



Alfredo Vigil, MD
Secretary

DEPARTMENT OF

Building a Healthy New Mexico!

Bill Richardson, Governor

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Deputy Secretary

Duffy Rodriguez
Deputy Secretary

Jessica Sutin
Deputy Secretary

Karen Armitage, MD
Chief Medical Officer

Date: February 2, 2010

To: Connie Kalter, Executive Director
Provider: New Pathways, Inc.
Address: 1520 Tramway N.E. Ste. #220
State/Zip: Albuquerque, New Mexico 87112

E-mail Address: conniekalter@msn.com

Region: Metro
Survey Date: November 16 - 23, 2009
Program Surveyed: Developmental Disabilities Waiver
Service Surveyed: Community Living (Supported Living & Family Living) & Community Inclusion (Adult Habilitation & Community Access)

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

Team Members: Barbara Czinger, MSW, LISW, Healthcare Surveyor, Division of Health Improvement/Quality Management Bureau; Stephanie Martinez de Berenger, MPA, GCDF, Healthcare Surveyor, Division of Health Improvement/Quality Management Bureau; Nadine Romero, LBSW, Healthcare Surveyor, Division of Health Improvement/Quality Management Bureau; Anthony Fragua, BFA, Healthcare Surveyor, Division of Health Improvement/Quality Management Bureau; Cynthia Nielsen, MSN, Healthcare Surveyor, Division of Health Improvement/Quality Management Bureau; Florie Alire, RN, Healthcare Surveyor, Division of Health Improvement/Quality Management Bureau; Maurice Gonzales, BS, Healthcare Surveyor, Division of Health Improvement/Quality Management Bureau & E. Regina Lewis, Social & Community Service Coordinator, Developmental Disabilities Support Division

Dear Ms. Kalter,

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

"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 – New Pathways, Inc. - Metro Region – November 16- 23, 2009

Survey Report #: Q10.02.D4455.METRO.001.RTN.01

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.

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 505-699-9356, if you have questions about the survey or the report. Thank you for your cooperation and for the work you perform.

Sincerely,



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

Survey Process Employed:

Entrance Conference Date: November 16, 2009

Present: **New Pathways, Inc.**
Connie Kalter, Executive Director

DOH/DHI/QMB

Crystal Lopez-Beck, BA, Team Lead/Healthcare Surveyor
Stephanie Martinez de Berenger, MPA, GCDF, Healthcare Surveyor
Nadine Romero, LBSW, Healthcare Surveyor
Tony Fragua, BFA, Healthcare Surveyor
Cynthia Nielsen, MSN, Healthcare Surveyor
Florie Alire, RN, Healthcare Surveyor

DDSD – Metro, NE & NW Regional Offices

E. Regina Lewis, Social & Community Service Coordinator (Metro)
Fabian Lopez, Social & Community Coordinator (NE)
Katherine Johnson-Herrera, Community Inclusion Coordinator (NW)

Exit Conference Date: November 19, 2009

Present: **New Pathways, Inc**
Connie Kalter, Executive Director
Donna Schorr, Service Coordinator
Debra King, Service Coordinator
Kendra Parton, Service Coordinator
Elena Cole, Service Coordinator
Geri Rosen, Service Coordinator
Liz Hays, RN
Kenny Flythe, Service Coordinator

DOH/DHI/QMB

Crystal Lopez-Beck, BA, Team Lead/Healthcare Surveyor
Stephanie Martinez de Berenger, MPA, GCDF, Healthcare Surveyor
Nadine Romero, LBSW, Healthcare Surveyor
Tony Fragua, BFA, Healthcare Surveyor
Cynthia Nielsen, MSN, Healthcare Surveyor
Florie Alire, RN, Healthcare Surveyor
Maurice Gonzales, BS, Healthcare Surveyor
Barbara Czinger, MSW, LISW, Healthcare Surveyor

DDSD – Metro, NE & NW Regional Offices

E. Regina Lewis, Social & Community Service Coordinator (Metro)
Fabian Lopez, Social & Community Service Coordinator (NE)
Katherine Herrera, Community Inclusion Coordinator (NW)
Tom Trujillo, Special Projects Coordinator (NE) (via phone)

Homes Visited Number: 15

Administrative Locations Visited Number: 1

Total Sample Size Number: 16
2 - Jackson Class Members
14 - Non-Jackson Class Members
4 - Supported Living
12 - Family Living
9 - Adult Habilitation
1 - Community Access

Persons Served Interviewed	Number: 10
Persons Served Observed	Number: 6 (2 individuals were unable to answer surveyor's questions & 4 Individuals were unavailable during the on-site week of November 16, 2009)
Records Reviewed (Persons Served)	Number: 16
Administrative Files Reviewed	<ul style="list-style-type: none">• 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.

The QMB Approval Rating

The QMB approval rating is the provider incentive to encourage quality service and correlates the review outcome with the QMB review frequency and its recommendation to DDS to determine the length of the provider agreement. The "Approval rating" is based on the Scope and Severity of the review findings. There are five levels of "Approval" that a provider may receive. They are:

"Quality" Approval Rating:

The QMB DD Manager will review the Report of Findings and determine if the provider qualifies for a "Quality" Rating. To qualify for a QMB "Quality" rating of approval and a three (3) year QMB review cycle and provider agreement recommendation, the provider must not have any findings that are a condition of participation and no findings of "F" level or higher on the Scope and Severity Matrix with no more than three (3) D or E level findings.

"Merit" Approval Rating:

The QMB DD Manager will review the Report of Findings and determine if the provider qualifies for a "Merit" Rating. To qualify for a QMB "Merit" rating of approval and a two (2) year QMB review cycle and provider agreement recommendation, the provider must not have more than three (3) findings that are a condition of participation and no more than three (3) "F" level findings with no findings of a "G" level or higher on the Scope and Severity Matrix and no more than six (6) D or E level findings.

"Standard" Approval Rating:

The QMB DD Manager will review the Report of Findings and determine if the provider qualifies for a "Standard" Rating. To qualify for a QMB "Standard" rating of approval and a one (1) year QMB review cycle and provider agreement recommendation, the provider must not have more than six (6) findings that are a condition of participation and no more than six (6) "F" level findings with no findings of a "G" level or higher on the Scope and Severity Matrix and no more than six (6) D or E level findings.

"Sub-Standard" Approval Rating:

The QMB DD Manager will review the Report of Findings and determine if the provider has "Sub-standard" performance. To qualify for a QMB "Sub-Standard" rating of approval and a three to six month QMB review cycle, with a referral to the Internal Review Committee and provider agreement recommendation, the provider may have any of the following findings:

- seven (7) or more findings that are a condition of participation
- seven (7) or more "F" level findings
- any findings of a "G" level or higher
- nine (9) or more D or E level findings

A referral to the IRC is required for any "Sub-standard" rating. Depending upon the egregious nature of the findings the IRC shall take appropriate sanction actions up to and including contract termination.

"Provisional" Approval Rating:

New DD service providers may qualify for a QMB "Provisional" Approval Rating upon successfully completing their initial QMB Quality Survey.

The QMB DD Manager will review the Report of Findings and determine if the provider has achieved at least a standard rating of approval. If successful, the provider may receive a one (1) year contract extension. QMB will notify the DDS Contract unit of the "Provisional" approval rating.

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: New Pathways, Inc. - Metro Region
Program: Developmental Disabilities Waiver
Service: Community Living (Supported Living & Family Living) & Community Inclusion (Adult Habilitation & Community Access)
Monitoring Type: Routine Survey
Date of Survey: November 16 - 23, 2009

Statute	Deficiency	Agency Plan of Correction and Responsible Party	Date Due
Tag # 1A03 CQI System	Scope and Severity Rating: C		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 1 I. PROVIDER AGENCY ENROLLMENT PROCESS</p> <p>I. Continuous Quality Management System: Prior to approval or renewal of a DD Waiver Provider Agreement, the Provider Agency is required to submit in writing the current Continuous Quality Improvement Plan to the DOH for approval. In addition, on an annual basis DD Waiver Provider Agencies shall develop or update and implement the Continuous Quality Improvement Plan. The CQI Plan shall be used to 1) discover strengths and challenges of the provider agency, as well as strengths, and barriers individuals experience in receiving the quality, quantity, and meaningfulness of services that he or she desires; 2) build on strengths and remediate individual and provider level issues to improve the provider's service provision over time. At a minimum the CQI Plan shall address how the agency will collect, analyze, act on data and evaluate results related to:</p> <ol style="list-style-type: none"> (1) Individual access to needed services and supports; (2) Effectiveness and timeliness of implementation of Individualized Service Plans; (3) Trends in achievement of individual outcomes in the Individual Service Plans; (4) Trends in medication and medical incidents leading to adverse health events; (5) Trends in the adequacy of planning and 	<p>Based on record review, the Agency failed to develop and implement a Continuous Quality Management System.</p> <p>Review of the Agency's Continuous Quality Improvement Plan provided during the on-site survey did not contain the components required by Standards.</p> <p>The Agency's General CQI Plan did not contain details on how the following components will be achieved:</p> <ol style="list-style-type: none"> (1) Individual access to needed services and supports; (2) Effectiveness and timeliness of implementation of Individualized Service Plans; (3) Trends in achievement of individual outcomes in the Individual Service Plans; (4) Trends in medication and medical incidents leading to adverse health events; (5) Trends in the adequacy of planning and coordination of healthcare supports at both supervisory and direct support levels; (6) Quality and completeness documentation; and (7) Trends in individual and guardian satisfaction <p>When #131 was asked about the Agency's General CQI Plan the following was reported:</p>		

<p>coordination of healthcare supports at both supervisory and direct support levels;</p> <p>(6) Quality and completeness documentation; and</p> <p>(7) Trends in individual and guardian satisfaction.</p> <p>7.1.13.9 INCIDENT MANAGEMENT SYSTEM REPORTING REQUIREMENTS FOR COMMUNITY BASED SERVICE PROVIDERS:</p> <p>E. Quality Improvement System for Community Based Service Providers: The community based service provider shall establish and implement a quality improvement system for reviewing alleged complaints and incidents. The incident management system shall include written documentation of corrective actions taken. The community based service provider shall maintain documented evidence that all alleged violations are thoroughly investigated, and shall take all reasonable steps to prevent further incidents. The community based service provider shall provide the following internal monitoring and facilitating quality improvement system:</p> <p>(1) community based service providers funded through the long-term services division to provide waiver services shall have current incident management policy and procedures in place, which comply with the department's current requirements;</p> <p>(2) community based service providers providing developmental disabilities services must have a designated incident management coordinator in place;</p> <p>(4) community based service providers providing developmental disabilities services must have an incident management committee to address internal and external incident reports for the purpose of looking at internal root causes and to take action on identified trends or issues.</p>	<p>#131 stated, "Our process is not 100%. It depends on the problems at the time...We meet quarterly on managing outcomes to review address and modify our QA process. But sometimes we don't follow up on the old one."</p> <p>The Agency's Incident Management CQI Plan did not contain the following components:</p> <p>(1) community based service providers funded through the long-term services division to provide waiver services shall have current incident management policy and procedures in place, which comply with the department's current requirements;</p> <p>(4) community based service providers providing developmental disabilities services must have an incident management committee to address internal and external incident reports for the purpose of looking at internal root causes and to take action on identified trends or issues.</p> <p>When asked if the Agency had an Incident Management Quality Improvement System, which included, a process for reviewing alleged, complaints & incident; documentation of internal investigations of alleged violations; reasonable steps taken to prevent further incident and documentation of corrective active, the following was reported:</p> <p>#131 stated, "As a whole agency, we look at trends informally. We do not keep minutes and do not have a formal committee."</p>	
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Tag # 1A05 (CoP) General Requirements	Scope and Severity Rating: F	
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 1 II. PROVIDER AGENCY REQUIREMENTS: The objective of these standards is to establish Provider Agency policy, procedure and reporting requirements for DD Medicaid Waiver program. These requirements apply to all such Provider Agency staff, whether directly employed or subcontracting with the Provider Agency. Additional Provider Agency requirements and personnel qualifications may be applicable for specific service standards.</p> <p>A. General Requirements:</p> <p>(2) The Provider Agency is required to develop and implement written policies and procedures that maintain and protect the physical and mental health of individuals and which comply with all DDS policies and procedures and all relevant New Mexico State statutes, rules and standards. These policies and procedures shall be reviewed at least every three years and updated as needed.</p>	<p>Based on record review, the Agency failed to review and update its written policies and procedures every three years or as needed.</p> <p>The following polices and procedures provided during the on-site survey (November 16, 2009) showed no evidence of being reviewed every three years or being updated as needed:</p> <ul style="list-style-type: none"> • “Policy Number: P-13 – Policy and Procedures Organization” - Last reviewed and/or revised 12/2001. • “Policy Number: P-38 – Authorization of money for the consumer and on behalf of New Pathways” - Last reviewed and/or revised 08/2003. • “Policy Number: P-38 A – Reimbursement of Consumers’ and New Pathways Monies” - Last reviewed and/or revised 08/2003. • “Policy Number: P-46 – Complaint Procedure” - Last reviewed and/or revised 10/2001. • “Policy Number: P-67 – On call staff coverage and emergency on call responsibilities” - Last reviewed and/or revised 10/2001. • “Policy Number: P-79 – Pharmacy Review/Services” - Last reviewed and/or revised 10/2001. • “Policy Number: P-82 – Monthly Medication Review” - Last reviewed and/or revised 07/2002. • “Policy Number: P-89 – Allergies, Drug Reaction, Medications Errors” - Last reviewed and/or revised 10/2001. • “Policy Number: P-90 – Assisting with 	

	<p>Medication” - Last reviewed and/or revised 10/2001.</p> <ul style="list-style-type: none"> • “Policy Number: P-121 – General Evacuation” - Last reviewed and/or revised 10/2001. • “Policy Number: P-136 – Incident Management System/Reportable Incident” - Last reviewed and/or revised 09/2001. • “Policy Number: P-137 – Incident Management System for Reporting Deaths” - Last reviewed and/or revised 10/2001. • “Policy Number: P-144 – Day Programs/Activities” - Last reviewed and/or revised 09/2001. • “Policy Number: P-145 – Consumer Grievance and/or Complaints” - Last reviewed and/or revised 10/2001. • “Policy Number: P-152 – Accident Reporting” - Last reviewed and/or revised 09/2001. • “Policy Number: P-153 – Transportation and Safety” - Last reviewed and/or revised 11/2002. • “Policy Number: P-154 – Follow up to Prevent Future Accidents” - Last reviewed and/or revised 05/2003. • “Policy Number: P-155 – Training on how to Transport Individuals” - Last reviewed and/or revised 05/2003. • “Policy Number: P-170 – Authorization for money for the Consumer and on behalf of New Pathways” - Last reviewed and/or revised 08/2003. • “Policy Number: P-171 – Reimbursement of 		
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	<p>Consumers and New Pathways Monies” - Last reviewed and/or revised 08/2003.</p> <ul style="list-style-type: none"> • “Policy Number: P-174 – Financial accounting of expenditures on behalf of a Consumer” - Last reviewed and/or revised 08/2003. • “Policy Number: P-175 – New pathways financial accounting of expenditures” - Last reviewed and/or revised 08/2003. • “Policy Number: P-208 – Allergies, Drug Reaction, Medication Errors” - Last reviewed and/or revised 10/2001. • “Policy Number: P-212 – Community Based Day Habilitation - Last reviewed and/or revised 06/2002. 		
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Tag # 1A06 Provider Agency Policy and Procedure Requirements	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>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> <ol 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 interview, the Agency failed to ensure Agency Personnel were aware of the Agency's On-Call Policy & Procedures for 2 of 22 Agency Personnel.</p> <p>When DSP were asked if the agency had an on-call procedure, the following was reported:</p> <ul style="list-style-type: none"> • DSP #45 stated, "I always call Tracy (New Pathways Receptionist), she always gets me to the person I need. I was never given any type of contact list." (Individual #4) • DSP #61 stated, "I don't know, I would probably call Kendra (Service Coordinator)" (Individual #16) 		

