Dear Mr. Madrid;

The Division of Health Improvement/Quality Management Bureau has completed a compliance survey of the services identified above. The purpose of the survey was to determine compliance with federal and state standards; to assure the health, safety, and welfare of individuals receiving services through the Developmental Disabilities Waiver; and to identify opportunities for improvement. This Report of Findings will be shared with the Developmental Disabilities Supports Division for their use in determining your current and future provider agreements. Upon receipt of this letter and Report of Findings your agency must immediately correct all deficiencies which place Individuals served at risk of harm.

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

Compliance with all Conditions of Participation.

This determination is based on your agency’s compliance with CMS waiver assurances at the Condition of Participation level. The attached QMB Report of Findings indicates Standard Level deficiencies identified and requires implementation of a Plan of Correction.

Plan of Correction:
The attached Report of Findings identifies the Standard Level and/or Condition of Participation deficiencies found during your agency’s compliance review. You are required to complete and implement a Plan of Correction. Your agency has a total of 45 business days (10 business days to submit your POC for approval and 35 days to implement your approved Plan of Correction) from the receipt of this letter.

**Submission of your Plan of Correction:**
Please submit your agency’s Plan of Correction in the space on the two right columns of the Report of Findings. *(See attachment “A” for additional guidance in completing the Plan of Correction).*

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

1. **Quality Management Bureau, Attention: Plan of Correction Coordinator**
   5301 Central Ave. NE Suite 400 Albuquerque, NM 87108

2. **Developmental Disabilities Supports Division Regional Office for region of service surveyed**

Upon notification from QMB that your Plan of Correction has been approved, you must implement all remedies and corrective actions to come into compliance. If your Plan of Correction is denied, you must resubmit a revised plan as soon as possible for approval, as your POC approval and all remedies must be completed within 45 business days of the receipt of this letter.

Failure to submit your POC within the allotted 10 business days or complete and implement your Plan of Correction within the total 45 business days allowed may result in the imposition of a $200 per day Civil Monetary Penalty until it is received, completed and/or implemented.

**Request for Informal Reconsideration of Findings (IRF):**
If you disagree with a finding of deficient practice, you have 10 business days upon receipt of this notice to request an IRF. Submit your request for an IRF in writing to:

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

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

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

Sincerely,

*Deb Russell, BS*

Deb Russell, BS
Team Lead/Healthcare Surveyor
Division of Health Improvement
Quality Management Bureau
Survey Process Employed:

Entrance Conference Date: August 5, 2013

Present: Tobosa Developmental Services
Rosie Rubio, Assistant Director

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

Exit Conference Date: August 7, 2013

Present: Tobosa Developmental Services
Lori Lovato, Records Coordinator
Fidelia Montanez, RN
Steve Kune, Team Coordinator
Joe Madrid, Executive Director
William Jones, Director of Quality Assurance
Carlos Payanes, Adult Service Coordinator
Rosie Rubio, Assistant Director

DOH/DHI/QMB
Deb Russell, Team Lead/Healthcare Surveyor
Mari Chavez, BSW, Healthcare Surveyor
Amanda Castaneda, MPA, Healthcare Surveyor
Corrina Strain, RN, Healthcare Surveyor
Cynthia Nielsen, RN, Healthcare Surveyor
Nadine Romero, BSW, Healthcare Surveyor

DDSD - Southeast Regional Office
Michelle Lyon, Regional Office Manager, via telephone conference

Administrative Locations Visited
Number: 1

Total Sample Size
Number: 13
3 - Jackson Class Members
10 - Non-Jackson Class Members
10 - Supported Living
3 - Independent Living
11 - Adult Habilitation
2 - Community Access
7 - Supported Employment

Total Homes Visited
Number: 7

Supported Living Homes Visited
Number: 7

Persons Served Records Reviewed
Number: 13

Persons Served Interviewed
Number: 7

Persons Served Observed
Number: 6 (1 Individual refused to participate; 3 Individuals did not respond; and 2 Individuals were not available during the on-site survey)

Direct Support Personnel Interviewed
Number: 12
Direct Support Personnel Records Reviewed  Number:  101
Substitute Care/Respite Personnel Records Reviewed  Number:  12
Service Coordinator Records Reviewed  Number:  2

Administrative Processes and Records Reviewed:

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

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

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

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

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

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

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

If you have questions about the Plan of Correction process, call the QMB Deputy Chief/Plan of Correction Coordinator at 505-222-8650 or 505-699-9356 or email at Crystal.Lopez-Beck@state.nm.us. Requests for technical assistance must be requested through your DDSD Regional Office.

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

Instructions for Completing Agency POC:

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

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

The Plan of Correction must address the required six CMS core elements to address each deficiency of the POC:
1. How the specific and realistic corrective action will be accomplished for individuals found to have been affected by the deficient practice.
2. How the agency will identify other individuals who have the potential to be affected by the same deficient practice, and how the agency will act to protect individuals in similar situations.
3. What QA measures will be put into place or systemic changes made to ensure that the deficient practice will not recur
4. Indicate how the agency plans to monitor its performance to make sure that solutions are sustained. The agency must develop a QA plan for ensuring that correction is achieved and
sustained. This QA plan must be implemented, and the corrective action evaluated for its effectiveness. The plan of correction is integrated into the agency quality assurance system; and

5. Include dates when corrective action will be completed. The corrective action completion dates must be acceptable to the State.

6. The POC must be signed and dated by the agency director or other authorized official.

The following details should be considered when developing your POC:

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

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

Completion Dates

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

Initial Submission of the Plan of Correction Requirements

1. The Plan of Correction must be completed on the official QMB Survey Report of Findings/Plan of Correction Form and received by QMB within ten (10) business days from the date you received the report of findings.

2. For questions about the POC process, call the QMB Deputy Chief/POC Coordinator, Crystal Lopez-Beck at 505-222-8650 or 505-699-9356 for assistance.

3. For Technical Assistance (TA) in developing or implementing your POC, contact your local DDSD Regional Office.

4. Submit your POC to Crystal Lopez-Beck, Deputy Chief/POC Coordinator in any of the following ways:
   a. Electronically at Crystal.Lopez-Beck@state.nm.us (preferred method)
   b. Fax to 505-222-8661, or
   c. Mail to POC Coordinator, 5301 Central Avenue NE, Suite 400, Albuquerque, NM 87108

5. Do not submit supporting documentation (evidence of compliance) to QMB until after your POC has been approved by the QMB.

6. QMB will notify you when your POC has been “approve” or “denied.”
a. During this time, whether your POC is “approved,” or “denied,” you will have a maximum of 45 business days from the date of receipt of your Report of Findings to correct all survey deficiencies.

b. If your POC is denied, it must be revised and resubmitted as soon as possible, as the 45 business day limit is in effect.

c. If your POC is denied a second time your agency may be referred to the Internal Review Committee.

d. You will receive written confirmation when your POC has been approved by QMB and a final deadline for completion of your POC.

7. Failure to submit your POC within 10 business days without prior approval of an extension by QMB will result in a referral to the Internal Review Committee and the possible implementation of monetary penalties and/or sanctions.

**POC Document Submission Requirements**

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

1. Your internal documents are due within a **maximum** of 45 business days of receipt of your Report of Findings.

2. You may submit your documents by postal mail (paper hard copy or on a disc), fax, or electronically (scanned and attached to e-mails).

3. All submitted documents **must be annotated**; please be sure the tag numbers and Identification numbers are indicated on each document submitted. Documents which are not annotated with the Tag number and Identification number may not be accepted.

4. Do not submit original documents; Please provide copies or scanned electronic files for evidence. Originals must be maintained in the agency file(s) per DDSD Standards.

5. In lieu of some documents, you may submit copies of file or home audit forms that clearly indicate cited deficiencies have been corrected, other attestations of correction must be approved by the Plan of Correction Coordinator prior to their submission.

6. For billing deficiencies, you must submit:
   a. Evidence of an internal audit of billing documentation for a sample of individuals and timeframes;
   b. Copies of “void and adjust” forms submitted to correct all over-billed or unjustified units billed identified during your internal audit.

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

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

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

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

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

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

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

Conditions of Participation (CoPs)

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

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

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

**Service Domain: Level of Care**

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

**Service Domain: Plan of Care**

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

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

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

**Service Domain: Qualified Providers**

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

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

**Service Domain: Plan of Care**

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

**Service Domain: Health, Welfare and Safety**

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

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

Compliance with Conditions of Participation

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

Partial-Compliance with Conditions of Participation

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

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

Non-Compliance with Conditions of Participation

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

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

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

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

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

The following limitations apply to the IRF process:
- The written request for an IRF and all supporting evidence must be received within 10 business days.
- Findings based on evidence requested during the survey and not provided may not be subject to reconsideration.
- The supporting documentation must be new evidence not previously reviewed or requested by the survey team.
- Providers must continue to complete their Plan of Correction during the IRF process.
- Providers may not request an IRF to challenge the sampling methodology.
- Providers may not request an IRF based on disagreement with the nature of the standard or regulation.
- Providers may not request an IRF to challenge the team composition.
- Providers may not request an IRF to challenge the DHI/QMB determination of compliance or the length of their DDSD provider contract.

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

The IRF Committee will review the request, the Provider will be notified in writing of the ruling; no face-to-face meeting will be conducted.

