENCY REQUIREMENTS</p> <p>D. Community Living Service Provider Agency Reporting Requirements: All Community Living Support providers shall submit written quarterly status reports to the individual's Case Manager and other IDT Members no later than fourteen (14) days following the end of each ISP quarter. The quarterly reports shall contain the following written documentation:</p> <ul style="list-style-type: none"> (1) Timely completion of relevant activities from ISP Action Plans (2) Progress towards desired outcomes in the ISP accomplished during the quarter; (3) Significant changes in routine or staffing; (4) Unusual or significant life events; (5) Updates on health status, including medication and durable medical equipment needs identified during the quarter; and (6) Data reports as determined by IDT members. 	<p>Based on record review, the Agency failed to complete written quarterly status reports in compliance with standards for 7 of 7 individuals receiving Community Living Services.</p> <p>Review of quarterly reports found the following components were not addressed as required:</p> <p>Individual #1, 2, 3, 4, 5, 6 & 7 - The following were not found in the Family Living Services Quarterly Report for 7/2008 - 6/2009:</p> <ul style="list-style-type: none"> (1) Timely completion of relevant activities from ISP Action Plans (2) Progress towards desired outcomes in the ISP accomplished during the quarter; (3) Significant changes in routine or staffing; (6) Data reports as determined by IDT members. 		

Tag # 6L25 (CoP) Residential Health & Safety (Family Living)	Scope and Severity Rating: F		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 6. VIII. COMMUNITY LIVING SERVICE PROVIDER AGENCY REQUIREMENTS - L. Residence</p> <p>Requirements for Family Living Services and Supported Living Services</p> <p>(1) Supported Living Services and Family Living Services providers shall assure that each individual's residence has:</p> <p>(a) Battery operated or electric smoke detectors, heat sensors, or a sprinkler system installed in the residence;</p> <p>(b) General-purpose first aid kit;</p> <p>(c) When applicable due to an individual's health status, a blood borne pathogens kit;</p> <p>(d) Accessible written procedures for emergency evacuation e.g. fire and weather-related threats;</p> <p>(e) Accessible telephone numbers of poison control centers located within the line of sight of the telephone;</p> <p>(f) Accessible written documentation of actual evacuation drills occurring at least three (3) times a year. For Supported Living evacuation drills shall occur at least once a year during each shift;</p> <p>(g) Accessible written procedures for the safe storage of all medications with dispensing instructions for each individual that are consistent with the Assisting with Medication Administration training or each individual's ISP; and</p> <p>(h) Accessible written procedures for emergency placement and relocation of individuals in the event of an emergency evacuation that makes the residence unsuitable for occupancy. The emergency evacuation procedures shall address, but are not limited to, fire, chemical and/or hazardous waste spills, and flooding.</p>	<p>Based on observation, the Agency failed to ensure that each individual's residence met all requirements within the standard for 7 of 7 Family Living residences.</p> <p>The following items were not found, not functioning or incomplete:</p> <ul style="list-style-type: none"> • Accessible written documentation of actual evacuation drills occurring at least three (3) times a year. For Supported Living evacuation drills shall occur at least once a year during each shift (#6) • Accessible telephone numbers of poison control centers located within the line of sight of the telephone (#4) • Accessible written procedures for the safe storage of all medications with dispensing instructions for each individual that are consistent with the Assisting with Medication Administration training or each individual's ISP (#1, 2, 3, 4, 5, 6 & 7) • Accessible written procedures for emergency placement and relocation of individuals in the event of an emergency evacuation that makes the residence unsuitable for occupancy. The emergency evacuation procedures shall address, but are not limited to, fire, chemical and/or hazardous waste spills, and flooding (#1, 2, 3, 4, 5, 6 & 7) 		