Tag # 1A08 Agency Case File	Scope and Severity Rating: B		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 1 II. PROVIDER AGENCY REQUIREMENTS: The objective of these standards is to establish Provider Agency policy, procedure and reporting requirements for DD Medicaid Waiver program. These requirements apply to all such Provider Agency staff, whether directly employed or subcontracting with the Provider Agency. Additional Provider Agency requirements and personnel qualifications may be applicable for specific service standards.</p> <p>D. Provider Agency Case File for the Individual: All Provider Agencies shall maintain at the administrative office a confidential case file for each individual. Case records belong to the individual receiving services and copies shall be provided to the receiving agency whenever an individual changes providers. The record must also be made available for review when requested by DOH, HSD or federal government representatives for oversight purposes. The individual's case file shall include the following requirements:</p> <ol style="list-style-type: none"> (1) Emergency contact information, including the individual's address, telephone number, names and telephone numbers of relatives, or guardian or conservator, physician's name(s) and telephone number(s), pharmacy name, address and telephone number, and health plan if appropriate; (2) The individual's complete and current ISP, with all supplemental plans specific to the individual, and the most current completed Health Assessment Tool (HAT); (3) Progress notes and other service delivery documentation; (4) Crisis Prevention/Intervention Plans, if there are any for the individual; (5) A medical history, which shall include at least demographic data, current and past medical diagnoses ... 	<p>Based on record review, the Agency failed to maintain at the administrative office a confidential case file for 3 of 16 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"> • ISP Signature Page (#3) • Addendum A (#5 & 16) 		

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 3 of 16 Individuals.</p> <p>Family Living Progress Notes/Daily Contact Logs</p> <ul style="list-style-type: none"> • Individual #2 - None found for 01/2009 & 03/2009. <p>Adult Habilitation Progress Notes/Daily Contact Logs</p> <ul style="list-style-type: none"> • Individual #2 - None found for 08/2009. • Individual #4 - None found for 09/2009 - 10/2009. • Individual #5 - None found for 10/2008 - 10/2009. 		

Tag # 1A09 Medication Delivery (MAR) - Routine 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> <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 July, August & September 2009.</p> <p>Based on record review, 8 of 14 individuals had Medication Administration Records, which contained unexplained missing medications entries and/or other errors:</p> <p>Individual #3 July 2009</p> <p>Medication Administration Record document did not contain a signature page that designates the full name that corresponds to each initial used to document administered or assisted delivery of each dose for the following medications:</p> <ul style="list-style-type: none"> • Metformin 500mg (3 times daily) • Ranitidine 150mg (2 times daily) • Lisinopril 40mg (1 time daily) • Loratadine 10mg (1 time daily) <p>Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries:</p> <ul style="list-style-type: none"> • Metformin 500mg (3 times daily) – Blank 07/28, 29, 30 & 31 (9AM, 3PM & 9PM) • Ranitidine 150mg (2 times daily) – Blank 07/28, 29, 30 & 31 (9AM & 9PM) • Lisinopril 40mg (1 time daily) – Blank 07/28, 29, 30 & 31 (9AM) • Loratadine 10mg (1 time daily) – Blank 07/01, 02, 04, 05, 09, 10, 13, 14, 15, 20, 23, 24, 25, 26, 28, 29, 30 & 31 (9AM) 	

<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 	<p>August 2009 Medication Administration Record document did not contain a signature page that designates the full name that corresponds to each initial used to document administered or assisted delivery of each dose for the following medications:</p> <ul style="list-style-type: none"> • Metformin 500mg (3 times daily) • Ranitidine 150mg (2 times daily) • Lisinopril 40mg (1 time daily) • Loratadine 10mg (1 time daily) <p>September 2009 Medication Administration Record document did not contain a signature page that designates the full name that corresponds to each initial used to document administered or assisted delivery of each dose for the following medications:</p> <ul style="list-style-type: none"> • Metformin 500mg (3 times daily) • Ranitidine 150mg (2 times daily) • Lisinopril 40mg (1 time daily) • Loratadine 10mg (1 time daily) <p>Individual #4 July 2009 Medication Administration Records did not contain the frequency of medication to be given:</p> <ul style="list-style-type: none"> • Calcium 6mg • Prevacid 30mg <p>Medication Administration Records did not contain the diagnosis for which the medication is prescribed:</p> <ul style="list-style-type: none"> • Calcium 6mg • Prevacid 30mg 		
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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>Medication Administration Records did not contain the route of administration for the following medications:</p> <ul style="list-style-type: none"> • Calcium 6mg • Prevacid 30mg <p>September 2009 Medication Administration Records did not contain the diagnosis for which the medication is prescribed:</p> <ul style="list-style-type: none"> • Ranitidine Syrup 15mg/ml (2 times daily) <p>Individual #6 July 2009 Medication Administration Records did not contain the diagnosis for which the medication is prescribed:</p> <ul style="list-style-type: none"> • Tegretol 100mg (2 times daily) <p>August 2009 Medication Administration Records did not contain the diagnosis for which the medication is prescribed:</p> <ul style="list-style-type: none"> • Tegretol 100mg (2 times daily) <p>September 2009 Medication Administration Records did not contain the diagnosis for which the medication is prescribed:</p> <ul style="list-style-type: none"> • Tegretol 100mg (2 times daily) <p>Individual #12 July 2009 Medication Administration Records did not contain the dosage for the following medications:</p> <ul style="list-style-type: none"> • Allegra <p>Medication Administration Records did not contain the diagnosis for which the medication is prescribed:</p> <ul style="list-style-type: none"> • Allegra 		
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	<ul style="list-style-type: none"> • Doxycycline 100mg <p>August 2009 Medication Administration Records did not contain the dosage for the following medications:</p> <ul style="list-style-type: none"> • Allegra <p>Medication Administration Records did not contain the frequency of medication to be given:</p> <ul style="list-style-type: none"> • Allegra <ul style="list-style-type: none"> • Doxycycline 100mg <p>Medication Administration Records did not contain the diagnosis for which the medication is prescribed:</p> <ul style="list-style-type: none"> • Allegra <ul style="list-style-type: none"> • Doxycycline 100mg <p>Medication Administration Records did not contain the route of administration for the following medications:</p> <ul style="list-style-type: none"> • Allegra <ul style="list-style-type: none"> • Doxycycline 100mg <p>September 2009 Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries:</p> <ul style="list-style-type: none"> • Multivitamin (1 time daily) – Blank 09/29 (7 AM) <p>Medication Administration Records did not contain the diagnosis for which the medication is prescribed:</p> <ul style="list-style-type: none"> • Doxycycline 100mg (1 time daily/3 days a week) <p>Individual #13 July 2009 Medication Administration Records contain the</p>		
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	<p>following medications. No Physician's Orders were found for the following medications:</p> <ul style="list-style-type: none"> • Prempro 0.62512.5 (1 time daily) <p>Medication Administration Records did not contain the diagnosis for which the medication is prescribed:</p> <ul style="list-style-type: none"> • Prempro 0.62512.5 (1 time daily) <p>August 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"> • Prempro 0.62512.5 (1 time daily) <p>Medication Administration Records did not contain the diagnosis for which the medication is prescribed:</p> <ul style="list-style-type: none"> • Prempro 0.62512.5 (1 time daily) <p>September 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"> • Prempro 0.62512.5 (1 time daily) • Prometrium 100mg (1 time daily) <p>Medication Administration Records did not contain the diagnosis for which the medication is prescribed:</p> <ul style="list-style-type: none"> • Prometrium 100mg (1 time daily) <p>Individual #14</p> <p>July 2009</p> <p>Medication Administration Records did not contain the diagnosis for which the medication is prescribed:</p> <ul style="list-style-type: none"> • Bupropion ER (Wellbutrin) 100mg (2 times daily) • Jolessa 0.15mg/0.03mg (1 time daily) 		
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	<p>Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries:</p> <ul style="list-style-type: none"> • Zyrtec-D OTC (1 time daily) – Blank 07/04 (8 AM) • Lamictal 200mg (1 time daily) – Blank 07/04 (8AM) • Colace 100mg (1 time daily) – Blank 07/04 (8AM) • Multivitamin Tablet (1 time daily) – Blank 07/04 (8AM) • Jolessa 0.15mg/0.03mg (1 time daily) – Blank 07/04 (8AM) • Flovent HFA 110mcg (2 times daily) Blank 07/04 (8AM) <p>Individual #15 September 2009</p> <p>Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries:</p> <ul style="list-style-type: none"> • Fexofenadine (Allegra 180mg) (1 time daily) – Blank 09/28 (8 AM) • Keppra 750mg (2 times daily) – Blank 09/28 (8 AM) • Fluvoxamine 100mg (2 times daily) – Blank 09/28 (8 AM) • Tegretol 100mg (3 times daily) – Blank 09/28 (8 AM) <p>Individual #16 July 2009</p> <p>Medication Administration Records did not contain</p>		
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	<p>the frequency of medication to be given:</p> <ul style="list-style-type: none"> • Cyclobenzaprine 10mg • Omega 3 Fish Oil 100mg • Calcium Magnesium and Zinc OTC • B-12 100mg • Folic Acid 400mg <p>Medication Administration Records did not contain the diagnosis for which the medication is prescribed:</p> <ul style="list-style-type: none"> • Cyclobenzaprine 10mg • Doc Q Lace 100mg (2 times daily) • Vitamin D 5000 IU (weekly) • Nasonex 50mcg (1 time daily) • Omega 3 Fish Oil 100mg • Calcium Magnesium and Zinc OTC • B-12 100mg • Folic Acid 400mg <p>Medication Administration Records did not contain the route of administration for the following medications:</p> <ul style="list-style-type: none"> • Omega 3 Fish Oil 100mg • Calcium Magnesium and Zinc OTC • B-12 100mg • Folic Acid 400mg 		
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	<p>Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries:</p> <ul style="list-style-type: none"> • Cyclobenzaprine 10mg – Blank 07/01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 & 31 • Doc Q Laxe 100mg (2 times daily) – Blank 07/04, 05, 06, 07, 08 & 09 (AM) & 07/01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 & 31 (PM) • Nasonex 50mcg (1 time daily) – Blank 07/01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 & 31 • Centrum A-Zinc OTC (1 time daily) – Blank 07/10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 & 31 (8AM) • Omega 3 Fish Oil 100mg – Blank 07/10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 & 31 (8AM) • Calcium Magnesium and Zinc OTC – Blank 07/10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 & 31 (8AM) • B-12 100mg – Blank 07/10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 & 31 (8AM) • Folic Acid 400mg – Blank 07/01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 & 31 (8AM) • Vitamin D 5000 IU (1 time weekly) – Blank the week of 07/09 - 07/15; 07/16 - 07/22 & 07/23 - 		
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	<p>07/29</p> <p>August 2009</p> <p>Medication Administration Records did not contain the frequency of medication to be given:</p> <ul style="list-style-type: none"> • Omega 3 Fish Oil 100mg • Calcium Magnesium and Zinc OTC • B-12 100mg • Folic Acid 400mg <p>Medication Administration Records did not contain the diagnosis for which the medication is prescribed:</p> <ul style="list-style-type: none"> • Omega 3 Fish Oil 100mg • Calcium Magnesium and Zinc OTC • B-12 100mg • Folic Acid 400mg <p>Medication Administration Records did not contain the route of administration for the following medications:</p> <ul style="list-style-type: none"> • Omega 3 Fish Oil 100mg • Calcium Magnesium and Zinc OTC • B-12 100mg • Folic Acid 400mg <p>Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries:</p> <ul style="list-style-type: none"> • Caltrate 600 + D (2 times daily) – Blank 08/18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 & 31 (AM & PM) 		
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	<p>September 2009</p> <p>Medication Administration Records did not contain the frequency of medication to be given:</p> <ul style="list-style-type: none"> • Omega 3 Fish Oil 100mg • Calcium Magnesium and Zinc OTC • B-12 100mg • Folic Acid 400mg <p>Medication Administration Records did not contain the diagnosis for which the medication is prescribed:</p> <ul style="list-style-type: none"> • Omega 3 Fish Oil 100mg • Calcium Magnesium and Zinc OTC • B-12 100mg • Folic Acid 400mg • Caltrate 600 + D (2 times daily) <p>Medication Administration Records did not contain the route of administration for the following medications:</p> <ul style="list-style-type: none"> • Omega 3 Fish Oil 100mg • Calcium Magnesium and Zinc OTC • B-12 100mg • Folic Acid 400mg <p>Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries:</p> <ul style="list-style-type: none"> • Folic Acid 400mg – Blank 09/01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 & 30 (8AM) 		
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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> <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>Based on record review, the Agency failed to maintain PRN Medication Administration Records which contained all elements required by standard for 6 of 14 Individuals.</p> <p>Individual #1 July 2009</p> <p>Medication Administration Records did not contain the exact amount to be used in a 24 hour period:</p> <ul style="list-style-type: none"> Tizamidine HCL 4mg (PRN) <p>No Signs/Symptoms were noted on the Medication Administration Record for the following PRN medication:</p> <ul style="list-style-type: none"> Tizamidine HCL 4mg – PRN – 07/01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 & 31 (given 1 time daily) Mralax Powder 17 GM – PRN – 07/01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 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"> Tizamidine HCL 4mg – PRN – 07/01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 & 31 (given 1 time daily) Mralax Powder 17 GM – PRN – 07/01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 & 31 (given 1 time daily) <p>August 2009</p> <p>No Signs/Symptoms were noted on the</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>Medication Administration Record for the following PRN medication:</p> <ul style="list-style-type: none"> • Mralax Powder 17 GM – PRN – 08/01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 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"> • Mralax Powder 17 GM – PRN – 08/01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 & 31 (given 1 time daily) <p>September 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"> • Simethicone 125mg – PRN – 09/01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 & 30 (given 3 times daily) <p>No Effectiveness was noted on the Medication Administration Record for the following PRN medication:</p> <ul style="list-style-type: none"> • Simethicone 125mg – PRN – 09/01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 & 30 (given 3 times daily) <p>Individual #5 August 2009</p> <p>Medication Administration Record document did not contain a signature page that designates the full name that corresponds to each initial used to document administered or assisted delivery of each dose for the following medications:</p> <ul style="list-style-type: none"> • Ibuprofen 200mg (PRN) <p>Individual #11</p>		
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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>	<p>July 2009</p> <p>Medication Administration Records did not contain the dosage for the following medications:</p> <ul style="list-style-type: none"> • Imodium (PRN) • Mylagen (PRN) • Milk of Magnesia (PRN) • Guiatuss (PRN) • Pepto-Bismul (PRN) <p>Medication Administration Records did not contain the exact amount to be used in a 24 hour period:</p> <ul style="list-style-type: none"> • Acetaminophen 325mg (PRN) • Imodium (PRN) • Mylagen (PRN) • Milk of Magnesia (PRN) • Guiatuss (PRN) • Pepto-Bismul (PRN) <p>Medication Administration Records did not contain the route of administration for the following medications:</p> <ul style="list-style-type: none"> • Acetaminophen 325mg (PRN) • Imodium (PRN) • Mylagen (PRN) • Milk of Magnesia (PRN) • Guiatuss (PRN) 		
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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.