When a Provider requests that a finding be reconsidered, it does not stop or delay the Plan of Correction process. **Providers must continue to complete the Plan of Correction, including the finding in dispute regardless of the IRF status.** If a finding is removed or modified, it will be noted and removed or modified from the Report of Findings. It should be noted that in some cases a Plan of Correction may be completed prior to the IRF process being completed. The provider will be notified in writing on the decisions of the IRF committee.
**Agency:** Tobosa Developmental Services - Southeast Region  
**Program:** Developmental Disabilities Waiver  
**Service:** Community Living Supports (Supported Living and Independent Living) and Community Inclusion Supports (Adult Habilitation, Community Access and Supported Employment)  
**Monitoring Type:** Routine Survey  
**Survey Date:** August 5 – 7, 2013

<table>
<thead>
<tr>
<th>Standard of Care</th>
<th>Deficiencies</th>
<th>Agency Plan of Correction, On-going QA/QI and Responsible Party</th>
<th>Date Due</th>
</tr>
</thead>
</table>
| **Service Domain:** Service Plans: ISP Implementation – Services are delivered in accordance with the service plan, including type, scope, amount, duration and frequency specified in the service plan. | Based on record review, the Agency did not maintain a complete and confidential case file at the administrative office for 4 of 13 individuals. Review of the Agency individual case files revealed the following items were not found, incomplete, and/or not current:  
- Positive Behavioral Plan (#10)  
- Positive Behavioral Crisis Plan (#2)  
- Speech Therapy Plan (#11)  
- Documentation of Guardianship/Power of Attorney (#12) | Provider: State your Plan of Correction for the deficiencies cited in this tag here: → | |

**Tag # 1A08**  
**Agency Case File**  
**CHAPTER 1 II. PROVIDER AGENCY REQUIREMENTS:** The objective of these standards is to establish Provider Agency policy, procedure and reporting requirements for DD Medicaid Waiver program. These requirements apply to all such Provider Agency staff, whether directly employed or subcontracting with the Provider Agency. Additional Provider Agency requirements and personnel qualifications may be applicable for specific service standards.  
**D. Provider Agency Case File for the Individual:** All Provider Agencies shall maintain at the administrative office a confidential case file for each individual. Case records belong to the individual receiving services and copies shall be provided to the receiving agency whenever an individual changes providers. The record must also be made available for review when requested by DOH, HSD or federal government representatives for oversight purposes. The individual’s case file shall include the following requirements:  
1. Emergency contact information, including the individual’s address, telephone number, names and telephone numbers of relatives,  
2. Positive Behavioral Plan  
3. Positive Behavioral Crisis Plan  
4. Speech Therapy Plan  
5. Documentation of Guardianship/Power of Attorney

Provider: Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →
or guardian or conservator, physician's
name(s) and telephone number(s), pharmacy
name, address and telephone number, and
health plan if appropriate;
(2) The individual's complete and current ISP,
with all supplemental plans specific to the
individual, and the most current completed
Health Assessment Tool (HAT);
(3) Progress notes and other service delivery
documentation;
(4) Crisis Prevention/Intervention Plans, if there
are any for the individual;
(5) A medical history, which shall include at least
demographic data, current and past medical
diagnoses including the cause (if known) of
the developmental disability, psychiatric
diagnoses, allergies (food, environmental,
medications), immunizations, and most
recent physical exam;
(6) When applicable, transition plans completed
for individuals at the time of discharge from
Fort Stanton Hospital or Los Lunas Hospital
and Training School; and
(7) Case records belong to the individual
receiving services and copies shall be
provided to the individual upon request.
(8) The receiving Provider Agency shall be
provided at a minimum the following records
whenever an individual changes provider
agencies:
(a) Complete file for the past 12 months;
(b) ISP and quarterly reports from the current
and prior ISP year;
(c) Intake information from original admission
to services; and
(d) When applicable, the Individual
Transition Plan at the time of discharge
from Los Lunas Hospital and Training
School or Ft. Stanton Hospital.

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

B. Documentation of test results: Results of tests and services must be documented, which includes results of laboratory and radiology procedures or progress following therapy or treatment.
<table>
<thead>
<tr>
<th>Tag #</th>
<th>6L14</th>
<th>Residential Case File</th>
<th>Standard Level Deficiency</th>
<th>Provider:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</td>
<td>Based on record review, the Agency did not maintain a complete and confidential case file in the residence for 6 of 10 Individuals receiving Supported Living Services.</td>
<td>State your Plan of Correction for the deficiencies cited in this tag here: →</td>
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<td></td>
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<td><strong>CHAPTER 6. VIII. COMMUNITY LIVING SERVICE PROVIDER AGENCY REQUIREMENTS</strong></td>
<td>Review of the residential individual case files revealed the following items were not found, incomplete, and/or not current:</td>
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<td><strong>A. Residence Case File:</strong> 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:</td>
<td>• Positive Behavioral Plan (#8, 11)</td>
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<td></td>
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<td>(1) Complete and current ISP and all supplemental plans specific to the individual;</td>
<td>• <strong>Special Health Care Needs</strong></td>
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<td>(2) Complete and current Health Assessment Tool;</td>
<td>° Nutritional Plan (#1, 11)</td>
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<td></td>
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<td>(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;</td>
<td>• Health Care Plans</td>
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<td>(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);</td>
<td>° Allergies (#8)</td>
<td></td>
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<tr>
<td></td>
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<td>(5) Data collected to document ISP Action Plan implementation</td>
<td>° Body Mass Index (#8)</td>
<td></td>
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<td>(6) Progress notes written by direct care staff</td>
<td>° Potential for discomfort/side effects to use of psych meds (#1)</td>
<td></td>
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<tr>
<td></td>
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<td></td>
<td>° Ineffective breathing pattern (#1)</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>• Medical Emergency Response Plans</td>
<td></td>
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<td></td>
<td>° Neuro Device (#13)</td>
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<td></td>
<td>• Progress Notes/Daily Contacts Logs:</td>
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<td></td>
<td>° Individual #10 - None found for 8/1 – 6, 2013.</td>
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<td></td>
<td>° Individual #11 - None found for 8/1 – 5, 2013.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>° Individual #12 - None found for 8/1 – 5, 2013.</td>
<td></td>
</tr>
</tbody>
</table>

Survey Report #: Q.14.1/DDW.D1129.4.001.RTN.01.297
and by nurses regarding individual health status and physical conditions including action taken in response to identified changes in condition for at least the past month;

(7) Physician’s or qualified health care providers written orders;

(8) Progress notes documenting implementation of a physician’s or qualified health care provider’s order(s);

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

(a) The name of the individual;

(b) A transcription of the healthcare practitioners prescription including the brand and generic name of the medication;

(c) Diagnosis for which the medication is prescribed;

(d) Dosage, frequency and method/route of delivery;

(e) Times and dates of delivery;

(f) Initials of person administering or assisting with medication; and

(g) An explanation of any medication irregularity, allergic reaction or adverse effect.

(h) For PRN medication an explanation for the use of the PRN must include:

(i) Observable signs/symptoms or circumstances in which the medication is to be used, and

(ii) Documentation of the effectiveness/result of the PRN delivered.

(i) A MAR is not required for individuals participating in Independent Living Services who self-administer their own medication. However, when medication administration is provided as part of the Independent Living Service a MAR must be maintained at the individual’s home and an updated copy must be placed in the agency file on a weekly basis.
(10) Record of visits to healthcare practitioners including any treatment provided at the visit and a record of all diagnostic testing for the current ISP year; and

(11) Medical History to include: demographic data, current and past medical diagnoses including the cause (if known) of the developmental disability and any psychiatric diagnosis, allergies (food, environmental, medications), status of routine adult health care screenings, immunizations, hospital discharge summaries for past twelve (12) months, past medical history including hospitalizations, surgeries, injuries, family history and current physical exam.
**Standard of Care | Deficiencies | Agency Plan of Correction, On-going QA/QI and Responsible Party | Date Due**

**Service Domain: Qualified Providers** – The State monitors non-licensed/non-certified providers to assure adherence to waiver requirements. The State implements its policies and procedures for verifying that provider training is conducted in accordance with State requirements and the approved waiver.

**Tag # 1A11.1 Transportation Training**

|---------------------------------------------------------------|
| **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...
| **Department of Health (DOH) Developmental Disabilities Supports Division (DDSD) Policy Training Requirements for Direct Service Agency Staff Policy Eff Date:** March 1, 2007 |
| **II. POLICY STATEMENTS:** |
| 1. Staff providing direct services shall complete safety training within the first thirty (30) days of employment and before working alone with an individual receiving services. The training shall address at least the following: |
| 1. Operating a fire extinguisher |
| 2. Proper lifting procedures |
| 3. General vehicle safety precautions (e.g., pre-trip inspection, removing keys from the ignition when not in the driver’s seat) |
| 4. Assisting passengers with cognitive and/or physical impairments (e.g., general guidelines for supporting individuals who may be |
| **Based on record review and interview, the Agency did not provide and/or have documentation for staff training regarding the safe operation of the vehicle, assisting passengers and safe lifting procedures for 10 of 101 Direct Support Personnel.** |
| **No documented evidence was found of the following required training:** |
| - Transportation (DSP #60, 61, 65, 77, 85, 87, 101, 132, 138) |
| **When DSP were asked if they had received transportation training including training on wheelchair tie downs and van lift safety the following was reported:** |
| - DSP #80 stated, “No.” |
| **Provider:** |
| **State your Plan of Correction for the deficiencies cited in this tag here:** → |
| **Provider:** |
| **Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here:** → |
unaware of safety issues involving traffic or those who require physical assistance to enter/exit a vehicle)
5. Operating wheelchair lifts (if applicable to the staff’s role)
6. Wheelchair tie-down procedures (if applicable to the staff’s role)
7. Emergency and evacuation procedures (e.g., roadside emergency, fire emergency)
<table>
<thead>
<tr>
<th>Tag # 1A20</th>
<th>Standard Level Deficiency</th>
<th>Provider:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Direct Support Personnel Training</strong></td>
<td>Based on record review, the Agency did not ensure Orientation and Training requirements were met for 8 of 101 Direct Support Personnel. Review of Direct Support Personnel training records found no evidence of the following required DOH/DDSD trainings and certification being completed:</td>
<td>State your Plan of Correction for the deficiencies cited in this tag here: →</td>
</tr>
<tr>
<td>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</td>
<td>• Pre-Service (DSP #58, 60, 128, 135, 138)</td>
<td></td>
</tr>
<tr>
<td><strong>CHAPTER 1 IV. GENERAL REQUIREMENTS FOR PROVIDER AGENCY SERVICE PERSONNEL:</strong> The objective of this section is to establish personnel standards for DD Medicaid Waiver Provider Agencies for the following services: Community Living Supports, Community Inclusion Services, Respite, Substitute Care and Personal Support Companion Services. These standards apply to all personnel who provide services, whether directly employed or subcontracting with the Provider Agency. Additional personnel requirements and qualifications may be applicable for specific service standards.</td>
<td>• Foundation for Health and Wellness (DSP 60, #138)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Person-Centered Planning (1-Day) (DSP #138)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• First Aid (DSP #139)</td>
<td></td>
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<td></td>
<td>• CPR (DSP #139)</td>
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</tr>
<tr>
<td></td>
<td>• Assisting With Medication Delivery (DSP #138)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Participatory Communication and Choice Making (DSP #138)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Advocacy 101 (DSP #138)</td>
<td></td>
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<tr>
<td></td>
<td>• Positive Behavior Supports Strategies (DSP #65, 111, 138)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Teaching and Support Strategies (DSP #65, 67, 111, 138)</td>
<td></td>
</tr>
<tr>
<td><strong>C. Orientation and Training Requirements:</strong> 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:</td>
<td><strong>Provider:</strong> Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →</td>
<td></td>
</tr>
<tr>
<td>(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</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Department of Health (DOH) Developmental Disabilities Supports Division (DDSD) Policy - Policy Title: Training Requirements for Direct Service Agency Staff Policy - Eff. March 1, 2007 - II. POLICY STATEMENTS:</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
A. Individuals shall receive services from competent and qualified staff.
B. Staff shall complete individual-specific (formerly known as “Addendum B”) training requirements in accordance with the specifications described in the individual service plan (ISP) 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 service.
<table>
<thead>
<tr>
<th>Tag # 1A22 Agency Personnel Competency</th>
<th>Standard Level Deficiency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</td>
<td>Based on interview, the Agency did not ensure training competencies were met for 4 of 12 Direct Support Personnel.</td>
</tr>
<tr>
<td>CHAPTER 1 IV. GENERAL REQUIREMENTS FOR PROVIDER AGENCY SERVICE PERSONNEL: The objective of this section is to establish personnel standards for DD Medicaid Waiver Provider Agencies for the following services: Community Living Supports, Community Inclusion Services, Respite, Substitute Care and Personal Support Companion Services. These standards apply to all personnel who provide services, whether directly employed or subcontracting with the Provider Agency. Additional personnel requirements and qualifications may be applicable for specific service standards.</td>
<td></td>
</tr>
<tr>
<td>F. Qualifications for Direct Service Personnel: The following employment qualifications and competency requirements are applicable to all Direct Service Personnel employed by a Provider Agency:</td>
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</tr>
<tr>
<td>(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;</td>
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<tr>
<td>(2) Direct service personnel shall have the ability to read and carry out the requirements in an ISP;</td>
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<td>(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;</td>
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<tr>
<td>(4) Direct service personnel shall meet the qualifications specified by DDSD in the Policy Governing the Training Requirements for</td>
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<tr>
<td>When DSP were asked if the Individual had a Positive Behavioral Supports Plan and if so, what the plan covered, the following was reported:</td>
<td></td>
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<tr>
<td>• DSP #80 stated, “I don’t know, honestly I don’t.” According to the Individual Specific Training Section of the ISP, the Individual requires a Positive Behavioral Supports Plan. (Individual #5)</td>
<td></td>
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<tr>
<td>When DSP were asked if the Individual had Health Care Plans and if so, what the plan(s) covered, the following was reported:</td>
<td></td>
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<tr>
<td>• DSP #128 stated, “I don’t think so.” As indicated by the Agency file, the Individual has Health Care Plans for Psychotropic Medications, GI Discomfort Related to Constipation, Ineffective Breathing and Alteration in Sensory/Perception. (Individual #1)</td>
<td></td>
</tr>
<tr>
<td>• DSP #80 stated, “No.” As indicated by the Electronic Comprehensive Health Assessment Tool, the Individual requires Health Care Plans for Body Mass Index, Respiratory and GI/Constipation Management. (Individual #5)</td>
<td></td>
</tr>
<tr>
<td>• DSP #43 stated, “Fluid Restriction and DM.” As indicated by the Health Care Plans in the Agency Record the Individual also has Health Care Plans for Skin Breakdown, GI/Constipation, Cardiac Conditions, Risk of</td>
<td></td>
</tr>
<tr>
<td>Provider: State your Plan of Correction for the deficiencies cited in this tag here: →</td>
<td></td>
</tr>
<tr>
<td>Provider: Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →</td>
<td></td>
</tr>
</tbody>
</table>
Direct Support Staff and Internal Service Coordinators, Serving Individuals with Developmental Disabilities; and