Tag # 6L27 FL Reimbursement	Scope and Severity Rating: B		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 6. IX. REIMBURSEMENT FOR COMMUNITY LIVING SERVICES</p> <p>B. Reimbursement for Family Living Services</p> <p>(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.</p> <p>(2) Billable Activities shall include:</p> <p>(a) Direct support provided to an individual in the residence any portion of the day;</p> <p>(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</p> <p>(c) Any other activities provided in accordance with the Scope of Services.</p> <p>(3) Non-Billable Activities shall include:</p> <p>(a) The Family Living Services Provider Agency may not bill the for room and board;</p> <p>(b) Personal care, nutritional counseling and nursing supports may not be billed as separate services for an individual receiving Family Living Services; and</p> <p>(c) Family Living services may not be billed for the same time period as Respite.</p> <p>(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.</p> <p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007 - Chapter 6 - COMMUNITY LIVING SERVICES</p> <p>III. REQUIREMENTS UNIQUE TO FAMILY</p>	<p>Based on record review, the Agency failed to provide written or electronic documentation as evidence for each unit billed for Family Living Services for 4 of 7 individuals.</p> <p>Individual #1 May 2009</p> <ul style="list-style-type: none"> The Agency billed 29 units of Family Living from 5/1/2009 through 5/31/2009. Review of documentation indicated services were provided concurrently with a hospital stay on 5/29/2009 through 5/31/2009. The Agency billed 29 units of Family Living from 5/1/2009 through 5/31/2009. Review of documentation indicated services were provided concurrently with Respite Services on 5/2/2009 & 05/16/2009. <p>Individual #3 May 2009</p> <ul style="list-style-type: none"> The Agency billed 31 units of Family Living from 5/1/09 through 5/31/09. Documentation received accounted for 27 units. <p>July 2009</p> <ul style="list-style-type: none"> The Agency billed 28 units of Family Living from 7/1/09 through 7/31/2009. Documentation received accounted for 18 units. <p>Individual #4 May 2009</p> <ul style="list-style-type: none"> The Agency billed 31 units of Family Living from 5/1/2009 through 5/31/2009. No documentation found to justify billing on 5/2, 3, 9, 10, 16, 17, 23, 24, 30 & 31. <p>July 2009</p> <ul style="list-style-type: none"> The Agency billed 28 units of Family Living from 7/1/2009 through 7/31/2009. No 		

<p>LIVING SERVICES</p> <p>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.</p>	<p>documentation found to justify billing on 7/4, 5, 11, 12, 18, 19, 25 & 26.</p> <p>Individual #7 May 2009</p> <ul style="list-style-type: none"> The Agency billed 31 units of Family Living from 5/1/2009 through 5/31/2009. No documentation found to justify billing for 5/19/2009 through 5/31/2009. 		
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Date: December 29, 2009

To: Scott Whitehurst, Executive Director
Provider: Mosaic, Inc.
Address: 920 Lobo Canyon Rd.
State/Zip: Grants, New Mexico 87020

CC: Linda Timmons, President & Chief Executive Officer, Board Chair
Address: Lind Center 4980 118th Street
State/Zip: Omaha, Nebraska 68137-2220

Region: Northeast
Survey Date: August 24 - 27, 2009
Program Surveyed: Developmental Disabilities Waiver
Service Surveyed: Community Living (Supported Living & Family Living) & Community Inclusion (Adult Habilitation & Community Access)
Survey Type: Routine

RE: Request for an Informal Reconsideration of Findings

Dear Mr. Whitehurst,

Your request for a Reconsideration of Findings was received on December 9, 2009. The IRF committee has reviewed your request and the supporting evidence provided. Based on the review of applicable DDSD standards and regulations, review of the survey process and the evidence you provided, the committee has made the following determinations:

Regarding Tag #: 1A08

Determination: The IRF committee is modifying the original finding in the report. You are required to complete your Plan of Correction as previously indicated. Removed from the original deficiency is the requirement to correct issues with Individual #7; deficiencies related to Individual #4 will be upheld.

Regarding Tag #: 1A15

Determination: The IRF committee is upholding the original finding in the report. You are required to complete your Plan of Correction as previously indicated. As was cited in the report of findings the deficiency is based on the IST section of the ISP; which calls for a plan.

Regarding Tag #: 6L14

Determination: The IRF committee is upholding the original finding in the report. You are required to complete your Plan of Correction as previously indicated. Tag 6L14 deals with the *residential* case file (Individual file kept in the home), and missing items are not requested via the "document request form." Staff in each home visited are asked for the missing documentation and sign the Surveyor's field tool when documents are not able to be found. In your request you cite documents missing from the *agency* case file.

This concludes the Informal Reconsideration of Finding process. The IRF process is separate and apart from the Informal Dispute Resolution process or the Medicaid Fair Hearing process when DOH sanctions are imposed on a provider.

Thank you.

Respectfully,

A handwritten signature in black ink, appearing to read 'Scott Good', written in a cursive style.

Scott Good, MRC, CRC
Deputy Bureau Chief/QMB
Informal Reconsideration of Finding Committee Chair

CC:
File
DHI
DDSD