- Pepto-Bismul (PRN)

August 2009

Medication Administration Records did not contain the dosage for the following medications:

- Imodium (PRN)
- Mylagen (PRN)
- Milk of Magnesia (PRN)
- Guiatuss (PRN)
- Pepto-Bismul (PRN)

Medication Administration Records did not contain the exact amount to be used in a 24 hour period:

- Acetaminophen 325mg (PRN)
- Imodium (PRN)
- Mylagen (PRN)
- Milk of Magnesia (PRN)
- Guiatuss (PRN)
- Pepto-Bismul (PRN)

Medication Administration Records did not contain the route of administration for the following medications:

- Acetaminophen 325mg (PRN)
- Imodium (PRN)
- Mylagen (PRN)
- Milk of Magnesia (PRN)

<p>(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).</p> <p>a. Document conversation with nurse including all reported signs and symptoms, advice given and action taken by staff.</p> <p>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.).</p>	<ul style="list-style-type: none"> •Guiatuss (PRN) •Pepto-Bismul (PRN) <p>September 2009 Medication Administration Records did not contain the dosage for the following medications:</p> <ul style="list-style-type: none"> •Imodium (PRN) •Mylagen (PRN) •Milk of Magnesia (PRN) •Guiatuss (PRN) •Pepto-Bismul (PRN) <p>Medication Administration Records did not contain the exact amount to be used in a 24 hour period:</p> <ul style="list-style-type: none"> •Acetaminophen 325mg (PRN) •Imodium (PRN) •Mylagen (PRN) •Milk of Magnesia (PRN) •Guiatuss (PRN) •Pepto-Bismul (PRN) <p>Medication Administration Records did not contain the route of administration for the following medications:</p> <ul style="list-style-type: none"> •Acetaminophen 325mg (PRN) •Imodium (PRN) •Mylagen (PRN) 		
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	<ul style="list-style-type: none"> •Milk of Magnesia (PRN) •Guiatuss (PRN) •Pepto-Bismul (PRN) <p>Individual #14 July 2009 No Signs/Symptoms were noted on the Medication Administration Record for the following PRN medication:</p> <ul style="list-style-type: none"> •ProAir HFA – PRN – 07/22 (given 1 time daily) •Hydrocodone 500mg – PRN – 07/20 (given 1 time daily) •Phenergan 25mg – PRN – 07/06 (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"> •ProAir HFA – PRN – 07/22 (given 1 time daily) •Hydrocodone 500mg – PRN – 07/20 (given 1 time daily) •Phenergan 25mg – PRN – 07/06 (given 1 time daily) <p>August 2009 No Signs/Symptoms were noted on the Medication Administration Record for the following PRN medication:</p> <ul style="list-style-type: none"> •Promethazine 25mg – PRN – 08/25 & 26 (given 1 time daily) •Trazodone 100mg– PRN – 08/27 (given 1 time daily) •Acetaminophen 325mg/500mg – PRN – 08/24 (given 1 time daily) 		
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	<p>No Effectiveness was noted on the Medication Administration Record for the following PRN medication:</p> <ul style="list-style-type: none"> • Promethazine 25mg – PRN – 08/25 & 26 (given 1 time daily) • Trazodone 100mg– PRN – 08/27 (given 1 time daily) <p>September 2009 No Effectiveness was noted on the Medication Administration Record for the following PRN medication:</p> <ul style="list-style-type: none"> • Acetaminophen 325mg/500mg – PRN – 09/19, 23 & 30 (given 1 time daily) <p>Individual #15 July 2009 No Signs/Symptoms were noted on the Medication Administration Record for the following PRN medication:</p> <ul style="list-style-type: none"> • Ibuprofen 200mg – PRN – 07/31 (given 2 times daily) <p>No Effectiveness was noted on the Medication Administration Record for the following PRN medication:</p> <ul style="list-style-type: none"> • Ibuprofen 200mg – PRN – 07/31 (given 2 times daily) <p>Individual #16 July 2009 No Signs/Symptoms were noted on the Medication Administration Record for the following PRN medication:</p> <ul style="list-style-type: none"> • Clarinex 5mg – PRN – 07/09 (given 1 time daily) • Diazepam 5mg – PRN – 07/09 (given 1 time daily) 		
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	<p>No Effectiveness was noted on the Medication Administration Record for the following PRN medication:</p> <ul style="list-style-type: none"> • Clarinex 5mg – PRN – 07/09 (given 1 time daily) • Diazepam 5mg – PRN – 07/09 (given 1 time daily) <p>August 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"> • Vicodin 5/500mg – PRN – 08/28 (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"> • Vicodin 5/500mg – PRN – 08/28 (given 1 time daily) <p>September 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"> • Ibuprofen 800mg – PRN – 09/28 (given 1 time daily) • Diazepam 5mg – PRN – 09/09 (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"> • Ibuprofen 800mg – PRN – 09/28 (given 1 time daily) • Diazepam 5mg – PRN – 09/09 (given 1 time daily) 		
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Tag # 1A11 (CoP) Transportation Training	Scope and Severity Rating: D		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 1 II. PROVIDER AGENCY REQUIREMENTS: The objective of these standards is to establish Provider Agency policy, procedure and reporting requirements for DD Medicaid Waiver program. These requirements apply to all such Provider Agency staff, whether directly employed or subcontracting with the Provider Agency. Additional Provider Agency requirements and personnel qualifications may be applicable for specific service standards.</p> <p>G. Transportation: Provider agencies that provide Community Living, Community Inclusion or Non-Medical Transportation services shall have a written policy and procedures regarding the safe transportation of individuals in the community...</p> <p>Department of Health (DOH) Developmental Disabilities Supports Division (DDSD) Policy Training Requirements for Direct Service Agency Staff Policy Eff Date: March 1, 2007</p> <p>II. POLICY STATEMENTS:</p> <p>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:</p> <ol style="list-style-type: none"> 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) 	<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 4 of 86 Direct Service Personnel.</p> <p>No documented evidence was found of the following required training:</p> <ul style="list-style-type: none"> • Transportation (DSP #44, 54 & 113) <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 #46 stated, "I've received no type of training through the agency." 		

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| <p>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)</p> | | | |
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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 14 of 16 individuals.</p> <p>Individual #1 July 2009</p> <ul style="list-style-type: none"> • The Agency billed 31 units of Family Living Services from 07/01/2009 through 07/31/2009. Documentation did not contain start and end time to justify billing. <p>August 2009</p> <ul style="list-style-type: none"> • The Agency billed 31 units of Family Living Services from 08/01/2009 through 08/31/2009. Documentation did not contain start and end time to justify billing. <p>September 2009</p> <ul style="list-style-type: none"> • The Agency billed 30 units of Family Living Services from 09/01/2009 through 09/30/2009. Documentation did not contain start and end time to justify billing. • Documentation provided accounted for 15 units of Family Living Services from 09/16/2009 through 09/30/2009. Billing units were unable to be verified, Individual was not included on remittance forms provided. • Documentation provided accounted for 20 units of Adult Habilitation from 09/01/2009 through 09/30/2009. Billing units were unable to be verified, Individual was not included on remittance forms provided. <p>Individual #2 July 2009</p> <ul style="list-style-type: none"> • The Agency billed 31 units of Family Living Services from 07/01/2009 through 07/31/2009. Documentation did not contain start and end 	