(5) Direct service Provider Agencies of Respite Services, Substitute Care, Personal Support Services, Nutritional Counseling, Therapists and Nursing shall demonstrate basic knowledge of developmental disabilities and have training or demonstrable qualifications related to the role he or she is performing and complete individual specific training as required in the ISP for each individual he or she support.

(6) Report required personnel training status to the DDSD Statewide Training Database as specified in DDSD policies as related to training requirements as follows:

(a) Initial comprehensive personnel status report (name, date of hire, Social Security number category) on all required personnel to be submitted to DDSD Statewide Training Database within the first ninety (90) calendar days of providing services;

(b) Staff who do not wish to use his or her Social Security Number may request an alternative tracking number; and

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

Department of Health (DOH) Developmental Disabilities Supports Division (DDSD) Policy - Policy Title: Training Requirements for Direct Service Agency Staff Policy - Eff. March 1, 2007 - II. POLICY STATEMENTS:

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

Injury and Psychotropic Medications/Falls.

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

- DSP #131 stated, “I don’t know.” As indicated by the Electronic Comprehensive Health Assessment Tool, the Individual requires a Medical Emergency Response Plan for Aspiration. (Individual #4)

- DSP #80 stated, “No.” As indicated by the Electronic Comprehensive Health Assessment Tool, the Individual requires a Medical Emergency Response Plan for Respiratory. (Individual #5)
<table>
<thead>
<tr>
<th>Tag # 1A25</th>
<th>Criminal Caregiver History Screening</th>
<th>Standard Level Deficiency</th>
</tr>
</thead>
<tbody>
<tr>
<td>NMAC 7.1.9.8 CAREGIVER AND HOSPITAL CAREGIVER EMPLOYMENT REQUIREMENTS:</td>
<td>Based on record review, the Agency did not maintain documentation indicating no “disqualifying convictions” or documentation of the timely submission of pertinent application information to the Caregiver Criminal History Screening Program was on file for 7 of 115 Agency Personnel.</td>
<td></td>
</tr>
<tr>
<td>F. Timely Submission: Care providers shall submit all fees and pertinent application information for all individuals who meet the definition of an applicant, caregiver or hospital caregiver as described in Subsections B, D and K of 7.1.9.7 NMAC, no later than twenty (20) calendar days from the first day of employment or effective date of a contractual relationship with the care provider.</td>
<td></td>
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</tr>
<tr>
<td>NMAC 7.1.9.9 CAREGIVERS OR HOSPITAL CAREGIVERS AND APPLICANTS WITH DISQUALIFYING CONVICTIONS:</td>
<td>The following Agency Personnel Files contained no evidence of Caregiver Criminal History Screenings:</td>
<td></td>
</tr>
<tr>
<td>A. Prohibition on Employment: A care provider shall not hire or continue the employment or contractual services of any applicant, caregiver or hospital caregiver for whom the care provider has received notice of a disqualifying conviction, except as provided in Subsection B of this section.</td>
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<tr>
<td>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:</td>
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<tr>
<td>A. homicide;</td>
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<td>B. trafficking, or trafficking in controlled substances;</td>
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<td>C. kidnapping, false imprisonment, aggravated assault or aggravated battery;</td>
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<tr>
<td>D. rape, criminal sexual penetration, criminal sexual contact, incest, indecent exposure, or other related felony sexual offenses;</td>
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<td></td>
</tr>
<tr>
<td>Direct Support Personnel (DSP):</td>
<td></td>
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</tr>
<tr>
<td>• #119 – Date of hire 12/30/2009.</td>
<td></td>
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<tr>
<td>• #120 – Date of hire 3/10/2011.</td>
<td></td>
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<tr>
<td>• #138 – Date of hire 5/15/2005.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Substitute Care/Respite Personnel:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• #146 – Date of hire 7/10/2006.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• #149 – Date of hire was requested and not provided. No evidence of letter found.</td>
<td></td>
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</tr>
<tr>
<td>• #150 – Date of hire was requested and not provided. No evidence of letter found.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• #153 – Date of hire was requested and not provided. No evidence of letter found.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provider: State your Plan of Correction for the deficiencies cited in this tag here: →</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provider: Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
E. crimes involving adult abuse, neglect or financial exploitation;

F. crimes involving child abuse or neglect;

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

H. an attempt, solicitation, or conspiracy involving any of the felonies in this subsection.
| Tag # | A26  
| --- | ---  
| **Consolidated On-line Registry**  
Employee Abuse Registry | **Standard Level Deficiency**  
Baseline on record review, the Agency did not maintain documentation in the employee’s personnel records that evidenced inquiry into the Employee Abuse Registry prior to employment for 9 of 115 Agency Personnel.  
**The following Agency personnel records contained no evidence of the Employee Abuse Registry check being completed:**  
**Substitute Care/Respite Personnel:**  
- #150 – Date of hire was requested and not provided.  
**The following Agency Personnel records contained evidence that indicated the Employee Abuse Registry check was completed after hire:**  
**Substitute Care/Respite Personnel:**  
- #145 – Date of hire 5/14/2013, completed 5/16/2013.  
- #148 – Date of hire 4/30/2013, completed 5/2/2013.  
- #149 – Date of hire was requested and not provided. Unable to verify if EAR was completed within required time frame. Documentation indicated it was completed 8/8/2013.  
- #151 – Date of hire 5/6/2011, completed  
**Provider:**  
State your Plan of Correction for the deficiencies cited in this tag here: →  
**Provider:**  
Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →

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**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.  
**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.  
**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.  
**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.

E. **Documentation for other staff.** With respect to all employed or contracted individuals providing direct care who are licensed health care professionals or certified nurse aides, the provider shall maintain documentation reflecting the individual’s current licensure as a health care professional or current certification as a nurse aide.

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


**Chapter 1.IV. General Provider Requirements.**

D. **Criminal History Screening:** All personnel shall be screened by the Provider Agency in regard to the employee’s qualifications, references, and employment history, 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.

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8/8/2013.

- #152 – Date of hire 7/31/2013, completed 8/8/2013.
- #153 – Date of hire was requested and not provided. Unable to verify if EAR was completed within required time frame. Documentation indicated it was completed 8/8/2013.
<table>
<thead>
<tr>
<th>Tag # 1A28.1</th>
<th>Incident Mgt. System - Personnel Training</th>
</tr>
</thead>
<tbody>
<tr>
<td>NMAC 7.1.13.10 INCIDENT MANAGEMENT SYSTEM REQUIREMENTS:</td>
<td>Standard Level Deficiency</td>
</tr>
<tr>
<td><strong>A. General:</strong> 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.</td>
<td>Based on record review and interview, the Agency did not ensure Incident Management Training for 8 of 103 Agency Personnel.</td>
</tr>
<tr>
<td><strong>D. Training Documentation:</strong> 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.</td>
<td><strong>Direct Support Personnel (DSP):</strong></td>
</tr>
<tr>
<td><strong>Policy Title:</strong> Training Requirements for Direct Service Agency Staff Policy - Eff. March 1, 2007</td>
<td><strong>Incident Management Training (Abuse, Neglect and Misappropriation of Consumers’ Property) (DSP #60, 67, 87, 107, 108, 138, 141)</strong></td>
</tr>
<tr>
<td><strong>II. POLICY STATEMENTS:</strong></td>
<td><strong>When Direct Support Personnel were asked what two State Agencies must be contacted when there is suspected Abuse, Neglect and Misappropriation of Consumers’ Property, the following was reported:</strong></td>
</tr>
<tr>
<td><strong>A. Individuals shall receive services from competent and qualified staff.</strong></td>
<td><strong>DSP #112 stated, “APS.” Staff was not able to identify the 2nd State Agency as Division of Health Improvement.</strong></td>
</tr>
<tr>
<td><strong>C. Staff shall complete training on DOH-approved incident reporting procedures in accordance with 7 NMAC 1.13.</strong></td>
<td><strong>Provider:</strong></td>
</tr>
<tr>
<td><strong>Provider:</strong></td>
<td>State your Plan of Correction for the deficiencies cited in this tag here: →</td>
</tr>
<tr>
<td><strong>Provider:</strong></td>
<td>Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →</td>
</tr>
<tr>
<td>Tag # 1A37</td>
<td>Individual Specific Training</td>
</tr>
<tr>
<td>------------</td>
<td>----------------------------</td>
</tr>
</tbody>
</table>
| Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007 | Based on record review, the Agency did not ensure that Individual Specific Training requirements were met for 2 of 103 Agency Personnel. Review of personnel records found no evidence of the following: **Direct Support Personnel (DSP):**  
- Individual Specific Training (DSP #41, 138) | State your Plan of Correction for the deficiencies cited in this tag here: → | |
| **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:  
(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. Department of Health (DOH) Developmental Disabilities Supports Division (DDSD) Policy - Policy Title: Training Requirements for Direct Service Agency Staff Policy - Eff. March 1, 2007 - II. POLICY STATEMENTS:  
A. Individuals shall receive services from competent and qualified staff.  
B. Staff shall complete individual-specific (formerly known as “Addendum B”) training requirements in accordance with the specifications described in the individual service plan (ISP) of each individual served. | |
| Provider: Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: → | |
### Standard of Care

**Service Domain: Health and Welfare** — The state, on an ongoing basis, identifies, addresses and seeks to prevent occurrences of abuse, neglect and exploitation. Individuals shall be afforded their basic human rights. The provider supports individuals to access needed healthcare services in a timely manner.