	<p>time to justify billing.</p> <ul style="list-style-type: none"> • The Agency billed 472 units of Adult Habilitation from 07/01/2009 through 07/31/2009. Documentation did not contain start and end time to justify billing. • The Agency billed 16 units of Family Living Services from 07/16/2009 through 07/31/2009. Documentation on 07/23/2009 did not contain a signature/authenticated name of the staff providing the service to justify billing. <p>August 2009</p> <ul style="list-style-type: none"> • The Agency billed 31 units of Family Living Services from 08/01/2009 through 08/31/2009. Documentation did not contain start and end time to justify billing. • The Agency billed 472 units of Adult Habilitation from 08/01/2009 through 08/31/2009. Documentation did not contain start and end time to justify billing. <p>September 2009</p> <ul style="list-style-type: none"> • The Agency billed an unknown amount of units of Adult Habilitation from 09/01/2009 through 09/31/2009. Billing units were unable to be verified, Individual was not included on remittance forms provided. Documentation did not contain start and end time to justify billing. • Documentation provided accounted for 15 units of Family Living Services from 09/16/2009 through 09/30/2009. Billing units were unable to be verified, Individual was not included on remittance forms provided. <p>Individual #3 September 2009</p> <ul style="list-style-type: none"> • Documentation provided accounted for 15 units of Family Living Services from 09/16/2009 		
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	<p>through 09/30/2009. Billing units were unable to be verified, Individual was not included on remittance forms provided.</p> <p>Individual #4 September 2009</p> <ul style="list-style-type: none"> • Documentation provided accounted for 15 units of Family Living Services from 09/16/2009 through 09/30/2009. Billing units were unable to be verified, Individual was not included on remittance forms provided. <p>Individual #5 July 2009</p> <ul style="list-style-type: none"> • The Agency billed 31 units of Family Living Services from 07/01/2009 through 07/31/2009. Documentation did not contain start and end time to justify billing. <p>August 2009</p> <ul style="list-style-type: none"> • The Agency billed 31 units of Family Living Services from 08/01/2009 through 08/31/2009. Documentation did not contain start and end time to justify billing. <p>September 2009</p> <ul style="list-style-type: none"> • The Agency billed 30 units of Family Living Services from 09/01/2009 through 09/30/2009. Documentation did not contain start and end time to justify billing. <p>Individual #6 July 2009</p> <ul style="list-style-type: none"> • The Agency billed 31 units of Family Living Services from 07/01/2009 through 07/31/2009. Documentation did not contain start and end time to justify billing. • The Agency billed 15 units of Family Living Service from 07/01/2009 through 07/15/2009. Documentation on 7/1, 4, 5, 9, 12 & 15, 2009 did not contain a signature/authenticated name 		
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	<p>of the staff providing the service to justify billing.</p> <ul style="list-style-type: none"> • The Agency billed 16 units of Family Living Service from 07/16/2009 through 07/31/2009. Documentation on 07/17, 18, 19, 24, 25, 26 & 31, 2009 did not contain a signature/authenticated name of the staff providing the service to justify billing. • The Agency billed a total of 15 units of Family Living Services from 07/01/2009 through 07/15/2009. Documentation on 07/02, 03, 06, 07, 08, 10, 13 & 14, 2009 did not contain a description of what occurred during the encounter or service interval to justify billing. • The Agency billed a total of 16 units of Family Living Services from 07/16/2009 through 07/31/2009. Documentation on 07/16/, 20, 21, 22, 23, 27, 28, 29 & 30, 2009 did not contain a description of what occurred during the encounter or service interval to justify billing. • The Agency billed 27.25 units of Adult Habilitation from 07/08/2009 through 07/14/2009. Documentation on 07/13 & 14, 2009 did not contain start and end time to justify billing. • The Agency billed 15.25 units of Adult Habilitation from 07/29/2009 through 08/04/2009. Documentation on 07/29/2009 did not contain start and end time to justify billing. <p>August 2009</p> <ul style="list-style-type: none"> • The Agency billed 31 units of Family Living Services from 08/01/2009 through 08/31/2009. Documentation did not contain start and end time to justify billing. • The Agency billed 15 units of Family Living Service from 08/01/2009 through 08/16/2009. 		
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	<p>Documentation on 08/01, 02, 04, 05, 06, 07, 09, 14 & 15, 2009 did not contain a signature/authenticated name of the staff providing the service to justify billing.</p> <ul style="list-style-type: none"> • The Agency billed 16 units of Family Living Service from 08/16/2009 through 08/31/2009. Documentation on 08/16, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 & 31, 2009 did not contain a signature/authenticated name of the staff providing the service to justify billing. • The Agency billed a total of 15 units of Family Living Services from 08/01/2009 through 08/15/2009. Documentation on 08/03, 10, 11, 12 & 13, 2009 did not contain a description of what occurred during the encounter or service interval to justify billing. • The Agency billed a total of 16 units of Family Living Services from 08/16/2009 through 08/31/2009. Documentation on 08/17 & 18, 2009 did not contain a description of what occurred during the encounter or service interval to justify billing. • The Agency billed 25.75 units of Adult Habilitation from 08/12/2009 through 08/18/2009. Documentation on 08/18/2009 did not contain start and end time to justify billing. <p>September 2009</p> <ul style="list-style-type: none"> • The Agency billed 30 units of Family Living Services from 09/01/2009 through 09/30/2009. Documentation did not contain start and end time to justify billing. • The Agency billed 15 units of Family Living Service from 09/01/2009 through 09/30/2009. Documentation on 09/01, 02, 03, 04, 05, 06, 07, 10 & 13, 2009 did not contain a signature/authenticated name of the staff 		
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	<p>providing the service to justify billing.</p> <ul style="list-style-type: none"> • The Agency billed a total of 15 units of Family Living Services from 09/01/2009 through 09/15/2009. Documentation on 09/08, 09, 11, 14 & 15, 2009 did not contain a description of what occurred during the encounter or service interval to justify billing. • Documentation provided accounted for 8 units of Family Living Services from 09/16/2009 through 09/30/2009. Billing units were unable to be verified, Individual was not included on remittance forms provided. • The Agency billed 112 units of Adult Habilitation from 09/09/2009 through 09/15/2009. Documentation on 09/11/2009 did not contain start and end time to justify billing. • The Agency billed 95 units of Adult Habilitation from 09/23/2009 through 09/29/2009. Documentation on 09/23, 24 & 28, 2009 did not contain start and end time to justify billing. <p>Individual #7 July 2009</p> <ul style="list-style-type: none"> • The Agency billed 31 units of Family Living Services from 07/01/2009 through 07/31/2009. Documentation did not contain start and end time to justify billing. • The Agency billed a total of 15 units of Family Living Services from 07/01/2009 through 07/15/2009. Documentation on 07/13/2009 did not contain a description of what occurred during the encounter or service interval to justify billing. • The Agency billed 360 units of Adult Habilitation from 07/01/2009 through 07/31/2009. Documentation on 07/10/2009 through 		
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	<p>07/17/2009 & 07/20/2009 through 07/31/2009 did not contain a signature/authenticated name of the staff providing the service to justify billing for each unit billed. Documentation only contained one signature for each set of progress notes.</p> <ul style="list-style-type: none"> • The Agency billed 360 units of Adult Habilitation from 07/01/2009 through 07/31/2009. Documentation on 07/10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30 & 31, 2009 did not contain start and end time to justify billing. <p>August 2009</p> <ul style="list-style-type: none"> • The Agency billed 31 units of Family Living Services from 08/01/2009 through 08/31/2009. Documentation did not contain start and end time to justify billing. • The Agency billed 432 units of Adult Habilitation from 08/01/2009 through 08/31/2009. Documentation on 08/03/2009 through 08/14/2009 & 08/17/2009 through 08/28/2009 did not contain a signature/authenticated name of the staff providing the service to justify billing for each unit billed. Documentation only contained one signature for each set of progress notes. <p>September 2009</p> <ul style="list-style-type: none"> • The Agency billed 15 units of Family Living Services from 09/01/2009 through 09/15/2009. Documentation did not contain start and end time to justify billing. <p>Individual #8 July 2009</p> <ul style="list-style-type: none"> • The Agency billed 31 units of Family Living Services from 07/01/2009 through 07/31/2009. Documentation did not contain start and end time to justify billing. 		
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	<p>August 2009</p> <ul style="list-style-type: none"> • The Agency billed 31 units of Family Living Services from 08/01/2009 through 08/31/2009. Documentation did not contain start and end time to justify billing. <p>September 2009</p> <ul style="list-style-type: none"> • The Agency billed 30 units of Family Living Services from 09/01/2009 through 09/30/2009. Documentation did not contain start and end time to justify billing. <p>Individual #9</p> <p>July 2009</p> <ul style="list-style-type: none"> • The Agency billed 31 units of Family Living Services from 07/01/2009 through 07/31/2009. Documentation did not contain start and end time to justify billing. • The Agency billed 160 units of Community Access from 07/05/2009 through 07/31/2009. Documentation did not contain a signature/authenticated name of the staff providing the service to justify billing for each unit billed. Documentation only contained one signature for each set of progress notes. <p>August 2009</p> <ul style="list-style-type: none"> • The Agency billed 31 units of Family Living Services from 08/01/2009 through 08/31/2009. Documentation did not contain start and end time to justify billing. • The Agency billed 313 units of Community Access from 08/01/2009 through 08/31/2009. Documentation did not contain a signature/authenticated name of the staff providing the service to justify billing for each unit billed. Documentation only contained one signature for each set of progress notes. 		
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	<p>September 2009</p> <ul style="list-style-type: none"> • The Agency billed 30 units of Family Living Services from 09/01/2009 through 09/30/2009. Documentation did not contain start and end time to justify billing. • The Agency billed 178 units of Community Access from 09/01/2009 through 09/30/2009. Documentation did not contain a signature/authenticated name of the staff providing the service to justify billing for each unit billed. Documentation only contained one signature for each set of progress notes. <p>Individual #10 August 2009</p> <ul style="list-style-type: none"> • The Agency billed 15 units of Family Living Services from 08/01/2009 through 08/15/2009. Documentation on 08/07 & 08, 16 & 31, 2009 did not contain a signature/authenticated name of the staff providing the service to justify billing. • The Agency billed 16 units of Family Living Services from 08/16/2009 through 08/31/2009. Documentation on 08/16 & 31, 2009 did not contain a signature/authenticated name of the staff providing the service to justify billing. <p>September 2009</p> <ul style="list-style-type: none"> • The Agency billed 15 units of Family Living Services from 09/01/2009 through 09/15/2009. Documentation on 09/15/2009 did not contain a signature/authenticated name of the staff providing the service to justify billing. <p>Individual #11 September 2009</p> <ul style="list-style-type: none"> • The Agency billed a total of 15 units of Family Living Services from 09/01/2009 through 09/15/2009. Documentation on 09/08, 09, 10, 11 & 14, 2009 did not contain a description of what occurred during the encounter or service 		
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	<p>interval to justify billing.</p> <ul style="list-style-type: none"> The Agency billed a total of 15 units of Family Living Services from 09/16/2009 through 09/30/2009. Documentation on 09/16, 17 & 22, 2009 did not contain a description of what occurred during the encounter or service interval to justify billing. <p>Individual #14 July 2009</p> <ul style="list-style-type: none"> The Agency billed 7 units of Family Living Services from 07/22/2009 through 07/28/2009. Documentation on 07/28/2009 did not contain a signature/authenticated name of the staff providing the service to justify billing. <p>Individual #15 August 2009</p> <ul style="list-style-type: none"> The Agency billed 72 units of Adult Habilitation from 08/12/2009 through 08/18/2009. Documentation on 08/18/2009 did not contain start and end time to justify billing. <p>September 2009</p> <ul style="list-style-type: none"> The Agency billed 54 units of Adult Habilitation from 09/23/2009 through 09/29/2009. Documentation on 09/24/2009 did not contain start and end time to justify billing. <p>Individual #16 September 2009</p> <ul style="list-style-type: none"> The Agency billed 7 units of Supported Living Services from 09/16/2009 through 09/22/2009. Documentation on 09/19/2009 did not contain a signature/authenticated name of the staff providing the service to justify billing. 		
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Tag # 1A15 Nurse Availability	Scope and Severity Rating: D		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>Chapter 1. III. E. (1 - 4) CHAPTER 1. III. PROVIDER AGENCY DOCUMENTATION OF SERVICE DELIVERY AND LOCATION</p> <p>E. Healthcare Documentation by Nurses For Community Living Services, Community Inclusion Services and Private Duty Nursing Services: Nursing services must be available as needed and documented for Provider Agencies delivering Community Living Services, Community Inclusion Services and Private Duty Nursing Services.</p> <p>NEW MEXICO NURSING PRACTICE ACT CHAPTER 61, ARTICLE 3</p> <p>I. "licensed practical nursing" means the practice of a directed scope of nursing requiring basic knowledge of the biological, physical, social and behavioral sciences and nursing procedures, which practice is at the direction of a registered nurse, physician or dentist licensed to practice in this state. This practice includes but is not limited to:</p> <ol style="list-style-type: none"> (1) contributing to the assessment of the health status of individuals, families and communities; (2) participating in the development and modification of the plan of care; (3) implementing appropriate aspects of the plan of care commensurate with education and verified competence; (4) collaborating with other health care professionals in the management of health care; and (5) participating in the evaluation of responses to interventions; 	<p>Based on interview, the Agency failed to ensure nursing services were available as needed for 1 of 16 individuals.</p> <p>When DSP were asked about the availability of their agency nurse, the following was reported:</p> <ul style="list-style-type: none"> • DSP #45 stated, "I have never received any paperwork with numbers." (Individual #4) 		

Tag # 1A15 Healthcare Documentation	Scope and Severity Rating: E		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 1. III. PROVIDER AGENCY DOCUMENTATION OF SERVICE DELIVERY AND LOCATION - Healthcare Documentation by Nurses For Community Living Services, Community Inclusion Services and Private Duty Nursing Services: Nursing services must be available as needed and documented for Provider Agencies delivering Community Living Services, Community Inclusion Services and Private Duty Nursing Services.</p> <p>Chapter 1. III. E. (1 - 4) (1) Documentation of nursing assessment activities</p> <p>(a) The following hierarchy shall be used to determine which provider agency is responsible for completion of the HAT and MAAT and related subsequent planning and training:</p> <ul style="list-style-type: none"> (i) Community living services provider agency; (ii) Private duty nursing provider agency; (iii) Adult habilitation provider agency; (iv) Community access provider agency; and (v) Supported employment provider agency. <p>(b) The provider agency must arrange for their nurse to complete the Health Assessment Tool (HAT) and the Medication Administration Assessment Tool (MAAT) on at least an annual basis for each individual receiving community living, community inclusion or private duty nursing services, unless the provider agency arranges for the individual's Primary Care Practitioner (PCP) to voluntarily complete these assessments in lieu of the agency nurse. Agency nurses may also complete these assessments in collaboration with the Primary Care Practitioner if they believe such consultation is necessary for an accurate assessment. Family Living Provider Agencies have the option of having the subcontracted caregiver complete the HAT instead of the nurse or PCP, if the caregiver is comfortable doing so. However, the agency nurse must be available to assist the</p>	<p>Based on record review, the Agency failed to maintain the required documentation in the Individuals Agency Record as required per standard for 5 of 16 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"> • Meal Time Plan <ul style="list-style-type: none"> ◦ Individual #7 - As indicated by the IST section of ISP the individual is required to have a plan. • Nutritional Plan <ul style="list-style-type: none"> ◦ Individual #2 - As indicated by the IST section of ISP the individual is required to have a plan. ◦ Individual #3 - As indicated by the IST section of ISP the individual is required to have a plan. ◦ Individual #13 – According to the ISP, the individual is required to have a plan. • Crisis Plans <ul style="list-style-type: none"> • Gastrointestinal <ul style="list-style-type: none"> ◦ Individual #2 - As indicated by the IST section of ISP the individual is required to have a plan. • Gout <ul style="list-style-type: none"> ◦ Individual #4 - According to the ISP, the individual is required to have a plan. • Aspiration <ul style="list-style-type: none"> ◦ Individual #4 - According to the ISP, the individual is required to have a plan. 		

<p>caregiver upon request.</p> <p>(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.</p> <p>(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).</p> <p>(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 <i>subjective</i> information including the individual complaints, signs and symptoms noted by staff, family members or other team members; <i>objective</i> information including vital signs, physical examination, weight, and other pertinent data for the given situation (e.g., seizure frequency, method in which temperature taken); <i>assessment</i> of the clinical status, and <i>plan</i> of action addressing relevant aspects of all active health problems and follow up on any recommendations of medical consultants.</p> <p>(2) Health related plans</p> <p>(a) For individuals with chronic conditions that have the potential to exacerbate into a life-threatening situation, a medical crisis prevention and intervention plan must be written by the nurse or other appropriately designated healthcare professional.</p>			
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(b) Crisis prevention and intervention plans must be written in user-friendly language that is easily understood by those implementing the plan.

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

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

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

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

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

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

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<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 - II. POLICY STATEMENTS:</p> <p>A. Individuals shall receive services from competent and qualified staff. B. Staff shall complete individual-specific (formerly known as "Addendum B") training requirements in</p>	<p>Based on record review, the Agency failed to ensure that Orientation and Training requirements were met for 53 of 86 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 #42, 45, 57, 65, 72, 75, 76, 79, 92, 94, 95, 99, 101, 102, 104 & 106) • Basic Health/Orientation (DSP #42, 43, 45, 57, 62, 71, 72, 99, 100, 101, 102, 104 & 106) • Person-Centered Planning (1-Day) (DSP #41, 42, 45, 52, 62, 65, 68, 79, 80, 92, 97, 98, 100, 102 & 106) • First Aid (DSP #42, 45, 53, 57, 59, 62, 65, 67, 71, 74, 76, 79, 83, 92, 96, 100, 102, 104, 106, 109 & 124) • CPR (DSP #42, 44, 45, 53, 57, 59, 62, 65, 67, 71, 74, 76, 79, 83, 86, 89, 92, 96, 97, 98, 100, 102, 104, 106, 107 & 124) • Assisting With Medication Delivery (DSP #40, 42, 44, 45, 51, 54, 55, 65, 68, 71, 78, 79, 83, 89, 92, 100, 103, 106, 107, 108, 117, 120, 121, 124 & 125) • Rights & Advocacy (DSP #42, 52, 65, 69, 70, 73, 96 & 104) • Level 1 Health (DSP #42, 52, 65, 96, 97, 104 & 119) • Teaching & Support Strategies (DSP #42, 52, 65, 70, 96, 97, 104 & 109) 	

accordance with the specifications described in the individual service plan (ISP) of each individual served.

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

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

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

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

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

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

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

- Positive Behavior Supports Strategies (DSP #42, 52, 65, 70, 104, 109 & 125)
- Participatory Communication & Choice Making (DSP #42, 51, 52, 59, 69, 70, 96, 104 & 119)

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 DDS in the Policy 	<p>Based on interview, the Agency failed to ensure that training competencies were met for 6 of 22 Direct Service Personnel.</p> <p>When DSP were asked if they received training on the Individual's ISP and what the plan covered, the following was reported:</p> <ul style="list-style-type: none"> • DSP #42 stated, "Not formally." (Individual #2) • DSP #45 stated, "I've never seen an ISP." (Individual #4) <p>When DSP were asked if they received training on the Individual's Positive Behavioral Supports Plan and what the plan covered, the following was reported:</p> <ul style="list-style-type: none"> • DSP #56 stated, "I'm not sure." According to the ISP, the Individual requires a Positive Behavioral Supports Plan. (Individual #13) • DSP #57 stated, "No." According to the Individual Specific Training Section of the ISP, the individual has a Positive Behavioral Supports Plan. (Individual #14) <p>When DSP were asked if they received training on the Individual's Occupational Therapy Plan and what the plan covered, the following was reported:</p> <ul style="list-style-type: none"> • DSP #56 stated, "I'm not sure." According to the ISP, the Individual requires an Occupational Therapy Plan. (Individual #13) <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 #42 stated, "I'm sure she does but I haven't 	

<p>Governing the Training Requirements for Direct Support Staff and Internal Service Coordinators, Serving Individuals with Developmental Disabilities; and</p> <p>(5) Direct service Provider Agencies of Respite Services, Substitute Care, Personal Support Services, Nutritional Counseling, Therapists and Nursing shall demonstrate basic knowledge of developmental disabilities and have training or demonstrable qualifications related to the role he or she is performing and complete individual specific training as required in the ISP for each individual he or she support.</p> <p>(6) Report required personnel training status to the DDSD Statewide Training Database as specified in DDSD policies as related to training requirements as follows:</p> <p>(a) Initial comprehensive personnel status report (name, date of hire, Social Security number category) on all required personnel to be submitted to DDSD Statewide Training Database within the first ninety (90) calendar days of providing services;</p> <p>(b) Staff who do not wish to use his or her Social Security Number may request an alternative tracking number; and</p> <p>(c) Quarterly personnel update reports sent to DDSD Statewide Training Database to reflect new hires, terminations, inter-provider Agency position changes, and name changes.</p>	<p>reviewed them.” As indicated by documents reviewed, the Individual has Health Care Plans for nutrition/weight, skin integrity and Hypothyroidism.</p> <ul style="list-style-type: none"> • DSP #45 stated, “He has a Health Care Plan for his C-PAP Machine.” As indicated by documents reviewed, the individual also has Health Care Plans for Gout, Aspiration and hernia/reflux. • DSP #56 stated, “Not that I’m aware of.” As indicated by documents reviewed, the individual has Health Care Plans for Aspiration, Behaviors & Hygiene. (Individual #13) • DSP #57 stated, “She has a Health Care Plan to Stop Smoking.” As indicated by documents reviewed, the individual has Health Care Plans for Gall Bladder Issues, Bowel Dysfunction, Self Abuse, UTI and Asthma. (Individual #14) <p>When DSP were asked the individual had any Crisis Plans and what the plan covered, the following was reported:</p> <ul style="list-style-type: none"> • DSP #48 stated, “Yes, for seizures.” As indicated by the Individual Specific Training Section of the ISP, the Individual also has a Crisis Plan for GERD. (Individual #6) • DSP #56 stated, “I’m not aware of any Crisis Plans.” As indicated by the Individual Specific Training Section of the ISP, the Individual has a Crisis Plan for Seizures. (Individual #13) • DSP #57 stated, “I don’t know.” As indicated by documents reviewed the individual has a Crisis Plan for Asthma. (Individual #16) <p>When DSP were asked if they had received training regarding the individual’s Seizure Disorder, the following was reported:</p>		
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	<ul style="list-style-type: none"> • DSP #47 stated, “I took classes with paramedics and the doctor but I never received any training through the agency or the agency nurse.” According to the ISP, the individual has a diagnosis of Seizures. (Individual #6) <p>When DSP were asked to describe how new staff are trained on what to do if the individual has a seizure, the following was reported:</p> <ul style="list-style-type: none"> • DSP #47 stated, “I don’t know. There is no formal training through the agency.” According to the ISP, the individual has a diagnosis of Seizures. (Individual #6) <p>When DSP were asked what the individual’s Diagnosis were, the following was reported:</p> <ul style="list-style-type: none"> • DSP #45 stated, “Down’s Syndrome.” According documents reviewed he is also diagnosed with Moderate MR, DD, Sleep Apnea & Gout. Staff did not discuss the listed diagnosis) (Individual #4) <p>When DSP were asked if the individual has any specific dietary and /or nutritional requirements, the following was reported:</p> <ul style="list-style-type: none"> • DSP #42 stated, “No.” According to the Individual Specific Training Section of the ISP, the individual does have a Nutritional Plan. (Individual #2) <p>When DSP were asked if the individual has any food and/or medication allergies, the following was reported:</p> <ul style="list-style-type: none"> • DSP #45 stated, “No, I don’t know, but nobody tells me much.” According to documents reviewed, the individual has an allergy to the medication Erythromycin. (Individual #4) 		
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When DSP were asked to describe what to do if the individual does aspirate, the following was reported:

- DSP #45 stated, "I would try to do the Heimlich maneuver." (Individual #4)

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</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 15 of 91 Agency Personnel.</p> <p>The following Agency Personnel Files contained no evidence of Caregiver Criminal History Screenings:</p> <ul style="list-style-type: none"> • #40 – Date of hire 04/01/2006 • #58 – Date of hire 06/16/2009 • #73 – Date of hire 09/26/2008 • #117 – Date of hire 04/01/2006 • #122 – Date of hire 09/01/2006 • #124 – Date of hire 05/01/2008 • #125 – Date of hire 09/01/2004 • #128 – Date of hire 12/13/2008 • #130 – Date of hire 09/15/2009 <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"> • #43 – Date of hire 12/01/2008 • #84 – Date of hire 11/16/2005 • #123 – Date of hire 04/01/2006 <p>The following Agency Personnel Files contained Caregiver Criminal History Screenings that were completed after the twenty calendar days from the first day of employment or effective date of contractual relationship with the care provider.</p> <ul style="list-style-type: none"> • #71 – Date of hire 07/15/2009 (Fingerprints sent 11/10/2009) • #75 – Date of hire 09/30/2009 (Fingerprints sent 11/03/2009) • #106 – Date of hire 06/26/2009 (Fingerprints 	

<p>any of the felonies in this subsection.</p> <p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>Chapter 1.IV. General Provider Requirements.</p> <p>D. Criminal History Screening: All personnel shall be screened by the Provider Agency in regard to the employee's qualifications, references, and employment history, prior to employment. All Provider Agencies shall comply with the Criminal Records Screening for Caregivers 7.1.12 NMAC and Employee Abuse Registry 7.1.12 NMAC as required by the Department of Health, Division of Health Improvement.</p>	<p>sent 11/10/2009)</p>		
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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 38 of 91 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"> • #40 – Date of hire 04/01/2006 • #41 – Date of hire 04/01/2006 • #42 – Date of hire 02/01/2007 • #43 – Date of hire 12/01/2008 • #46 – Date of hire 04/01/2006 • #47 – Date of hire 04/01/2006 • #54 – Date of hire 04/01/2006 • #105 – Date of hire 04/01/2006 • #117 – Date of hire 04/01/2006 • #118 – Date of hire 04/01/2006 • #119 – Date of hire 06/07/2008 • #120 – Date of hire 04/01/2006 • #122 – Date of hire 09/01/2006 • #123 – Date of hire 04/01/2006 • #128 – Date of hire 12/13/2008 • #129 – Date of hire 11/17/2009 <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"> • #49 – Date of hire 09/01/2006 • #59 – Date of hire 09/23/2008 • #65 – Date of hire 01/11/2007 • #72 – Date of hire 10/05/2009 • #78 – Date of hire 08/20/2009 • #82 – Date of hire 03/02/2009 • #83 – Date of hire 06/05/2009 • #85 – Date of hire 11/16/2007 • #87 – Date of hire 06/17/2009 	

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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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.

- #88 – Date of hire 12/09/2008
- #93 – Date of hire 10/22/2009
- #95 – Date of hire 09/09/2009
- #96 – Date of hire 04/02/2008
- #97 – Date of hire 08/17/2008
- #98 – Date of hire 04/01/2008
- #102 – Date of hire 04/20/2009
- #104 – Date of hire 04/01/2006
- #108 – Date of hire 06/15/2008
- #110 – Date of hire 09/01/2006
- #112 – Date of hire 06/15/2007
- #124 – Date of hire 05/01/2008
- #130 – Date of hire 09/15/2009

Tag # 1A27 (CoP) Late & Failure to Report	Scope and Severity Rating: D		
<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 2 of 18 individuals.</p> <p>Individual #17</p> <ul style="list-style-type: none"> • Incident date 04/17/2009. Allegation was Abuse and Neglect. Incident report was received 04/22/2009. Failure to Report. IMB Late & Failure Report indicated incident was "Confirmed." <p>Individual #18</p> <ul style="list-style-type: none"> • Incident date 07/27/2009. Allegation was Neglect. Incident report was received 07/30/2009. Late Reporting. IMB Late & Failure Report indicated incident was "Confirmed Neglect." 		

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>C. Staff shall complete training on DOH-approved incident reporting procedures in accordance with 7 NMAC 1.13.</p>	<p>Based on record review and interview, the Agency failed to provide documentation verifying completion of Incident Management Training for 24 of 91 Agency Personnel.</p> <ul style="list-style-type: none"> • Incident Management Training (Abuse, Neglect & Misappropriation of Consumers' Property) (#42, 44, 48, 51, 56, 58, 60, 61, 65, 69, 89, 98, 108, 109, 110, 111, 113, 114, 118, 119, 123 & 124) <p>When DSP were asked what two State Agencies must be contacted when there is suspected Abuse, Neglect & Misappropriation of Consumers' Property, the following was reported:</p> <ul style="list-style-type: none"> • DSP #42 stated, "Human Services and New Pathways." • DSP #45 stated, "I would first go to New Pathways and then to CPS." • DSP #47 stated, "I would call the Department of Health." DSP #47 failed to mention that Adult Protective Services. • DSP #61 stated, "DOH & DDSD". DSP #61 failed to mention Adult Protective Services. 		

Tag # 1A28 (CoP) Incident Mgt. System - Parent/Guardian 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>E. Consumer and Guardian Orientation Packet: Consumers, family members and legal guardians shall be made aware of and have available immediate accessibility to the licensed health care facility and community based service provider incident reporting processes. The licensed health care facility and community based service provider shall provide consumers, family members or legal guardians an orientation packet to include incident management systems policies and procedural information concerning the reporting of abuse, neglect or misappropriation. The licensed health care facility and community based service provider shall include a signed statement indicating the date, time, and place they received their orientation packet to be contained in the consumer's file. The appropriate consumer, family member or legal guardian shall sign this at the time of orientation.</p>	<p>Based on record review, the Agency failed to provide documentation indicating consumer, family members, or legal guardians had received an orientation packet including incident management system policies and procedural information concerning the reporting of Abuse, Neglect and Misappropriation of Consumers' Property, for 4 of 16 individuals.</p> <ul style="list-style-type: none"> • Parent/Guardian Incident Management Training (Abuse, Neglect & Misappropriation of Consumers' Property) (#9, 10, 11 & 16) 		

Tag # 1A28 (CoP) Incident Mgt. System - Posters	Scope & Severity Rating: D		
<p>NMAC 7.1.13.10 INCIDENT MANAGEMENT SYSTEM REQUIREMENTS:</p> <p>A. General: All licensed health care facilities and community based service providers shall establish and maintain an incident management system, which emphasizes the principles of prevention and staff involvement. The licensed health care facility or community based service provider shall ensure that the incident management system policies and procedures requires all employees to be competently trained to respond to, report, and document incidents in a timely and accurate manner.</p> <p>F. Posting of Incident Management Information Poster: All licensed health care facilities and community based service providers shall post two (2) or more posters, to be furnished by the division, in a prominent public location which states all incident management reporting procedures, including contact numbers and Internet addresses. All licensed health care facilities and community based service providers operating sixty (60) or more beds shall post three (3) or more posters, to be furnished by the division, in a prominent public location which states all incident management reporting procedures, including contact numbers and Internet addresses. The posters shall be posted where employees report each day and from which the employees operate to carry out their activities. Each licensed health care facility or community based service provider shall take steps to insure that the notices are not altered, defaced, removed, or covered by other material. [7.1.13.10 NMAC - N, 02/28/06]</p>	<p>Based on observation, the Agency failed to post two (2) or more Incident Management Information posters in a prominent public location for the following locations for 1 of 15 residences:</p> <p>The following locations were identified:</p> <ul style="list-style-type: none"> • Not current. DHI Incident Reporting Posters found in the home were FY 2008. <ul style="list-style-type: none"> ◦ Residence of: #6 		

Tag # 1A31 (CoP) Client Rights/Human Rights	Scope and Severity Rating: F		
<p>7.26.3.11 RESTRICTIONS OR LIMITATION OF CLIENT'S RIGHTS:</p> <p>A. A service provider shall not restrict or limit a client's rights except:</p> <p>(1) where the restriction or limitation is allowed in an emergency and is necessary to prevent imminent risk of physical harm to the client or another person; or</p> <p>(2) where the interdisciplinary team has determined that the client's limited capacity to exercise the right threatens his or her physical safety; or</p> <p>(3) as provided for in Section 10.1.14 [now Subsection N of 7.26.3.10 NMAC].</p> <p>B. Any emergency intervention to prevent physical harm shall be reasonable to prevent harm, shall be the least restrictive intervention necessary to meet the emergency, shall be allowed no longer than necessary and shall be subject to interdisciplinary team (IDT) review. The IDT upon completion of its review may refer its findings to the office of quality assurance. The emergency intervention may be subject to review by the service provider's behavioral support committee or human rights committee in accordance with the behavioral support policies or other department regulation or policy.</p> <p>C. The service provider may adopt reasonable program policies of general applicability to clients served by that service provider that do not violate client rights. [09/12/94; 01/15/97; Recompiled 10/31/01]</p> <p>Long Term Services Division Policy Title: Human Rights Committee Requirements Eff Date: March 1, 2003 IV. POLICY STATEMENT - Human Rights Committees are required for residential service provider agencies. The purpose of these</p>	<p>Based on record review, the Agency failed to follow DDSD Policy regarding Human Rights Committee Requirements.</p> <p>Review of the Agency Policy & Procedure found the policy did not address Behavior Support Plans approved by the Human Rights Committee are to be reviewed at least quarterly.</p> <p>The Agency's policy & procedure stated, the following:</p> <p>"The Human Rights Committee will meet at least annually or more often as needed." The last documented date for revisions/review is 12/2001.</p> <p>When asked if the Agency had a Human Rights Committee or was part of a Regional HRC, the following was reported:</p> <p>#131 stated, "Depending on the region, we either have our own or are part of a Regional HRC. We only meet 2 or 3 times per year or as needed."</p>		

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

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

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

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

A. HUMAN RIGHTS COMMITTEE ROLE IN BEHAVIOR SUPPORTS

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

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

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

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

B. 1. e. If the PRN medication is to be used in

response to psychiatric and/or behavioral symptoms in addition to the above requirements, obtain current written consent from the individual, guardian or surrogate health decision maker and submit for review by the agency's Human Rights Committee (References: Psychotropic Medication Use Policy, Section D, page 5 Use of PRN Psychotropic Medications; and, Human Rights Committee Requirements Policy, Section B, page 4 Interventions Requiring Review and Approval – Use of PRN Medications).