<table>
<thead>
<tr>
<th>Tag #</th>
<th>CQI System</th>
<th>Standard Level Deficiency</th>
</tr>
</thead>
<tbody>
<tr>
<td>1A03</td>
<td>CQI System</td>
<td>Based on record review and interview, the Agency had not fully implemented their Continuous Quality Management System as required by standard.</td>
</tr>
</tbody>
</table>

- Review of the findings identified during the on-site survey (August 5 – 7, 2013) and as reflected in this report of findings the Agency had multiple deficiencies noted, which indicates the CQI plan provided by the Agency was not being used to successfully identify and improve systems within the agency.

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

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

Provider:

(6) Quality and completeness documentation; and
(7) Trends in individual and guardian satisfaction.

7.1.13.9 INCIDENT MANAGEMENT SYSTEM REPORTING REQUIREMENTS FOR COMMUNITY BASED SERVICE PROVIDERS:

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

(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;

(2) Community based service providers providing developmental disabilities services must have a designated incident management coordinator in place;

(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.
Tag # 1A09
Medication Delivery
Routine Medication Administration


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.

E. Medication Delivery: Provider Agencies that provide Community Living, Community Inclusion or Private Duty Nursing services shall have written policies and procedures regarding medication(s) delivery and tracking and reporting of medication errors in accordance with DDSD Medication Assessment and Delivery Policy and Procedures, the Board of Nursing Rules and Board of Pharmacy standards and regulations.

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

(a) The name of the individual, a transcription of the physician’s written or licensed health care provider’s prescription including the brand and generic name of the medication, diagnosis for which the medication is prescribed;

(b) Prescribed dosage, frequency and method/route of administration, times and dates of administration;

(c) Initials of the individual administering or

<table>
<thead>
<tr>
<th>Tag # 1A09</th>
<th>Standard Level Deficiency</th>
<th>Provider</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medication Delivery Records (MAR) were reviewed for the months of May, June and August 2013.</td>
<td>Based on record review, 8 of 12 individuals had Medication Administration Records (MAR), which contained missing medications entries and/or other errors:</td>
<td></td>
</tr>
</tbody>
</table>

Individual #1
May 2013
Medication Administration Records did not contain the diagnosis for which the medication is prescribed:
- Colace 100mg (2 times daily)
- Naltrexone 50mg (1 time daily)
- Risperdal 1mg (1 time daily)

June 2013
Medication Administration Records did not contain the diagnosis for which the medication is prescribed:
- Colace 100mg (2 times daily)
- Naltrexone 50mg (1 time daily)
- Risperdal 1mg (1 time daily)

August 2013
Medication Administration Records did not contain the diagnosis for which the medication is prescribed:
- Colace 100mg (2 times daily)
- Fish Oil 1000mg (1 time daily)

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

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

(3) The Provider Agency shall also maintain a signature page that designates the full name that corresponds to each initial used to document administered or assisted delivery of each dose;
(4) MARs are not required for individuals participating in Independent Living who self-administer their own medications;
(5) Information from the prescribing pharmacy regarding medications shall be kept in the home and community inclusion service locations and shall include the expected desired outcomes of administering the medication, signs and symptoms of adverse events and interactions with other medications;

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

| (d) | The facility shall have a Medication Administration Record (MAR) documenting medication administered to residents, including over-the-counter medications. This documentation shall include:
| (i) | Name of resident;
| (ii) | Date given;
| (iii) | Drug product name;
| (iv) | Dosage and form; |

| | | | |
| | | | |
| | | | |
| | | | |

- Naltrexone 50mg (1 time daily)
- Oxcarbazepine Grileptal 150mg (2 times daily)
- Risperdal 1mg (1 time daily)

**Individual #2**
May 2013
Medication Administration Records did not contain the diagnosis for which the medication is prescribed:
- Lantus 25Unit dose (1 time daily)
- Lantus 100Units/ML (2 times daily)
- Lantus 100Units/ML (1 time daily)
- Vitamin D 50,000Units (1 time a week)

**June 2013**
Medication Administration Records did not contain the diagnosis for which the medication is prescribed:
- Lantus 100Units/ML (2 times daily)

Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries:
- Humalog Insulin Sliding Scale (4 times daily) – Blank 6/30 (9:00 PM)

**August 2013**
Medication Administration Records did not contain the diagnosis for which the medication is prescribed:
- Lantus 100Units/ML (2 times daily)

**Individual #4**
May 2013
Medication Administration Records did not
(v)  Strength of drug;
(vi)  Route of administration;
(vii) How often medication is to be taken;
(viii) Time taken and staff initials;
(ix)  Dates when the medication is discontinued or changed;
(x)  The name and initials of all staff administering medications.

Model Custodial Procedure Manual

D. Administration of Drugs

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

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

- symptoms that indicate the use of the medication,
- exact dosage to be used, and
- the exact amount to be used in a 24 hour period.

June 2013
Medication Administration Records did not contain the diagnosis for which the medication is prescribed:
- Trazodone 100mg (1 time daily)

Individual #5
May 2013
Medication Administration Records did not contain the diagnosis for which the medication is prescribed:
- Trazodone 100mg (1 time daily)

Medication Administration Records did not contain the strength of the medication which is

- Trazodone 100mg (1 time daily)
<table>
<thead>
<tr>
<th>Medication</th>
<th>Frequency</th>
<th>Diagnosis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Citracal + D 2</td>
<td>(times daily)</td>
<td></td>
</tr>
<tr>
<td>Advair diskus 250-50mg</td>
<td>(2 times daily)</td>
<td></td>
</tr>
<tr>
<td>Allegra 180mg</td>
<td>(1 time daily)</td>
<td></td>
</tr>
<tr>
<td>Citracal + D</td>
<td>(2 times daily)</td>
<td></td>
</tr>
<tr>
<td>Colace 100mg</td>
<td>(2 times daily)</td>
<td></td>
</tr>
<tr>
<td>Fluoxetine HCL 20mg</td>
<td>(1 time daily)</td>
<td></td>
</tr>
<tr>
<td>Lamotrigine 25 mg</td>
<td>(2 times daily)</td>
<td></td>
</tr>
<tr>
<td>Levothyroxine 0.05mg</td>
<td>(1 time daily)</td>
<td></td>
</tr>
<tr>
<td>Nasonex 50mcg</td>
<td>(1 time daily)</td>
<td></td>
</tr>
<tr>
<td>Nystatin (cream)</td>
<td>(2 times daily)</td>
<td></td>
</tr>
<tr>
<td>Topiramate 50mg</td>
<td>(2 times daily)</td>
<td></td>
</tr>
<tr>
<td>Trivora 1Other</td>
<td>(1 time daily)</td>
<td></td>
</tr>
</tbody>
</table>

June 2013
Medication Administration Records did not contain the diagnosis for which the medication is prescribed:
- Advair diskus 250-50mg (2 times daily)
- Allegra 180mg (1 time daily)
- Citracal + D (2 times daily)
- Colace 100mg (2 times daily)
- Fluoxetine HCL 20mg (1 time daily)
- Lamotrigine 25 mg (2 times daily)
- Levothyroxine 0.05mg (1 time daily)
- Nasonex 50mcg (1 time daily)
- Nystatin (cream) (2 times daily)
- Topiramate 50mg (2 times daily)
- Trivora 1Other (1 time daily)

August 2013
Medication Administration Records did not contain the diagnosis for which the medication is prescribed:
- Advair diskus 250-50mg (2 times daily)
- Allegra 180mg (1 time daily)
Citracal + D (2 times daily)
Colace 100mg (2 times daily)
Fluoxetine HCL 20mg (1 time daily)
Lamotrigine 25 mg (2 times daily)
Levothyroxine 0.05mg (1 time daily)
Nasonex 50mcg (1 time daily)
Prevident 5000 (2 times daily)
Topiramate 50mg (2 times daily)
Vitamin C 500mg (2 times daily)

Individual #8
May 2013
Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries:
- Mupirocin (Cream) (3 times daily) – Blank 5/1, 2, 6, 7, 8, 10, 13, 14, 29, 30 (12:00 PM)
- Seroquel 25mg (3 times daily) – Blank 5/6, 7, 8, 13, 14, 28, 29, 30 (11:00 AM)

Medication Administration Records did not contain the diagnosis for which the medication is prescribed:
- Elocon (Cream) (2 times daily)
- Mupirocin (Cream) (3 times daily)
- Plaquenil 200mg (2 times daily)
- Seroquel 25mg (3 times daily)
<table>
<thead>
<tr>
<th>Medication</th>
<th>Frequency</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Symbicort 2Puffs</td>
<td>2 times daily</td>
<td>June 2013 Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries: Mupirocin (Cream) (3 times daily) – Blank 6/1 (7:00 PM)</td>
</tr>
<tr>
<td>Mupirocin (Cream)</td>
<td>3 times daily</td>
<td>Medication Administration Records did not contain the diagnosis for which the medication is prescribed: Elocon (Cream) (2 times daily)</td>
</tr>
<tr>
<td>Plaquenil 200mg</td>
<td>2 times daily</td>
<td>Medication Administration Records did not contain the diagnosis for which the medication is prescribed: Potassium Gluconate 595mg (1 time daily)</td>
</tr>
<tr>
<td>Elocon (Cream)</td>
<td>2 times daily</td>
<td>Medication Administration Records did not contain the diagnosis for which the medication is prescribed: Seroquel 25mg (3 times daily)</td>
</tr>
<tr>
<td>Symbicort 2Puffs</td>
<td>2 times daily</td>
<td>Medication Administration Records did not contain the diagnosis for which the medication is prescribed: Potassium Gluconate 595mg (1 time daily)</td>
</tr>
</tbody>
</table>