Tag # 1A32 (CoP) ISP Implementation	Scope and Severity Rating: E	
<p>NMAC 7.26.5.16.C and D Development of the ISP. Implementation of the ISP. The ISP shall be implemented according to the timelines determined by the IDT and as specified in the ISP for each stated desired outcomes and action plan.</p> <p>C. The IDT shall review and discuss information and recommendations with the individual, with the goal of supporting the individual in attaining desired outcomes. The IDT develops an ISP based upon the individual's personal vision statement, strengths, needs, interests and preferences. The ISP is a dynamic document, revised periodically, as needed, and amended to reflect progress towards personal goals and achievements consistent with the individual's future vision. This regulation is consistent with standards established for individual plan development as set forth by the commission on the accreditation of rehabilitation facilities (CARF) and/or other program accreditation approved and adopted by the developmental disabilities division and the department of health. It is the policy of the developmental disabilities division (DDD), that to the extent permitted by funding, each individual receive supports and services that will assist and encourage independence and productivity in the community and attempt to prevent regression or loss of current capabilities. Services and supports include specialized and/or generic services, training, education and/or treatment as determined by the IDT and documented in the ISP.</p> <p>D. The intent is to provide choice and obtain opportunities for individuals to live, work and play with full participation in their communities. The following principles provide direction and purpose in planning for individuals with developmental disabilities. [05/03/94; 01/15/97; Recompiled 10/31/01]</p>	<p>Based on record review, the Agency failed to implement the ISP according to the timelines determined by the IDT and as specified in the ISP for each stated desired outcomes and action plan for 8 of 16 individuals.</p> <p>Per Individuals ISP the following was found with regards to the implementation of ISP Outcomes:</p> <p>Supported Living Data Collection/Data Tracking/Progress with regards to ISP Outcomes:</p> <p>Individual #16</p> <ul style="list-style-type: none"> • None found for 01/2009 – 10/2009 <p>Family Living Data Collection/Data Tracking/Progress with regards to ISP Outcomes:</p> <p>Individual #2</p> <ul style="list-style-type: none"> • None found for 10/2008 – 10/2009 <p>Individual #6</p> <ul style="list-style-type: none"> • None found for 11/2008 – 10/2009 <p>Individual #7</p> <ul style="list-style-type: none"> • None found for 10/2008 – 10/2009 <p>Adult Habilitation Data Collection/Data Tracking/Progress with regards to ISP Outcomes:</p> <p>Individual #1</p> <ul style="list-style-type: none"> • None found for 10/2008 – 10/2009 <p>Individual #2</p> <ul style="list-style-type: none"> • None found for 10/2008 – 10/2009 <p>Individual #4</p> <ul style="list-style-type: none"> • None found for 09/2009 – 10/2009 	

Individual #5

- None found for 10/2008 – 10/2009

Individual #14

- None found for 11/2008 – 01/2009 & 06/2009

Tag # 1A33 Board of Pharmacy - Med Storage	Scope and Severity Rating: A		
<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 1 of 15 individuals.</p> <p>Observation included:</p> <p>Individual #16</p> <ul style="list-style-type: none"> • Zinc Oxide Ointment used externally is not stored separately from medication taken internally. • Nasonex (taken nasally) not stored separately from medications which are taken orally. • Ultram ER expired 09/2009. Expired medication was not kept separate from other medications as required by Board of Pharmacy Procedures. • Doc-Q-Lace expired 09/2009. Expired medication was not kept separate from other medications as required by Board of Pharmacy Procedures. • Midol expired 08/2009. Expired medication was not kept separate from other medications as required by Board of Pharmacy Procedures. 		

Tag # 1A33 Board of Pharmacy - Lic	Scope and Severity Rating: A		
<p>New Mexico Board of Pharmacy Model Custodial Drug Procedures Manual</p> <p>6. Display of License and Inspection Reports</p> <p>A. The following are required to be publicly displayed:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Current Custodial Drug Permit from the NM Board of Pharmacy <input type="checkbox"/> Current registration from the consultant pharmacist <input type="checkbox"/> Current NM Board of Pharmacy Inspection Report 	<p>Based on observation, the Agency failed to provide the current Custodial Drug Permit from the New Mexico Board of Pharmacy, the current registration from the Consultant Pharmacist, or the current New Mexico Board of Pharmacy Inspection Report for 1 of 3 residences:</p> <p>Individual Residence:</p> <ul style="list-style-type: none"> • Current Custodial Drug Permit from the NM Board of Pharmacy (#9) • Current Registration of Consulting Pharmacist (#9) • Current NM Board of Pharmacy Inspection report (#9) 		

Tag # 1A36 SC Training	Scope and Severity Rating: B		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 1 IV. GENERAL REQUIREMENTS FOR PROVIDER AGENCY SERVICE</p> <p>PERSONNEL: The objective of this section is to establish personnel standards for DD Medicaid Waiver Provider Agencies for the following services: Community Living Supports, Community Inclusion Services, Respite, Substitute Care and Personal Support Companion Services. These standards apply to all personnel who provide services, whether directly employed or subcontracting with the Provider Agency. Additional personnel requirements and qualifications may be applicable for specific service standards.</p> <p>C. Orientation and Training Requirements: Orientation and training for direct support staff and his or her supervisors shall comply with the DDSD/DOH Policy Governing the Training Requirements for Direct Support Staff and Internal Service Coordinators Serving Individuals with Developmental Disabilities to include the following:</p> <p>(1) Each new employee shall receive appropriate orientation, including but not limited to, all policies relating to fire prevention, accident prevention, incident management and reporting, and emergency procedures; and</p>	<p>Based on record review, the Agency failed to ensure that Orientation and Training requirements were met for 2 of 5 Service Coordinators.</p> <p>Review of Service Coordinators training records found no evidence of the following required DOH/DDSD trainings being completed:</p> <ul style="list-style-type: none"> • Pre-Service Manual (SC #58 & 130) • Person Centered Planning (2-Day) (SC #58) • Promoting Effective Teamwork (SC #58) 		

Tag # 1A37 Individual Specific Training	Scope and Severity Rating: D	
<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>(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 - 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 8 of 91 Agency Personnel.</p> <p>Review of personnel records found no evidence of the following:</p> <ul style="list-style-type: none"> • Individual Specific Training (#42, 44, 45, 67, 108, 118, 119 & 124) 	

Tag #1A40 - Provider Requirement Accreditation	Scope and Severity Rating: C		
<p>NMAC 7.26.6.6 OBJECTIVE:</p> <p>A. These regulations are being promulgated to promote and assure the provision of quality services to persons with developmental disabilities residing in community agencies.</p> <p>B. These regulations are being promulgated as part of a quality assurance initiative requiring all community agencies providing services to persons with developmental disabilities and contracting with the developmental disabilities division to be accredited by the commission on accreditation of rehabilitation facilities (CARF).</p> <p>7.26.6.14 CARF STANDARDS MANUAL FOR ORGANIZATIONS SERVING PEOPLE WITH DEVELOPMENTAL DISABILITIES: Community agencies governed by these regulations are required to meet applicable provisions of the most current edition of the “CARF Standards Manual for Organizations Serving People with Disabilities”. Sections of the CARF standards may be waived by the Department when deemed not applicable to the services provided by the community agency.</p> <p>Long Term Services Division Policy - Accreditation of Long Term Services Division Funded Providers eff. August 30, 2004</p> <p>A. Mandate for Accreditation</p> <p>The Department of Health, Long Term Services Division (hereafter referred to as the Division) will contract only with agencies/organizations accredited in compliance with this policy.</p> <p>1. Within eighteen (18) months of an initial contract or change in exemption status as defined in this policy, the contractor must provide the Division with written verification of accreditation from the Commission on Accreditation of Rehabilitation Facilities</p>	<p>Based on observation and interview, the Agency failed to obtain the Commission on Accreditation of Rehabilitation Facilities (CARF) or the Council on Quality and Leadership in Supports for People with Disabilities (The Council) accreditation or the applicable waiver from the Developmental Disability Support Division.</p> <p>When asked if the Agency had evidence of current CARF accreditation or a waiver from DDS the following was reported:</p> <p>#131 stated, “I sent them a request for an exemption.”</p> <p>As indicated by a letter from the Agency dated June 10, 2009, a request was made to DDS for exemption. However, during the on-site survey the Agency was unable to provide evidence the exemption was granted. CARF accreditation expired April 2009.</p>		

(CARF) or the Council on Quality and Leadership in Supports for People with Disabilities (The Council).

2. Except as provided in this policy, the Division may terminate its contract with a contractor that fails to maintain an accreditation status of at least one year, regardless of any appeal process available from CARF or the Council.

Tag # 5I11 Reporting Requirements (Community Inclusion Quarterly Reports)	Scope and Severity Rating: B		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 5 IV. COMMUNITY INCLUSION SERVICES PROVIDER AGENCY REQUIREMENTS</p> <p>E. Provider Agency Reporting Requirements: All Community Inclusion Provider Agencies are required to submit written quarterly status reports to the individual's Case Manager no later than fourteen (14) calendar days following the end of each quarter. In addition to reporting required by specific Community Access, Supported Employment, and Adult Habilitation Standards, the quarterly reports shall contain the following written documentation:</p> <ol style="list-style-type: none"> (1) Identification and implementation of a meaningful day definition for each person served; (2) Documentation summarizing the following: <ol style="list-style-type: none"> (a) Daily choice-based options; and (b) Daily progress toward goals using age-appropriate strategies specified in each individual's action plan in the ISP. (3) Significant changes in the individual's routine or staffing; (4) Unusual or significant life events; (5) Quarterly updates on health status, including changes in medication, assistive technology needs and durable medical equipment needs; (6) Record of personally meaningful community inclusion; (7) Success of supports as measured by whether or not the person makes progress toward his or her desired outcomes as identified in the ISP; and (8) Any additional reporting required by DDSD. 	<p>Based on record review, the Agency failed to complete written quarterly status reports in compliance with standards for 4 of 10 individuals receiving Community Inclusion Services.</p> <p>Adult Habilitation Quarterly Reports</p> <ul style="list-style-type: none"> • Individual #4 - None found for 10/2008 – 10/2009. • Individual #5 – Quarterly Reports were presented for 01/2009 - 06/2009, nevertheless Quarterly Reports presented were exact copies, with the only visible difference being the date. Additionally, No Quarterly Reports were found for 07/2009 - 09/2009 • Individual #7 – None found for 10/2008 - 10/2009 • Individual #15 – None found for 05/2009 - 07/2009 		

Tag # 5I36 CA Reimbursement	Scope and Severity Rating: C		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 5 XI. COMMUNITY ACCESS SERVICES REQUIREMENTS</p> <p>G. Reimbursement</p> <p>(1) Billable Unit: A billable unit is defined as one-quarter hour of service.</p> <p>(2) Billable Activities: The Community Access Provider Agency can bill for those activities listed in the Community Access Scope of Service. Billable units are typically provided face-to-face but time spent in non face-to-face activity may be claimed under the following conditions:</p> <p>(a) Time that is non face-to-face is documented separately and clearly identified as to the nature of the activity, and is tied directly to the individual's ISP, Action Plan;</p> <p>(b) Time that is non face-to-face involves outreach and identification and training of community connections and natural supports; and</p> <p>(c) Non face-to-face hours do not exceed 10% of the monthly billable hours.</p> <p>(3) Non-Billable Activities: Activities that the service Provider Agency may need to conduct, but which are not separately billable activities, may include:</p> <p>(a) Time and expense for training service personnel;</p> <p>(b) Supervision of agency staff;</p> <p>(c) Service documentation and billing activities; or</p> <p>(d) Time the individual spends in segregated facility-based settings activities.</p>	<p>Based on record review, the Agency failed to provide written or electronic documentation as evidence for each unit billed for Community Access Services for 1 of 1 individual.</p> <p>Individual #9 August 2009</p> <ul style="list-style-type: none"> The Agency billed 313 units of Community Access from 08/01/2009 through 08/31/2009. Documentation received accounted for 237 units. 		

Tag # 5144 AH Reimbursement	Scope and Severity Rating: C	
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 5 XVI. REIMBURSEMENT</p> <p>A. Billable Unit. A billable unit for Adult Habilitation Services is in 15-minute increments hour. The rate is based on the individual's level of care.</p> <p>B. Billable Activities</p> <p>(1) The Community Inclusion Provider Agency can bill for those activities listed and described on the ISP and within the Scope of Service. Partial units are allowable. Billable units are face-to-face, except that Adult Habilitation services may be non- face-to-face under the following conditions: (a) Time that is non face-to-face is documented separately and clearly identified as to the nature of the activity; and(b) Non face-to-face hours do not exceed 5% of the monthly billable hours.</p> <p>(2) Adult Habilitation Services can be provided with any other services, insofar as the services are not reported for the same hours on the same day, except that Therapy Services and Case Management may be provided and billed for the same hours</p>	<p>Based on record review, the Agency failed to provide written or electronic documentation as evidence for each unit billed for Adult Habilitation Services for 8 of 9 individuals.</p> <p>Individual #1 July 2009</p> <ul style="list-style-type: none"> The Agency billed 282 units of Adult Habilitation from 07/01/2009 through 07/31/2009. Documentation received accounted for 186 units. <p>August 2009</p> <ul style="list-style-type: none"> The Agency billed 440 units of Adult Habilitation from 08/01/2009 through 08/31/2009. Documentation received accounted for 8 units. <p>Individual #4 July 2009</p> <ul style="list-style-type: none"> The Agency billed 81 units of Adult Habilitation from 07/15/2009 through 07/21/2009. Documentation received accounted for 44 units. <p>August 2009</p> <ul style="list-style-type: none"> The Agency billed 310 units of Adult Habilitation from 08/01/2009 through 08/31/2009. Documentation received accounted for 142 units. <p>Individual #5 July 2009</p> <ul style="list-style-type: none"> The Agency billed 349 units of Adult Habilitation from 07/01/2009 through 07/31/2009. No documentation found to justify billing. <p>August 2009</p> <ul style="list-style-type: none"> The Agency billed 424 units of Adult Habilitation from 08/01/2009 through 08/31/2009. No documentation found to justify billing. <p>Individual #6</p>	