**Individual #10**

<table>
<thead>
<tr>
<th>Medication</th>
<th>Frequency</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allegra 180mg</td>
<td>1 time daily</td>
<td>May 2013 Medication Administration Records did not contain the diagnosis for which the medication is prescribed: Aspirin EC 81mg (1 time daily)</td>
</tr>
<tr>
<td>Aspirin EC 81mg</td>
<td>1 time daily</td>
<td>June 2013 Medication Administration Records did not contain the diagnosis for which the medication is prescribed: Allegra 180mg (1 time daily)</td>
</tr>
<tr>
<td>Allegra 180mg</td>
<td>1 time daily</td>
<td>August 2013 Medication Administration Records did not contain the diagnosis for which the medication is prescribed: Aspirin EC 81mg (1 time daily)</td>
</tr>
</tbody>
</table>
contain the diagnosis for which the medication is prescribed:
- Allegra 180mg (1 time daily)
- Aspirin EC 81mg (1 time daily)

Individual #11
May 2013
Medication Administration Records did not contain the diagnosis for which the medication is prescribed:
- Aristocort (Cream) (1 time daily)
- Aspirin 81mg (1 time daily)
- Clotrimazole (Cream) (3 times daily)
- Debrox 6.5% (1 time daily)
- Docusate Sodium 100mg (2 times daily)
- Donepezil 10mg (1 time daily)
- Levothyroxin 25mcg (1 time daily)
- Loratadine 10mg (1 time daily)
- Risperidone .5mg (1 time daily)
- Tamsulosin 0.4mg (1 time daily)

June 2013
Medication Administration Records did not contain the diagnosis for which the medication is prescribed:
- Aristocort (Cream) (1 time daily)
- Aspirin 81mg (1 time daily)
- Clotrimazole (Cream) (3 times daily)
• Debrox 6.5% (1 time daily)
• Docusate Sodium 100mg (2 times daily)
• Donepezil 10mg (1 time daily)
• Levothyroxin 25mcg (1 time daily)
• Loratadine 10mg (1 time daily)
• Risperidone .5mg (1 time daily)
• Tamsulosin 0.4mg (1 time daily)

Individual #12
May 2013
Medication Administration Records did not contain the diagnosis for which the medication is prescribed:
• Augmentin 500-125mg (2 times daily)
• Clonazepam 0.5mg (1 time daily)
• Clonazepam 0.5mg (1 time daily)
• Debrox 6.5% (every other day)
• Fluticasone Prop 50mcg (1 time daily)
• Guaifenesin ER 600mg (2 times daily)
• Zyrtec 10mg (1 time daily)

June 2013
Medication Administration Records did not contain the diagnosis for which the medication is prescribed:
• Clonazepam 0.5mg (1 time daily)
• Debrox 6.5% (every other day)
• Fluticasone Prop 50mcg (1 time daily)
• Zyrtec 10mg (1 time daily)

August 2013
Medication Administration Records did not contain the diagnosis for which the medication is prescribed:
• Clonazepam 0.5mg (1 time daily)
• Debrox 6.5% (every other day)
• Zyrtec 10mg (1 time daily)
| Tag # 1 A09.1 | Medication Delivery  
PRN Medication Administration |
|---------------|--------------------------------|
| **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.  

**E. Medication Delivery:** Provider Agencies that provide Community Living, Community Inclusion or Private Duty Nursing services shall have written policies and procedures regarding medication(s) delivery and tracking and reporting of medication errors in accordance with DDSD Medication Assessment and Delivery Policy and Procedures, the Board of Nursing Rules and Board of Pharmacy standards and regulations.  

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

(a) The name of the individual, a transcription of the physician’s written or licensed health care provider’s prescription including the brand and generic name of the medication, diagnosis for which the medication is prescribed;
(b) Prescribed dosage, frequency and method/route of administration, times and dates of administration;
(c) Initials of the individual administering or

<table>
<thead>
<tr>
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</tr>
</thead>
</table>
| Medication Administration Records (MAR) were reviewed for the months of May, June and August 2013.  
Based on record review, 7 of 13 individuals had PRN Medication Administration Records (MAR), which contained missing elements as required by standard:  

**Individual #1**  
August 2013  
Medication Administration Records did not contain the exact amount to be used in a 24 hour period:  
- Milk of Magnesia 30ml (PRN)

**Individual #4**  
May 2013  
Medication Administration Records did not contain the exact amount to be used in a 24 hour period:  
- Milk of Magnesia 20ml (PRN)

**June 2013**  
Medication Administration Records did not contain the exact amount to be used in a 24 hour period:  
- Milk of Magnesia 20ml (PRN)

**Individual #5**  
May 2013  
Medication Administration Records did not contain the exact amount to be used in a 24 hour period:  
- Acetaminophen 500mg (PRN)
- Benadryl 25mg (PRN)

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

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

(3) The Provider Agency shall also maintain a signature page that designates the full name that corresponds to each initial used to document administered or assisted delivery of each dose;

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

(5) Information from the prescribing pharmacy regarding medications shall be kept in the home and community inclusion service locations and shall include the expected desired outcomes of administering the medication, signs and symptoms of adverse events and interactions with other medications;

**NMAC 16.19.11.8 MINIMUM STANDARDS:**
A. **MINIMUM STANDARDS FOR THE DISTRIBUTION, STORAGE, HANDLING AND RECORD KEEPING OF DRUGS:**
(d) The facility shall have a Medication Administration Record (MAR) documenting medication administered to residents, including over-the-counter medications. This documentation shall include:
   (i) Name of resident;
   (ii) Date given;

| &bullet; Benadryl (Lotion) (PRN) |
| &bullet; Esgic (PRN) |
| &bullet; Hydrocortisone (Cream) (PRN) |
| &bullet; Ibuprofen 200mg (PRN) |
| &bullet; Maalox 15ml (PRN) |
| &bullet; Mylanta 20ml (PRN) |
| &bullet; Tussen DM 10ml (PRN) |

Medication Administration Records did not contain the strength of the medication which is to be given:
- Albuterol (PRN)
- Esgic (PRN)
- Hydrocortisone (PRN)

Medication Administration Records did not contain the dose of the medication which is to be given:
- Albuterol (PRN)
- Esgic (PRN)

Medication Administration Records did not contain the circumstance for which the medication is to be used:
- Maalox 15ml (PRN)
- Oxycodone 5mg (PRN)

June 2013
Medication Administration Records did not contain the exact amount to be used in a 24 hour period:
Model Custodial Procedure Manual

D. Administration of Drugs

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

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

- symptoms that indicate the use of the medication,
- exact dosage to be used, and
- the exact amount to be used in a 24 hour period.

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

| (iii) Drug product name;       | • Acetaminophen 500mg (PRN)  |
| (iv) Dosage and form;          | • Benadryl 25mg (PRN)       |
| (v) Strength of drug;          | • Benadryl (Lotion) (PRN)   |
| (vi) Route of administration;  | • Esgic (PRN)               |
| (vii) How often medication is to be taken; | • Hydrocortisone (Cream) (PRN) |
| (viii) Time taken and staff initials; | • Ibuprofen 200mg (PRN) |
| (ix) Dates when the medication is discontinued or changed; | • Maalox 15ml (PRN)         |
| (x) The name and initials of all staff administering medications. | • Mylanta 20ml (PRN)         |
|                               | • Tussen DM 10ml (PRN)      |

Medication Administration Records did not contain the strength of the medication which is to be given:

- Albuterol (PRN)
- Esgic (PRN)
- Hydrocortisone (PRN)

Medication Administration Records did not contain the dose of the medication which is to be given:

- Albuterol (PRN)
- Esgic (PRN)

Medication Administration Records did not contain the circumstance for which the medication is to be used:

- Maalox 15ml (PRN)
- Oxycodone 5mg (PRN)
(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.

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:

August 2013
Medication Administration Records did not contain the exact amount to be used in a 24 hour period:
- Acetaminophen 500mg (PRN)
- Benadryl 25mg (PRN)
- Esgic (PRN)
- Ibuprofen 200mg (PRN)
- Maalox 15ml (PRN)
- Mylanta 20ml (PRN)

Medication Administration Records did not contain the strength of the medication which is to be given:
- Albuterol (PRN)
- Esgic (PRN)

Medication Administration Records did not contain the dose of the medication which is to be given:
- Albuterol (PRN)
- Esgic (PRN)

Medication Administration Records did not contain the circumstance for which the medication is to be used:
- Maalox 15ml (PRN)
- Oxycodone 5mg (PRN)

Individual #8
May 2013
Medication Administration Records did not contain the exact amount to be used in a 24
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. (References: Psychotropic Medication Use Policy, Section D, page 5 Use of PRN Psychotropic Medications; and, Human Rights Committee Requirements Policy, Section B, page 4 Interventions Requiring Review and Approval – Use of PRN Medications).

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

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

<table>
<thead>
<tr>
<th>Hour period:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acetaminophen 500mg (PRN)</td>
</tr>
<tr>
<td>Diphenhydramine 25mg (PRN)</td>
</tr>
<tr>
<td>Epi-Pen (PRN)</td>
</tr>
<tr>
<td>Flonase 2Sprays (PRN)</td>
</tr>
<tr>
<td>Ibuprofen 600mg (PRN)</td>
</tr>
<tr>
<td>Ibuprofen 200mg (PRN)</td>
</tr>
<tr>
<td>Maalox Suspension 30ml (PRN)</td>
</tr>
<tr>
<td>Milk of Magnesia Suspension (PRN)</td>
</tr>
<tr>
<td>Mylanta 10ml (PRN)</td>
</tr>
<tr>
<td>Pro Air Inhaler 2Puffs (PRN)</td>
</tr>
<tr>
<td>Robitussin-DM 5ml (PRN)</td>
</tr>
</tbody>
</table>

Medication Administration Records did not contain the circumstance for which the medication is to be used:

- Epi-Pen (PRN)
- Flonase (PRN)
- Nystatin-Triamcinolone (Ointment) (PRN)
- Pro Air Inhaler (PRN)

June 2013

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

- Acetaminophen 500mg (PRN)
- Diphenhydramine 25mg (PRN)
• Epi-Pen (PRN)
• Flonase 2Sprays (PRN)
• Ibuprofen 600mg (PRN)
• Ibuprofen 200mg (PRN)
• Maalox Suspension 30ml (PRN)
• Milk of Magnesia Suspension (PRN)
• Mylanta 10ml (PRN)
• Pro Air Inhaler 2Puffs (PRN)
• Robitussin-DM 5ml (PRN)

Medication Administration Records did not contain the circumstance for which the medication is to be used:
• Epi-Pen (PRN)
• Flonase (PRN)
• Nystatin-Triamcinolone (Ointment) (PRN)
• Pro Air Inhaler (PRN)
• Robitussin-DM (PRN)