	<p>July 2009</p> <ul style="list-style-type: none"> • The Agency billed 85 units of Adult Habilitation from 07/01/2009 through 07/07/2009. Documentation received accounted for 83 units. • The Agency billed 61 units of Adult Habilitation from 07/29/2009 through 08/04/2009. Documentation received accounted for 41 units. <p>August 2009</p> <ul style="list-style-type: none"> • The Agency billed 78 units of Adult Habilitation from 08/05/2009 through 08/11/2009. Documentation received accounted for 19.25 units. • The Agency billed 39 units of Adult Habilitation from 08/16/2009 through 08/26/2009. Documentation received accounted for 19 units. <p>September 2009</p> <ul style="list-style-type: none"> • The Agency billed 76 units of Adult Habilitation from 09/16/2009 through 09/22/2009. Documentation received accounted for 44 units. <p>Individual #7 August 2009</p> <ul style="list-style-type: none"> • The Agency billed 432 units of Adult Habilitation from 08/01/2009 through 08/31/2009. Documentation received accounted for 360 units. <p>Individual #14 July 2009</p> <ul style="list-style-type: none"> • The Agency billed 80 units of Adult Habilitation from 07/15/2009 through 07/21/2009. Documentation received accounted for 60 units. • The Agency billed 98 units of Adult Habilitation from 07/22/2009 through 07/28/2009. Documentation received accounted for 86 units. <p>August 2009</p>		
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	<ul style="list-style-type: none"> • The Agency billed 90 units of Adult Habilitation from 08/05/2009 through 08/11/2009. Documentation received accounted for 66 units. • The Agency billed 120 units of Adult Habilitation from 08/12/2009 through 08/18/2009. Documentation received accounted for 72 units. <p>Individual #15 September 2009</p> <ul style="list-style-type: none"> • The Agency billed 110 units of Adult Habilitation from 09/17/2009 through 09/22/2009. Documentation received accounted for 70 units. • The Agency billed 54 units of Adult Habilitation from 09/23/2009 through 09/29/2009. No documentation found to justify billing. <p>Individual #16 July 2009</p> <ul style="list-style-type: none"> • The Agency billed 160 units of Adult Habilitation from 07/01/2009 through 07/07/2009. Documentation received accounted for 66 units. • The Agency billed 96 units of Adult Habilitation from 07/29/2009 through 08/04/2009. No documentation found to justify billing. 		
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Tag # 6L06 (CoP) - FL Requirements	Scope and Severity Rating: E		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 6. III. REQUIREMENTS UNIQUE TO FAMILY LIVING SERVICES</p> <p>B. Home Studies. The Family Living Services Provider Agency shall complete all DDSD requirements for approval of each direct support provider, including completion of an approved home study and training prior to placement. After the initial home study, an updated home study shall be completed annually. The home study must also be updated each time there is a change in family composition or when the family moves to a new home. The content and procedures used by the Provider Agency to conduct home studies shall be approved by DDSD.</p> <p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 1. I. PROVIDER AGENCY ENROLLMENT PROCESS</p> <p>D. Scope of DDSD Agreement</p> <p>(4) Provider Agencies must have prior written approval of the Department of Health to subcontract any service other than Respite;</p> <p>NMAC 8.314.5.10 - DEVELOPMENTAL DISABILITIES HOME AND COMMUNITY-BASED SERVICES WAIVER</p> <p>ELIGIBLE PROVIDERS:</p> <p>I. Qualifications for community living service providers: There are three types of community living services: Family living, supported living and independent living. Community living providers must meet all qualifications set forth by the DOH/DDSD, DDW definitions and service standards.</p> <p>(1) Family living service providers for adults must meet the qualifications for staff required by the</p>	<p>Based on record review, the Agency failed complete all DDSD requirements for approval of each direct support provider for 9 of 12 individuals.</p> <p>The following was not found, not current and/or incomplete:</p> <ul style="list-style-type: none"> • DDSD Approval for Subcontractor (#7) • Family Living (Initial) Home Study (#7) • Family Living (Annual Update) Home Study (#4, 7 & 10) • Current Family Living Contract (<i>Agency contract did not specify an end date</i>) (#1, 3, 4, 5, 6, 7, 9, 10 & 12) 		

DOH/DDSD, DDW service definitions and standards. The direct care provider employed by or subcontracting with the provider agency must be approved through a home study completed prior to provision of services and conducted at subsequent intervals required of the provider agency. All family living sub-contracts must be approved by the DOH/DDSD.

Tag # 6L13 (CoP) - CL Healthcare Reqts.	Scope and Severity Rating: E	
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 6. VI. GENERAL REQUIREMENTS FOR COMMUNITY LIVING</p> <p>G. Health Care Requirements for Community Living Services.</p> <p>(1) The Community Living Service providers shall ensure completion of a HAT for each individual receiving this service. The HAT shall be completed 2 weeks prior to the annual ISP meeting and submitted to the Case Manager and all other IDT Members. A revised HAT is required to also be submitted whenever the individual's health status changes significantly. For individuals who are newly allocated to the DD Waiver program, the HAT may be completed within 2 weeks following the initial ISP meeting and submitted with any strategies and support plans indicated in the ISP, or within 72 hours following admission into direct services, which ever comes first.</p> <p>(2) Each individual will have a Health Care Coordinator, designated by the IDT. When the individual's HAT score is 4, 5 or 6 the Health Care Coordinator shall be an IDT member, other than the individual. The Health Care Coordinator shall oversee and monitor health care services for the individual in accordance with these standards. In circumstances where no IDT member voluntarily accepts designation as the health care coordinator, the community living provider shall assign a staff member to this role.</p> <p>(3) For each individual receiving Community Living Services, the provider agency shall ensure and document the following:</p> <p>(a) Provision of health care oversight consistent with these Standards as detailed in Chapter One section III E: Healthcare Documentation by Nurses For Community Living Services, Community Inclusion Services and Private Duty Nursing Services.</p> <p>b) That each individual with a score of 4, 5, or 6</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 4 of 16 individuals receiving Community Living Services.</p> <ul style="list-style-type: none"> • Dental Exam <ul style="list-style-type: none"> ◦ Individual #10 - As indicated by the documentation reviewed, exam was completed on 07/29/2008. Follow-up was to be completed in one year. No evidence of follow-up found. • Auditory Exam <ul style="list-style-type: none"> ◦ Individual #2 - As indicated by the documentation reviewed, the exam was attempted on 05/04/2006; however, the exam was unable to be completed but an ABR (Auditory Brainstorm Response Test) was recommended. No evidence found to verify that exam was completed. • Vision Exam <ul style="list-style-type: none"> ◦ Individual #4 - As indicated by the documentation reviewed, exam was completed on 05/03/2006. Follow-up was to be completed in one year. No evidence of follow-up found. • Colonoscopy <ul style="list-style-type: none"> ◦ Individual #7 - As indicated by documentation reviewed, a referral for exam was made on 10/14/2009. No evidence found to verify visit had been scheduled. 	

<p>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 least the past month;</p> <p>(7) Physician's or qualified health care providers written orders;</p> <p>(8) Progress notes documenting implementation of</p>	<p>Based on record review, the Agency failed to maintain a complete and confidential case file in the residence for 15 of 16 Individuals receiving Family Living Services or Supported Living Services.</p> <p>The following was not found, incomplete and/or not current:</p> <ul style="list-style-type: none"> • Annual ISP (#11) • ISP Signature Page (#2, 3, 7, 10 & 15) • Addendum A (#2, 5, 7, 10, 11 & 15) • Individual Specific Training (Addendum B) (#11) • Teaching & Support Strategies (#3, 5, 7 & 11) • Positive Behavioral Plan (#4) • Positive Behavioral Crisis Plan (#4) • Speech Therapy Plan (#1, 2 & 11) • Occupational Therapy Plan (#7 & 13) • Physical Therapy Plan (#1, 2, 4 & 16) • Health Assessment Tool (#1, 2, 4, 5, 6, 7 & 13) • Special Health Care Needs <ul style="list-style-type: none"> ◦ Meal Time Plan (#1, 4 & 7) ◦ Nutritional Plan (#2, 11 & 13) ◦ Tube Feeding Protocol (#1) • Crisis Plan <ul style="list-style-type: none"> ◦ Allergies (#1) ◦ Seizures (#3 & 13) ◦ Aspiration (#4) ◦ Gout (#4) 	

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

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

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

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

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

• **Progress Notes/Daily Contacts Logs:**

- Individual #1 - None found for October 2009
- Individual #2 - None found for October 2009
- Individual #3 - None found for October 2009
- Individual #4 - None found for October 2009
- Individual #5 - None found for October 2009
- Individual #6 - None found for October 2009
- Individual #8 - None found for October 2009
- Individual #9 - None found for October 2009
- Individual #10 - None found for October 2009
- Individual #14 - None found for October 2009

• **Data Collection/Data Tracking:**

- Individual #1 - None found for October 2009
- Individual #2 - None found for October 2009
- Individual #3 – None found for October 2009
- Individual #4 – None found for October 2009
- Individual #5 – None found for October 2009
- Individual #6 – None found for October 2009
- Individual #7 – None found for October 2009
- Individual #8 - None found for October 2009
- Individual #9 - None found for October 2009

discharge summaries for past twelve (12) months, past medical history including hospitalizations, surgeries, injuries, family history and current physical exam.

- Individual #10 - None found for October 2009
- Individual #11 - None found for October 2009
- Individual #14 - None found for October 2009
- **Progress Notes written by DSP and/or Nurses regarding Health Status:**
 - Individual #1 - None found for October & November 2009
- **Health Care Providers Written Orders (#2)**
- **Medication Administration Record (MAR)**
 - Individual #1 - None found for September & October 2009.
 - Individual #2 - None found for September, October & November 2009.
 - Individual #3 - None found for September & October 2009.
 - Individual #4 - None found for September & October 2009.
 - Individual #5 – None found for September & October 2009.
 - Individual #6 - None found for September & October 2009.
 - Individual #8 – None found for September & October 2009.

Tag # 6L17 Reporting Requirements (Community Living Quarterly Reports)	Scope and Severity Rating: B		
<p>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</p> <p>CHAPTER 6. VIII. COMMUNITY LIVING SERVICE PROVIDER AGENCY REQUIREMENTS</p> <p>D. Community Living Service Provider Agency Reporting Requirements: All Community Living Support providers shall submit written quarterly status reports to the individual's Case Manager and other IDT Members no later than fourteen (14) days following the end of each ISP quarter. The quarterly reports shall contain the following written documentation:</p> <ol style="list-style-type: none"> (1) Timely completion of relevant activities from ISP Action Plans (2) Progress towards desired outcomes in the ISP accomplished during the quarter; (3) Significant changes in routine or staffing; (4) Unusual or significant life events; (5) Updates on health status, including medication and durable medical equipment needs identified during the quarter; and (6) Data reports as determined by IDT members. 	<p>Based on record review, the Agency failed to complete written quarterly status reports in compliance with standards for 4 of 16 individuals receiving Community Living Services.</p> <p>Supported Living Quarterly Reports:</p> <ul style="list-style-type: none"> • Individual #14 - None found for 01/2009 – 03/2009 • Individual #16 - Quarterly Reports were presented for 01/2009 - 09/2009, nevertheless Quarterly Reports presented were exact copies, with the only visible difference being the date. <p>Family Living Quarterly Reports:</p> <ul style="list-style-type: none"> • Individual #5 - Quarterly Reports were presented for 10/2008 - 09/2009, nevertheless Quarterly Reports presented were exact copies, with the only visible difference being the date. • Individual #6 - None found for 08/2009 – 10/2009 		

Tag # 6L25 (CoP) Residential Health & Safety (Supported Living & 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</p> <p>L. Residence Requirements for Family Living Services and Supported Living Services</p> <p>(1) Supported Living Services and Family Living Services providers shall assure that each individual's residence has:</p> <ul style="list-style-type: none"> (a) Battery operated or electric smoke detectors, heat sensors, or a sprinkler system installed in the residence; (b) General-purpose first aid kit; (c) When applicable due to an individual's health status, a blood borne pathogens kit; (d) Accessible written procedures for emergency evacuation e.g. fire and weather-related threats; (e) Accessible telephone numbers of poison control centers located within the line of sight of the telephone; (f) Accessible written documentation of actual evacuation drills occurring at least three (3) times a year. For Supported Living evacuation drills shall occur at least once a year during each shift; (g) Accessible written procedures for the safe storage of all medications with dispensing instructions for each individual that are consistent with the Assisting with Medication Administration training or each individual's ISP; and (h) Accessible written procedures for emergency placement and relocation of individuals in the event of an emergency evacuation that makes the residence unsuitable for occupancy. The emergency evacuation procedures shall address, but are not limited to, fire, chemical and/or hazardous waste spills, and flooding. 	<p>Based on observation, the Agency failed to ensure that each individual's residence met all requirements within the standard for 14 of 15 Supported & Family Living residences.</p> <p>The following items were not found, not functioning or incomplete:</p> <p>Supported Living Requirements:</p> <ul style="list-style-type: none"> • General-purpose first aid kit (#16) • Accessible written procedures for emergency evacuation e.g. fire and weather-related threats (#16) • 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 (#15 & 16) • Accessible telephone numbers of poison control centers located within the line of sight of the telephone (#16) • 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 (#15 & 16) • 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 (#13, 14 & 16) 		

	<p>Family Living Requirements:</p> <ul style="list-style-type: none"> • General-purpose first aid kit (#12) • Accessible written procedures for emergency evacuation e.g. fire and weather-related threats (#2, 3, 8 & 10) • Accessible written documentation of actual evacuation drills occurring at least three (3) times a year. For Supported Living evacuation drills shall occur at least once a year during each shift (#2, 3, 6 & 7) • Accessible telephone numbers of poison control centers located within the line of sight of the telephone (#1 & 3) • 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, 6, 7, 8, 9 & 10) • Accessible written procedures for emergency placement and relocation of individuals in the event of an emergency evacuation that makes the residence unsuitable for occupancy. The emergency evacuation procedures shall address, but are not limited to, fire, chemical and/or hazardous waste spills, and flooding (#1, 2, 3, 6, 7, 9, 10, 11 & 12) 		
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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 LIVING SERVICES</p> <p>C. Service Limitations. Family Living Services</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 12 individuals.</p> <p>Individual #1 July 2009</p> <ul style="list-style-type: none"> The Agency billed 16 units of Family Living from 07/16/2009 through 07/31/2009. Documentation received accounted for 13 units. <p>Individual #5 July 2009</p> <ul style="list-style-type: none"> The Agency billed 15 units of Family Living from 07/01/2009 through 07/15/2009. Documentation received accounted for 13 units. <p>Individual #7 July 2009</p> <ul style="list-style-type: none"> The Agency billed 15 units of Family Living from 07/01/2009 through 07/15/2009. Documentation received accounted for 6 units. The Agency billed 16 units of Family Living from 07/16/2009 through 07/31/2009. Documentation received accounted for 7 units. <p>August 2009</p> <ul style="list-style-type: none"> The Agency billed 15 units of Family Living from 08/01/2009 through 08/15/2009. Documentation received accounted for 13 units. The Agency billed 16 units of Family Living from 08/16/2009 through 08/31/2009. Documentation received accounted for 6 units. <p>September 2009</p> <ul style="list-style-type: none"> The Agency billed 15 units of Family Living from 09/01/2009 through 09/15/2009. Documentation received accounted for 14 units. 		

<p>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>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007 - DEFINITIONS SUBSTITUTE CARE means the provision of family living services by an agency staff or subcontractor during a planned/scheduled or emergency absence of the direct service provider.</p> <p>RESPITE means a support service to allow the primary caregiver to take a break from care giving responsibilities while maintaining adequate supervision and support to the individual during the absence of the primary caregiver.</p>	<p>Individual #10</p> <ul style="list-style-type: none"> The Agency billed 15 units of Family Living from 08/01/2009 through 08/15/2009. No documentation to justify billing on 08/01, 02, 03 & 04, 2009. 		
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Date: March 2, 2010

To: Connie Kalter, Executive Director
Provider: New Pathways, Inc.
Address: 1520 Tramway N.E. Ste. #220
State/Zip: Albuquerque, New Mexico 87112

E-mail Address: conniekalter@msn.com

Region: Metro
Survey Date: November 16 - 23, 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 Ms. Kalter,

Your request for a Reconsideration of Findings was received on February 17, 2010. Your request and the supporting evidence provided have been reviewed. Based on the review of applicable standards and regulations, review of the survey process and the evidence you provided, the following determinations have been made:

Regarding Tag # 1A03

Determination: The IRF committee is upholding the original finding in the report. You are required to complete the remainder of your Plan of Correction as previously indicated. Based on documentation supplied, your agency's CQI system is still missing crucial components to assure quality. Comments such as "our process is not 100%," and "...we don't follow up...," "we look at trends informally. We do not keep minutes and do not have a formal committee;" made by you during the on-site survey and the overall amount of deficiencies found during the survey also lead to the conclusion your agency's CQI plan is non-functional. The scope and severity rating will remain "C."