Individual #10
May 2013
Medication Administration Records did not contain the circumstance for which the medication is to be used:
• Ibuprofen 400mg (PRN)

June 2013
Medication Administration Records did not contain the circumstance for which the medication is to be used:
<table>
<thead>
<tr>
<th>Medication</th>
<th>Issue Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ibuprofen 400mg (PRN)</td>
<td>Individual #11 May 2013 Medication Administration Records did not contain the exact amount to be used in a 24 hour period: Cheratussin AC Syrup (PRN) Duoneb 0.5mg-3mg/3ml (PRN) Fleets Enema (PRN) Pepto-Bismol Tablet (PRN) Robitussin DM 10ml (PRN) Trazodone 50mg (PRN)</td>
</tr>
<tr>
<td>Cheratussin AC Syrup (PRN)</td>
<td>Medication Administration Records did not contain the circumstance for which the medication is to be used: Cheratussin AC Syrup (PRN) Duoneb 0.5mg-3mg/3ml (PRN) Trazodone 50mg (PRN)</td>
</tr>
<tr>
<td>Milk of Magnesia 30ml PRN</td>
<td>No Effectiveness was noted on the Medication Administration Record for the following PRN medication: Milk of Magnesia 30ml – PRN – 5/5 (given 1 time)</td>
</tr>
<tr>
<td>Cheratussin AC Syrup (PRN)</td>
<td>June 2013 Medication Administration Records did not contain the exact amount to be used in a 24 hour period: Cheratussin AC Syrup (PRN)</td>
</tr>
<tr>
<td>Medication</td>
<td>Notes</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>Duoneb 0.5mg-3mg/3ml (PRN)</td>
<td></td>
</tr>
<tr>
<td>Fleets Enema (PRN)</td>
<td></td>
</tr>
<tr>
<td>Pepto-Bismol Tablet (PRN)</td>
<td></td>
</tr>
<tr>
<td>Robitussin DM 10ml (PRN)</td>
<td></td>
</tr>
<tr>
<td>Trazodone 50mg (PRN)</td>
<td></td>
</tr>
</tbody>
</table>

Medication Administration Records did not contain the circumstance for which the medication is to be used:
- Cheratussin AC Syrup (PRN)
- Duoneb 0.5mg-3mg/3ml (PRN)
- Robitussin DM 10ml (PRN)
- Trazodone 50mg (PRN)

Individual #12
May 2013

No Effectiveness was noted on the Medication Administration Record for the following PRN medication:
- Acetaminophen – PRN – 5/28 (given 1 time)

Medication Administration Records did not contain the exact amount to be used in a 24 hour period:
- Dulcolax 10mg (PRN)
- Kaopectate 1ml (PRN)
- Maalox Suspension 15ml (PRN)

Medication Administration Records did not contain the dose of the medication which is to be given:
• Kaopectate 1ml (PRN)

June 2013
Medication Administration Records did not contain the exact amount to be used in a 24 hour period:
• Dulcolax 10mg (PRN)

• Kaopectate 1ml (PRN)

• Maalox Suspension 15ml (PRN)

Medication Administration Records did not contain the dose of the medication which is to be given:
• Kaopectate 1ml (PRN)
<table>
<thead>
<tr>
<th>Tag #</th>
<th>Incident Mgt. Late and Failure to Report</th>
</tr>
</thead>
<tbody>
<tr>
<td>1A27</td>
<td>7.1.13.9 INCIDENT MANAGEMENT SYSTEM REPORTING REQUIREMENTS FOR COMMUNITY BASED SERVICE PROVIDERS:</td>
</tr>
<tr>
<td></td>
<td>A. Duty To Report:</td>
</tr>
<tr>
<td></td>
<td>(1) All community based service providers shall immediately report abuse, neglect or misappropriation of property to the adult protective services division.</td>
</tr>
<tr>
<td></td>
<td>(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:</td>
</tr>
<tr>
<td></td>
<td>(a) an environmental hazardous condition, which creates an immediate threat to life or health; or</td>
</tr>
<tr>
<td></td>
<td>(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.</td>
</tr>
<tr>
<td></td>
<td>(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.</td>
</tr>
<tr>
<td></td>
<td>B. Notification: (1) Incident Reporting:</td>
</tr>
<tr>
<td></td>
<td>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.</td>
</tr>
</tbody>
</table>

**Standard Level Deficiency**

Based on the Incident Management Bureau’s Late and Failure Reports, the Agency did not report suspected abuse, neglect, or misappropriation of property, unexpected and natural/expected deaths; or other reportable incidents to the Division of Health Improvement, as required by regulations for 12 of 21 individuals.

**Individual #2**
- Incident date 9/19/2013. Allegation was Exploitation. Incident report was received 12/12/2012. Late Reporting. IMB Late and Failure Report indicated incident of Exploitation was “Unconfirmed.”

**Individual #3**
- Incident date 9/4/2012. Allegation was Neglect. Incident report was received 9/4/2012. Failure to Report. IMB Late and Failure Report indicated incident of Neglect was “Unconfirmed.”

**Individual #11**
- Incident date 11/30/2012. Allegation was Neglect. Incident report was received 12/5/2012. Failure to Report. IMB Late and Failure Report indicated incident of Neglect was “Confirmed.”

**Individual #13**
- Incident date 2/26/2013. Allegation was Neglect. Incident report was received 2/28/2013. Failure to Report. IMB Late and Failure Report indicated incident of Neglect was “Confirmed.”

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

**Provider:** Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →
<table>
<thead>
<tr>
<th>Individual #</th>
<th>Incident date</th>
<th>Allegation</th>
<th>Incident report date</th>
<th>Late Reporting</th>
<th>IMB Late and Failure Report</th>
<th>Status of Neglect (Unconfirmed/Confirmed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>#15</td>
<td>9/19/2013</td>
<td>Neglect/Exploitation</td>
<td>12/12/2012</td>
<td>Late Reporting.</td>
<td>IMB Late and Failure Report</td>
<td>“Unconfirmed.”</td>
</tr>
<tr>
<td>#16</td>
<td>9/19/2013</td>
<td>Neglect/Exploitation</td>
<td>12/12/2012</td>
<td>Late Reporting.</td>
<td>IMB Late and Failure Report</td>
<td>“Unconfirmed.”</td>
</tr>
<tr>
<td></td>
<td>3/5/2013</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

http://dhi.health.state.nm.us/elibrary/ironline/ir.php or may be obtained from the department by calling the toll free number.
Emergency Services. Incident report was received 3/7/2013. IMB issued a Late Reporting for Emergency Services.

**Individual #19**
- Incident date 11/1/2011. Allegation was Neglect. Incident report was received 8/30/2012. Failure to Report. IMB Late and Failure Report indicated incident of Neglect was “Unconfirmed.”

**Individual #20**
- Incident date 8/16/2012. Allegation was Neglect. Incident report was received 8/23/2012. Failure to Report. IMB Late and Failure Report indicated incident of Neglect was “Unconfirmed.”

**Individual #21**
- Incident date 9/19/2012. Allegation was Neglect/Exploitation. Incident report was received 12/12/2012. Late Reporting. IMB Late and Failure Report indicated incident of Neglect and Exploitation were “Unconfirmed.”
<table>
<thead>
<tr>
<th>Tag # 1A28.2</th>
<th>Standard Level Deficiency</th>
<th>Provider:</th>
</tr>
</thead>
</table>
| Incident Mgt. System - Parent/Guardian Training | NMAC 7.1.13.10 INCIDENT MANAGEMENT SYSTEM REQUIREMENTS:  
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.  
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.  
Based on record review, the Agency did not provide documentation indicating consumer, family members, or legal guardians had received an orientation packet including incident management system policies and procedural information concerning the reporting of Abuse, Neglect and Misappropriation of Consumers’ Property, for 1 of 13 individuals.  
Review of the Agency individual case files revealed the following items were not found and/or incomplete:  
• Parent/Guardian Incident Management Training (Abuse, Neglect and Misappropriation of Consumers’ Property) (#11) | State your Plan of Correction for the deficiencies cited in this tag here: → |

Provider: Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →  
}
<table>
<thead>
<tr>
<th>Tag # 1A29 Complaints / Grievances Acknowledgement</th>
<th>Standard Level Deficiency</th>
<th>Provider:</th>
</tr>
</thead>
<tbody>
<tr>
<td>NMAC 7.26.3.6 A These regulations set out rights that the department expects all providers of services to individuals with developmental disabilities to respect. These regulations are intended to complement the department's Client Complaint Procedures (7 NMAC 26.4) [now 7.26.4 NMAC].</td>
<td>Based on record review, the Agency did not provide documentation, the complaint procedure had been made available to individuals or their legal guardians for 1 of 13 individuals. Review of the Agency individual case files revealed the following items were not found and/or incomplete: • Grievance/Complaint Procedure Acknowledgement (#11)</td>
<td>State your Plan of Correction for the deficiencies cited in this tag here: →</td>
</tr>
<tr>
<td>NMAC 7.26.3.13 Client Complaint Procedure Available. A complainant may initiate a complaint as provided in the client complaint procedure to resolve complaints alleging that a service provider has violated a client’s rights as described in Section 10 [now 7.26.3.10 NMAC]. The department will enforce remedies for substantiated complaints of violation of a client’s rights as provided in client complaint procedure. [09/12/94; 01/15/97; Recompiled 10/31/01]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NMAC 7.26.4.13 Complaint Process: A. (2). The service provider’s complaint or grievance procedure shall provide, at a minimum, that: (a) the client is notified of the service provider’s complaint or grievance procedure</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Provider: Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →
<table>
<thead>
<tr>
<th>Tag # 1A33</th>
<th>Standard Level Deficiency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Board of Pharmacy – Med. Storage</td>
<td>Based on record review and observation, the Agency did not to ensure proper storage of medication for 2 of 11 individuals.</td>
</tr>
<tr>
<td>New Mexico Board of Pharmacy Model Custodial Drug Procedures Manual E. Medication Storage:</td>
<td>Observation included:</td>
</tr>
</tbody>
</table>
| Prescribed drugs will be stored in a locked cabinet and the key will be in the care of the administrator or designee. | Individual #8  
Albuterol Sulfate: expired 3/2013. Expired medication was not kept separate from other medications as required by Board of Pharmacy Procedures. |
| Drugs to be taken by mouth will be separate from all other dosage forms. | Individual #12  
Debrox: expired 2/2013. Expired medication was not kept separate from other medications as required by Board of Pharmacy Procedures. |
| 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. | |
| Separate compartments are required for each resident’s medication. | |
| 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. | |
| 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. | |
| References | |
| A. Adequate drug references shall be available for facility staff | |
| H. Controlled Substances (Perpetual Count Requirement) | |
| 1. Separate accountability or proof-of-use sheets shall be maintained, for each controlled substance, indicating the following information: | |
| a. date | |