Regarding Tag # 1A05

Determination: The IRF committee is removing the original finding in the report. Based on documentation supplied it is apparent your internal policies are reviewed and signed on a yearly basis. The scope and severity rating will be changed from "F" to "not –applicable."

Regarding Tag # 1A08

Determination: The IRF committee is upholding the original finding in the report. You are required to complete the remainder of your Plan of Correction as previously indicated. Based on documentation supplied, and a review of the document request forms; the documents in question (Adult Hab. Progress Notes/daily Contact Logs for Individual #5) were requested from your agency on 11/17/09 at 5:00 PM, and signed by yourself. The document request form was also signed by DK on 11/20/09. The remaining citations noted in tag 1A08 were not disputed. The scope and severity rating will remain "B."

Regarding Tag # 1A09.1

Determination: The IRF committee is upholding the original finding in the report. You are required to complete the remainder of your Plan of Correction as previously indicated. Based on documentation supplied, Individual #14 was still being served by your agency in the morning of 7/4/09 and, as cited in the original report missing entries were for the "8AM" dose. Based on documentation submitted as well as the residential file review field tool for Individual #14, the missing physician's orders for Prempro and Prometrium were requested by house staff and signed by Latoya Johnson on 11/16/09 at 6:00 PM. The remaining citations noted in tag 1A09.1 were not disputed. The scope and severity rating will remain "E."

Regarding Tag # 1A11

Determination: The IRF committee is upholding the original finding in the report. You are required to complete the remainder of your Plan of Correction as previously indicated. Based on documentation supplied, and review of the staff interview field tool your agency was not being cited for lack of training; rather, the citation was for lack of staff competency. Staff stated "I've received no type of training through the agency." The remaining citations noted in tag 1A11 were not disputed. The scope and severity rating will remain "D."

Regarding Tag # 1A12

Determination: The IRF committee is modifying the original finding in the report. You are required to complete the remainder of your Plan of Correction as previously indicated. Based on documentation supplied, deficiencies noted for Individual #2 under Adult Habilitation for July and August 2009 will be removed. Evidence submitted for Individuals #1, 3, 5 and the remainder of deficiencies cited for Individual #2 did not contain evidence supporting modification or removal of the deficiency. Although listed in your request, there was no evidence submitted for Individuals #6, 7, 9, 10 or 14. The remaining citations noted in tag 1A12 were not disputed. The scope and severity rating will remain "C."

Regarding Tag # 1A20

Determination: The IRF committee is upholding the original finding in the report. You are required to complete the remainder of your Plan of Correction as previously indicated. Based on documentation supplied, and internal training field tools all missing trainings for the following were requested of your agency via the training checklist and signed for by CK and GDR on 11/23/09:

- First Aid (DSP #45, 57, 71, 74, 76, 79, 92, 100, 109 & 124)
- CPR (DSP #45, 57, 71, 74, 79, 92, 97, 100, & 124)
- Assisting With Medication Delivery (DSP #40, 44, 51, 54, 55, 71, 79, 89, 100, 103, 117, 120, 121, 124)

As for staff #124, under current regulations if the staff member is providing traditional services through the Mi Via Waiver (Supported or Family Living, or any Inclusion service) the staff is required to receive the same trainings as if under the DD Waiver. The remaining citations noted in this tag 1A20 were not disputed. The scope and severity rating will remain "E."

Regarding Tag # 1A22

Determination: The IRF committee is upholding the original finding in the report. You are required to complete the remainder of your Plan of Correction as previously indicated. Based on documentation supplied, and internal interview field tools as well as review of the QMB report of findings; the citation was not for lack of training, the citation in the report was for lack of staff competency. Deficiencies were based on the Individual Specific Training (IST) section of the specific service plans. You cited in your evidence staff #47 "does not and has not ever worked with this individual." [*sic*] (#16); you are correct; in the report of findings the staff cited was not #47, but #57. The remaining citations noted in this tag 1A22 were not disputed. The scope and severity rating will remain "E."

Regarding Tag # 1A25

Determination: The IRF committee is upholding the original finding in the report. You are required to complete the remainder of your Plan of Correction as previously indicated. Based on documentation supplied, and document request forms, information requested regarding CCHSP clearance for staff #58 and 128 on 11/23/09 and signed by GDR and CK was not received during the on-site survey. The remaining citations noted in this tag 1A25 were not disputed. The scope and severity rating will remain "E."

Regarding Tag # 1A26

Determination: The IRF committee is modifying the original finding in the report. You are required to complete the remainder of your Plan of Correction as previously indicated. Based on documentation supplied, the deficiency for staff #128 will be removed as the EAR/COR check was conducted prior to the date of hire. Deficiencies for staff #42, 72, 78, 83, 87, 88, 95, 97, 102 and 130, will be upheld due to the date of the EAR/COR verification being done on or after the date of hire. According to NMAC 7.1.12.8.D "...records that evidence the fact that the provider made an inquiry to the registry concerning that employee prior to employment." The remaining citations noted in this tag 1A26 were not disputed. The scope and severity rating will remain "E."

Regarding Tag # 1A28

Determination: The IRF committee is modifying the original finding in the report. You are required to complete the remainder of your Plan of Correction as previously indicated. Based on documentation supplied, and document request forms, information regarding abuse, neglect and exploitation training for staff #61, 110 and 111 will be removed. Based on the document request form, signed by CK and GDR on 11/23/09 deficiencies for staff #109, 113, 119, 123, and 124 will be upheld. The remaining citations noted in this tag 1A28 were not disputed. The scope and severity rating will remain "E."

Regarding Tag # 1A129 [*sic*]

No such tag exists in the QMB Guidebooks, Survey Field Tools, Process Document or any other documents utilized by the QMB.

Regarding Tag # 1A31 Family Living [sic]

The documentation supplied by you as part of this IRF states tag #1A31, but does not describe the deficiencies found under that tag in the original QMB report of findings sent to your agency on 2/2/10.

Regarding Tag # 1A32

Determination: The IRF committee is upholding the original finding in the report. You are required to complete the remainder of your Plan of Correction as previously indicated. Based on documentation supplied, and review of the document request form, data collection/data tracking/progress missing from files were requested. These documents were listed on the report of findings and are:

Missing Supported Living Data Collection/Data Tracking/Progress with regards to ISP Outcomes:

Individual #16

- 01/2009 – 10/2009; signed by DK, CK and GR on 11/19/09

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

Individual #2

- 10/2008 – 10/2009; signed by DK on 11/20/09 and GR on 11/19/09

Individual #6

- 11/2008 – 10/2009; signed by DK on 11/20/09 and GR on 11/19/09

Individual #7

- 10/2008 – 10/2009; signed by DK on 11/20/09 and GR on 11/19/09

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

Individual #1

- 10/2008 – 10/2009; signed by DK, CK and GR on 11/19/09

Individual #2

- 10/2008 – 10/2009; signed by DK on 11/20/09 and GR on 11/19/09

Individual #4

- 09/2009 – 10/2009; signed by DK, CK and GR on 11/19/09

Individual #5

- 10/2008 – 10/2009; signed by DK, CK and GR on 11/19/09

Individual #14

- 11/2008 – 01/2009 & 06/2009; signed by DK on 11/20/09 and GR on 11/19/09

The remaining citations noted in this tag 1A32 were not disputed. The scope and severity rating will remain “E.”

Regarding Tag # 1A06

Determination: The IRF committee is upholding the original finding in the report. You are required to complete the remainder of your Plan of Correction as previously indicated. Based on documentation supplied review of the interview field tools and review of the report of findings, the citation was not for lack of training as disputed, but lack of staff competency during the interview. The remaining citations noted in this tag 1A06 were not disputed. The scope and severity rating will remain "A."

Regarding Tag # 1A37

Determination: The IRF committee is upholding the original finding in the report. You are required to complete the remainder of your Plan of Correction as previously indicated. Based on documentation supplied, and the document request form, proof of Individual Specific Training (IST) was requested from your agency, signed by CK on 11/23/09 and GDR (no date listed). The remaining citations noted in this tag 1A37 were not disputed. The scope and severity rating will remain "D."

Regarding Tag # 6L06

Determination: The IRF committee is upholding the original finding in the report. You are required to complete the remainder of your Plan of Correction as previously indicated. Based on documentation supplied, and the document request form, missing/current documents and/or exceptions granted by the DDSD Regional Office were requested of your agency. These documents were listed on the report of findings and are:

- DDSD Approval for Subcontractor
 - #7; no written evidence of an exception from the DDSD; signed by DK on 11/20/09 and GR on 11/19/09
- Family Living (Initial) Home Study
 - #7; signed by DK on 11/20/09 and GR on 11/19/09
- Family Living (Annual Update) Home Study
 - #4; signed by DK on 11/20/09 and GR on 11/19/09 and CK (no date listed)
 - #7; signed by DK on 11/20/09 and GR on 11/19/09
 - #10; signed by DK on 11/20/09 and GR on 11/19/09
- Current Family Living Contract (*Agency contract did not specify an end date*)
 - #1; signed by DK on 11/20/09 and GR on 11/19/09
 - #4; signed by DK on 11/20/09 and GR on 11/19/09 and CK (no date listed)
 - #5; signed by DK on 11/20/09 and GR on 11/19/09 and CK (no date listed)
 - #6; signed by DK on 11/20/09 and GR on 11/19/09
 - #7; signed by DK on 11/20/09 and GR on 11/19/09
 - #9; signed by DK on 11/20/09 and GR on 11/19/09 and CK (no date listed)
 - #10; signed by DK on 11/20/09 and GR on 11/19/09
 - #12; signed by DK on 11/20/09 and GR on 11/19/09 and CK (no date listed)

The scope and severity rating will remain "E."

Regarding Tag # 6L14

Determination: The IRF committee is upholding the original finding in the report. You are required to complete the remainder of your Plan of Correction as previously indicated. Based on documentation supplied, and a review of residential record review field tools, missing documents were requested of staff in the homes. Following is a list of disputed deficiencies, requests of staff and whose signature was present on each review tool signifying they were unable to find it either:

- Individual #1 – sign by T. Adamson on 11/17/09 at 5:10PM
- Individual #2 – sign by Millie Alvarez on 11/18/09 at 5:40PM
- Individual #3 – sign by Rosa Castanuela on 11/18/09 at 3:00PM
- Individual #4 – sign by Barbara Jones 11/18/09 at 1:00PM
- Individual #5 – sign by Yolanda Baca on 11/18/09 at 3:30PM
- Individual #6 – sign by Ann Patrick on 11/18/09 at 11:00AM
- Individual #7 – sign by Shirley Mayer on 11/17/09 at 6:00PM
- Individual #8 – sign by Patrick Hinderer on 11/18/09 at 10:00AM
- Individual #10 – sign by Martinez on 11/18/09 at 12:35PM
- Individual #11 – sign by Herbert Gallegos on 11/17/09 at 3:30PM
- Individual #13 – sign by Latoya Johnson 11/16/09 5:30PM
- Individual #15 – sign by Suzanne Nixon on 11/16/09 at 5:20PM

The remaining citations noted in tag 6L14 were not disputed. The scope and severity rating for this tag will remain “F.”

Regarding Tag # 6L17

Determination: The IRF committee is upholding the original finding in the report. You are required to complete the remainder of your Plan of Correction as previously indicated. Based on documentation supplied, and the document request form, the Family Living quarterly report for Individual #6 was requested from your agency, signed by DK on 11/20/09 and GR on 11/19/09. The citations for Individual #16’s quarterly reports, at the time of the survey were, “presented [however] were exact copies, with the only visible difference being the date.” The remaining citations noted in this tag 6L17 were not disputed. The scope and severity rating will remain “B.”

Regarding Tag # 6L25

Determination: The IRF committee is upholding the original finding in the report. You are required to complete the remainder of your Plan of Correction as previously indicated. Based on documentation supplied, and a review of residential record review field tools, missing documents/postings were requested of staff in the homes. Following is a list of disputed deficiencies, requests of staff and whose signature was present on each review tool, signifying they were unable to find it either:

- Individual #1 – sign by T. Adamson on 11/17/09 at 5:10PM
- Individual #2 – sign by Millie Alvarez on 11/18/09 at 5:40PM
- Individual #3 – sign by Rosa Castanuela on 11/18/09 at 3:00PM
- Individual #4 – sign by Barbara Jones 11/18/09 at 1:00PM

- Individual #5 – sign by Yolanda Baca on 11/18/09 at 3:30PM
- Individual #6 – sign by Ann Patrick on 11/18/09 at 11:00AM
- Individual #7 – sign by Shirley Mayer on 11/17/09 at 6:00PM
- Individual #8 – sign by Patrick Hinderer on 11/18/09 at 10:00AM
- Individual #10 – sign by Martinez on 11/18/09 at 12:35PM
- Individual #11 – sign by Herbert Gallegos on 11/17/09 at 3:30PM
- Individual #12 – sign by Jackie Zamora on 11/17/09 at 10:50AM
- Individual #13 – sign by Latoya Johnson 11/16/09 5:30PM
- Individual #14 – sign by Latoya Johnson 11/16/09 6:00PM
- Individual #15 – sign by Suzanne Nixon on 11/16/09 at 5:20PM
- Individual #16 – sign by Kristin Bacoccini on 11/17/09 at 2:30PM

The remaining citations noted in tag 6L25 were not disputed. The scope and severity rating for this tag will remain “F.”

Regarding Tag # 1A33

Determination: The IRF committee is upholding the original finding in the report. You are required to complete the remainder of your Plan of Correction as previously indicated. Based on documentation supplied and the New Mexico Board of Pharmacy rules and regulations, the Individuals served in the home (regardless of waiver) will be unrelated to the operator of the home (i.e. not each other). The remaining citations noted in this tag 1A33 were not disputed. The scope and severity rating will remain “A.”

Regarding Tag # 1A31

Determination: The IRF committee is upholding the original finding in the report. You are required to complete the remainder of your Plan of Correction as previously indicated. Based on documentation supplied and review of comments made by staff #131 (CK) during the on-site survey it is apparent New Pathways, although it has a Human Rights Committee in some regions, it is not functioning within the regulations and to the definition of the DDS policy regarding Human Rights Committees. Comments made by #131 supporting this decision include, “The [HRC] will meet at least annually or more often as needed,” and “We only meet two or three times per year or as needed.” The scope and severity rating will remain “F.”

This concludes the Informal Reconsideration of Findings 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,



Scott Good, MRC, CRC

Deputy Bureau Chief/QMB
Informal Reconsideration of Finding Committee Chair

CC:
File
DHI
DDSD