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

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


<table>
<thead>
<tr>
<th>b. time administered</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>c. name of patient</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. dose</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e. practitioner's name</td>
<td></td>
<td></td>
</tr>
<tr>
<td>f. signature of person administering or assisting with the administration the dose</td>
<td></td>
<td></td>
</tr>
<tr>
<td>g. balance of controlled substance remaining.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tag # 1A33.1</td>
<td>Standard Level Deficiency</td>
<td>Provider:</td>
</tr>
<tr>
<td>----------------</td>
<td>--------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>Board of Pharmacy - License</td>
<td>New Mexico Board of Pharmacy Model Custodial Drug Procedures Manual</td>
<td>Based on observation, the Agency did not 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 7 residences:</td>
</tr>
<tr>
<td></td>
<td>6. Display of License and Inspection Reports</td>
<td>Individual Residence:</td>
</tr>
<tr>
<td></td>
<td>A. The following are required to be publicly displayed:</td>
<td>- Current Custodial Drug Permit from the NM Board of Pharmacy (#2)</td>
</tr>
<tr>
<td></td>
<td>□ Current Custodial Drug Permit from the NM Board of Pharmacy</td>
<td></td>
</tr>
<tr>
<td></td>
<td>□ Current registration from the consultant pharmacist</td>
<td></td>
</tr>
<tr>
<td></td>
<td>□ Current NM Board of Pharmacy Inspection Report</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Provider: State your Plan of Correction for the deficiencies cited in this tag here: →</td>
</tr>
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<tr>
<td></td>
<td></td>
<td>Provider: Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →</td>
</tr>
</tbody>
</table>

| | | |
| | | |

QMB Report of Findings – Tobosa Developmental Services – Southeast Region – August 5 – 7, 3013

Survey Report #: Q.14.1.DDW.D1129.4.001.RTN.01.297
<table>
<thead>
<tr>
<th>Tag # 6L25</th>
<th>Standard Level Deficiency</th>
<th>Provider:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Health and Safety (SL/FL)</strong></td>
<td>Based on observation, the Agency did not ensure that each individual's residence met all requirements within the standard for 7 of 7 Supported Living residences.</td>
<td>State your Plan of Correction for the deficiencies cited in this tag here: →</td>
</tr>
<tr>
<td><strong>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</strong></td>
<td>Review of the residential records and observation of the residence revealed the following items were not found, not functioning or incomplete:</td>
<td>Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →</td>
</tr>
<tr>
<td><strong>CHAPTER 6. VIII. COMMUNITY LIVING SERVICE PROVIDER AGENCY REQUIREMENTS</strong></td>
<td><strong>Supported Living Requirements:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>L. Residence Requirements for Family Living Services and Supported Living Services</strong></td>
<td>- Accessible written procedures for emergency evacuation e.g. fire and weather-related threats (###2, 11)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Accessible written procedures for the safe storage of all medications with dispensing instructions for each individual that are consistent with the Assisting with Medication Administration training or each individual’s ISP (###1, 2, 4, 10, 11, 12)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Accessible written procedures for emergency placement and relocation of individuals in the event of an emergency evacuation that makes the residence unsuitable for occupancy. The emergency evacuation procedures shall address, but are not limited to, fire, chemical and/or hazardous waste spills, and flooding (###2, 3, 5, 8, 10, 11, 13)</td>
<td></td>
</tr>
<tr>
<td><strong>Note:</strong> The following Individuals share a residence:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- #3, 5</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- #4, 12</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- #8, 13</td>
<td></td>
</tr>
</tbody>
</table>

QMB Report of Findings – Tobosa Developmental Services – Southeast Region – August 5 – 7, 3013
Survey Report #: Q.14.1.DDW.D1129.4.001.RTN.01.297
### Standard of Care

| Service Domain: Medicaid Billing/Reimbursement | State financial oversight exists to assure that claims are coded and paid for in accordance with the reimbursement methodology specified in the approved waiver. |
| Tag # 5125 | Supported Employment Reimbursement |

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

**A. General:** All Provider Agencies shall maintain all records necessary to fully disclose the service, quality, quantity and clinical necessity furnished to individuals who are currently receiving services. The Provider Agency records shall be sufficiently detailed to substantiate the date, time, individual name, servicing Provider Agency, level of services, and length of a session of service billed.

**B. Billable Units:** The documentation of the billable time spent with an individual shall be kept on the written or electronic record that is prepared prior to a request for reimbursement from the HSD. For each unit billed, the record shall contain the following:

1. Date, start and end time of each service encounter or other billable service interval;
2. A description of what occurred during the encounter or service interval; and
3. The signature or authenticated name of staff providing the service.

**MAD-MR: 03-59 Eff 1/1/2004 8.314.1 BI RECORD KEEPING AND DOCUMENTATION REQUIREMENTS:** Providers must maintain all records necessary to fully disclose the extent of the services provided to the Medicaid recipient. Services

#### Standard Level Deficiency

| Based on record review, the Agency did not provide written or electronic documentation as evidence for each unit billed for Supported Employment Services for 1 of 7 individuals |

**Individual #2**

- April 2013
  - The Agency billed 1 unit of Supported Employment (T2013) on 4/3/2013. Documentation received accounted for 0 units.
  - The Agency billed 1 unit of Supported Employment (T2013) on 4/17/2013. Documentation did not contain the required elements on 4/17/2013. Documentation received accounted for 0 units. One or more of the following elements was not met:
    - The signature or authenticated name of staff providing the service.

**Provider:**

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

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


CHAPTER 5 VII. SUPPORTED EMPLOYMENT SERVICES REQUIREMENTS

E. Reimbursement

(1) Billable Unit:

(a) Job Development is a single flat fee unit per ISP year payable once an individual is placed in a job.

(b) The billable unit for Individual Supported Employment is one hour with a maximum of four hours a month. The Individual Supported Employment hourly rate is for face-to-face time which is supported by non face-to-face activities as specified in the ISP and the performance based contract as negotiated annually with the provider agency. Individual Supported Employment is a minimum of one unit per month. If an individual needs less then one hour of face-to-face service per month the IDT Members shall consider whether Supported Employment Services need to be continued. Examples of non face-to-face services include:

   (i) Researching potential employers via telephone, Internet, or visits;
   (ii) Writing, printing, mailing, copying, emailing applications, resume, references and corresponding documents;
   (iii) Arranging appointments for job tours, interviews, and job trials;
   (iv) Documenting job search and acquisition progress;
   (v) Contacting employer, supervisor, co-
workers and other IDT team members to assess individual’s progress, needs and satisfaction; and

(vi) Meetings with individual surrounding job development or retention not at the employer’s site.

(c) Intensive Supported Employment services are intended for individuals who need one-to-one, face-to-face support for 32 or more hours per month. The billable unit is one hour.

(d) Group Supported Employment is a fifteen-minute unit.

(e) Self-employment is a fifteen minute unit.

(4) Billable Activities include:

(a) Activities conducted within the scope of services;

(b) Job development and related activities for up to ninety (90) calendar days) that result in employment of the individual for at least thirty (30) calendar days; and

(c) Job development services shall not exceed ninety (90) calendar days, without written approval from the DDSD Regional Office.
## Tag # 5I36
### Community Access Reimbursement

<table>
<thead>
<tr>
<th>Standard Level Deficiency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Based on record review, the Agency did not provide written or electronic documentation as evidence for each unit billed for Community Access Services for 2 of 2 individuals.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Provider:</th>
</tr>
</thead>
<tbody>
<tr>
<td>State your Plan of Correction for the deficiencies cited in this tag here: →</td>
</tr>
</tbody>
</table>

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

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

**A. General:** All Provider Agencies shall maintain all records necessary to fully disclose the service, quality, quantity and clinical necessity furnished to individuals who are currently receiving services. The Provider Agency records shall be sufficiently detailed to substantiate the date, time, individual name, servicing Provider Agency, level of services, and length of a session of service billed.

**B. Billable Units:** The documentation of the billable time spent with an individual shall be kept on the written or electronic record that is prepared prior to a request for reimbursement from the HSD. For each unit billed, the record shall contain the following:

1. Date, start and end time of each service encounter or other billable service interval;
2. A description of what occurred during the encounter or service interval; and
3. The signature or authenticated name of staff providing the service.

#### MAD-MR: 03-59 Eff 1/1/2004

**8.314.1 BI RECORD KEEPING AND DOCUMENTATION REQUIREMENTS:** Providers must maintain all records necessary to fully disclose the extent of the services provided to the Medicaid recipient. Services that have been billed to Medicaid, but are not substantiated in a treatment plan and/or patient records for the recipient are subject to recoupment.

<table>
<thead>
<tr>
<th>Individual #7</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 2013</td>
</tr>
<tr>
<td>• The Agency billed 27 units of Community Access (H2021 U1) from 4/9/2013 through 4/22/2013. Documentation received accounted for 21 units.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Individual #9</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 2013</td>
</tr>
<tr>
<td>• The Agency billed 41 units of Community Access (H2021 U1) from 4/1/2013 through 4/8/2013. Documentation did not contain the required elements on 4/4/2013. Documentation received accounted for 33 units. The following element was not met: ⊗ The signature or authenticated name of staff providing the service.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>May 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The Agency billed 12 units of Community Access (H2021 U1) from 5/1/2013 through 5/6/2013. Documentation received accounted for 4 units.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>June 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The Agency billed 10 units of Community Access (H2021 U1) from 6/1/2013 through 6/8/2013. Documentation did not contain the required elements on 6/3/2013. Documentation received accounted for 8 units. The following element was not met: ⊗ The signature or authenticated name of staff providing the service.</td>
</tr>
</tbody>
</table>

### Provider:
Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →
CHAPTER 5 XI. COMMUNITY ACCESS SERVICES REQUIREMENTS
G. Reimbursement
(1) Billable Unit: A billable unit is defined as one-quarter hour of service.

(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:

   (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;
   (b) Time that is non face-to-face involves outreach and identification and training of community connections and natural supports; and
   (c) Non face-to-face hours do not exceed 10% of the monthly billable hours.

(3) Non-Billable Activities: Activities that the service Provider Agency may need to conduct, but which are not separately billable activities, may include:
   (a) Time and expense for training service personnel;
   (b) Supervision of agency staff;
   (c) Service documentation and billing activities; or
   (d) Time the individual spends in segregated facility-based settings activities.
<table>
<thead>
<tr>
<th>Tag # 5144</th>
<th>Standard Level Deficiency</th>
<th>Provider:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult Habilitation Reimbursement</td>
<td>Based on record review, the Agency did not provide written or electronic documentation as evidence for each unit billed for Adult Habilitation Services for 10 of 11 individuals.</td>
<td>State your Plan of Correction for the deficiencies cited in this tag here: →</td>
</tr>
<tr>
<td>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</td>
<td>Individual #1 April 2013</td>
<td>→</td>
</tr>
<tr>
<td>CHAPTER 1 III. PROVIDER AGENCY DOCUMENTATION OF SERVICE DELIVERY AND LOCATION</td>
<td>• The Agency billed 200 units of Adult Habilitation (T2021 U2) from 4/9/2013 through 4/22/2013. Documentation did not contain the required elements on 4/15, 16, 17. Documentation received accounted for 152 units. The following element was not met:</td>
<td>Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →</td>
</tr>
<tr>
<td>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.</td>
<td>• The Agency billed 131 units of Adult Habilitation (T2021 U2) from 4/23/2013 through 4/30/2013. Documentation did not contain the required elements on 4/22, 23, 25, 29, 30. Documentation received accounted for 12 units. The following element was not met:</td>
<td></td>
</tr>
<tr>
<td>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:</td>
<td>• The signature or authenticated name of staff providing the service.</td>
<td></td>
</tr>
<tr>
<td>(1) Date, start and end time of each service encounter or other billable service interval;</td>
<td>May 2013</td>
<td></td>
</tr>
<tr>
<td>(2) A description of what occurred during the encounter or service interval; and</td>
<td>• The Agency billed 216 units of Adult Habilitation (T2021 U2) from 5/7/2013 through 5/20/2013. Documentation did not contain the required elements on 5/16, 20. Documentation received accounted for 142 units. The following element was not met:</td>
<td></td>
</tr>
<tr>
<td>(3) The signature or authenticated name of staff providing the service.</td>
<td>• The signature or authenticated name of staff providing the service.</td>
<td></td>
</tr>
<tr>
<td>MAD-MR: 03-59 Eff 1/1/2004 8.314.1 BI RECORD KEEPING AND DOCUMENTATION REQUIREMENTS: Providers must maintain all records necessary to fully disclose the extent of the services provided to the Medicaid recipient. Services that have been billed to Medicaid, but are not substantiated in a treatment plan and/or patient records for the recipient are subject to recoupment.</td>
<td>June 2013</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• The Agency billed 187 units of Adult</td>
<td></td>
</tr>
</tbody>
</table>

CHAPTER 5 XVI. REIMBURSEMENT

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

B. Billable Activities

(1) The Community Inclusion Provider Agency can bill for those activities listed and described on the ISP and within the Scope of Service. Partial units are allowable. Billable units are face-to-face, except that Adult Habilitation services may be non-face-to-face under the following conditions: (a) Time that is non face-to-face is documented separately and clearly identified as to the nature of the activity; and (b) Non face-to-face hours do not exceed 5% of the monthly billable hours.

(2) Adult Habilitation Services can be provided with any other services, insofar as the services are not reported for the same hours on the same day, except that Therapy Services and Case Management may be provided and billed for the same hours.

Habilitation (T2021 U2) from 6/4/2013 through 6/17/2013. Documentation did not contain the required elements on 6/7, 11, 13, 14, 17. Documentation received accounted for 60 units. The following element was not met:

- The signature or authenticated name of staff providing the service.

Individual #2

April 2013

- The Agency billed 136 units of Adult Habilitation (T2021 U2 & T2021 U5) from 4/1/2013 through 4/9/2013. Documentation received accounted for 108 units.

- The Agency billed 228 units of Adult Habilitation (T2021 U2 & T2021 U5) from 4/9/2013 through 4/22/2013. Documentation received accounted for 224 units.

May 2013

- The Agency billed 192 units of Adult Habilitation (T2021 U2 & T2021 U5) from 5/21/2013 through 5/31/2013. Documentation received accounted for 168 units.

June 2013

- The Agency billed 24 units of Adult Habilitation (T2021 U2 & T2021 U5) from 6/1/2013 through 6/3/2013. Documentation received accounted for 0 units.


Individual #4


Survey Report #: Q.14.1.DDW.D1129.4.001.RTN.01.297

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May 2013
• The Agency billed 148 units of Adult Habilitation (T2021 U1 & T2021 U4) from 5/21/2013 through 5/31/2013. Documentation received accounted for 140 units.

Individual #5
April 2013
• The Agency billed 112 units of Adult Habilitation (T2021 U2) from 4/1/2013 through 4/8/2013. Documentation received accounted for 80 units.

• The Agency billed 196 units of Adult Habilitation (T2021 U2) from 4/9/2013 through 4/22/2013. Documentation received accounted for 190 units.

June 2013
• The Agency billed 136 units of Adult Habilitation (T2021 U2 & T2021 U5) from 6/18/2013 through 7/1/2013. Documentation received accounted for 100 units.

Individual #6
April 2013
• The Agency billed 24 units of Adult Habilitation (T2021 U2) from 4/1/2013 through 4/8/2013. Documentation did not contain the required elements on 4/2. Documentation received accounted for 0 units. The following element was not met:
  ➢ The signature or authenticated name of staff providing the service.

Individual #8
April 2013
• The Agency billed 142 units of Adult Habilitation (T2021 U1) from 4/1/2013 through 4/5/2013. Documentation received
<table>
<thead>
<tr>
<th>Month</th>
<th>Activity Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 2013</td>
<td>The Agency billed 152 units of Adult Habilitation (T2021 U1) from 5/21/2013 through 5/31/2013. Documentation received accounted for 136 units.</td>
</tr>
<tr>
<td></td>
<td>The Agency billed 96 units of Adult Habilitation (T2021 U1) from 6/18/2013 through 7/1/2013. Documentation received accounted for 92 units.</td>
</tr>
</tbody>
</table>

**Individual #10**

<table>
<thead>
<tr>
<th>Month</th>
<th>Activity Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 2013</td>
<td>The Agency billed 122 units of Adult Habilitation (T2021 U2) from 4/1/2013 through 4/8/2013. Documentation received accounted for 114 units.</td>
</tr>
<tr>
<td></td>
<td>The Agency billed 214 units of Adult Habilitation (T2021 U2) from 4/9/2013 through 4/22/2013. Documentation received accounted for 209 units.</td>
</tr>
<tr>
<td>May 2013</td>
<td>The Agency billed 163 units of Adult Habilitation (T2021 U2) from 5/21/2013 through 5/31/2013. Documentation received accounted for 160 units.</td>
</tr>
</tbody>
</table>
received accounted for 192 units.

- The Agency billed 109 units of Adult Habilitation (T2021 U2) from 6/16/2013 through 7/1/2013. Documentation received accounted for 74 units.

**Individual #11**

April 2013

- The Agency billed 144 units of Adult Habilitation (T2021 U4) from 4/1/2013 through 4/8/2013. Documentation received accounted for 136 units.

- The Agency billed 240 units of Adult Habilitation (T2021 U4) from 4/9/2013 through 4/22/2013. Documentation received accounted for 216 units.

**Individual #12**

April 2013

- The Agency billed 240 units of Adult Habilitation (T2021 U2) from 4/9/2013 through 4/22/2013. Documentation received accounted for 224 units.

May 2013

- The Agency billed 192 units of Adult Habilitation (T2021 U2) from 5/21/2013 through 5/31/2013. Documentation received accounted for 172 units.

June 2013

- The Agency billed 144 units of Adult Habilitation (T2021 U2) from 6/18/2013 through 7/1/2013. Documentation received accounted for 120 units.

**Individual #13**

April 2013

- The Agency billed 120 units of Adult
Habilitation (T2021 U1) from 4/1/2013 through 4/8/2013. Documentation received accounted for 24 units.

- The Agency billed 210 units of Adult Habilitation (T2021 U1) from 4/9/2013 through 4/22/2013. Documentation received accounted for 168 units.
<table>
<thead>
<tr>
<th>Tag # 6L26</th>
<th>Standard Level Deficiency</th>
<th>Provider</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supported Living Reimbursement</td>
<td>Based on record review, the Agency did not provide written or electronic documentation as evidence for each unit billed for Supported Living Services for 2 of 10 individuals.</td>
<td>State your Plan of Correction for the deficiencies cited in this tag here: →</td>
</tr>
<tr>
<td>Based on record review, the Agency did not provide written or electronic documentation as evidence for each unit billed for Supported Living Services for 2 of 10 individuals.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Individual #2</td>
<td>April 2013</td>
<td></td>
</tr>
<tr>
<td>The Agency billed 8 units of Supported Living (T2033 UJ U2) from 4/1/2013 through 4/8/2013. Documentation received accounted for 7 units.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Individual #5</td>
<td>April 2013</td>
<td></td>
</tr>
<tr>
<td>The Agency billed 11 units of Supported Living (T2033) from 4/9/2013 through 4/22/2013. Documentation received accounted for 9 units.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

**A. General:** All Provider Agencies shall maintain all records necessary to fully disclose the service, quality, quantity and clinical necessity furnished to individuals who are currently receiving services. The Provider Agency records shall be sufficiently detailed to substantiate the date, time, individual name, servicing Provider Agency, level of services, and length of a session of service billed.

**B. Billable Units:** The documentation of the billable time spent with an individual shall be kept on the written or electronic record that is prepared prior to a request for reimbursement from the HSD. For each unit billed, the record shall contain the following:

1. Date, start and end time of each service encounter or other billable service interval;
2. A description of what occurred during the encounter or service interval; and
3. The signature or authenticated name of staff providing the service.

**MAD-MR: 03-59 Eff 1/1/2004**

8.314.1 BI RECORD KEEPING AND DOCUMENTATION REQUIREMENTS:
Providers must maintain all records necessary to fully disclose the extent of the services provided to the Medicaid recipient. Services that have been billed to Medicaid, but are not substantiated in a treatment plan and/or patient records for the recipient are subject to recoupment.

CHAPTER 6. IX. REIMBURSEMENT FOR COMMUNITY LIVING SERVICES
A. Reimbursement for Supported Living Services
(1) Billable Unit. The billable Unit for Supported Living Services is based on a daily rate. The daily rate cannot exceed 340 billable days a year.

(2) **Billable Activities**
(a) Direct care provided to an individual in the residence any portion of the day.
(b) Direct support provided to an individual by community living direct service staff away from the residence, e.g., in the community.
(c) Any activities in which direct support staff provides in accordance with the Scope of Services.

(3) **Non-Billable Activities**
(a) The Supported Living Services provider shall not bill DD Waiver for Room and Board.
(b) Personal care, respite, nutritional counseling and nursing supports shall not be billed as separate services for an individual receiving Supported Living Services.
(c) The provider shall not bill when an individual is hospitalized or in an institutional care setting.
Date: January 30, 2014

To: Joe Madrid, Executive Director

Provider: Tobosa Developmental Services
Address: 110 E. Summit
State/Zip: Roswell, New Mexico 88203
E-mail Address: imadrid@trytobosa.org

CC: Doris Callaway, Board Chair
E-Mail Address: zzbill@plateautel.net

Region: Southeast
Survey Date: August 5 – 7, 2013
Program Surveyed: Developmental Disabilities Waiver
Service Surveyed: Community Living Supports (Supported Living and Independent Living) and Community Inclusion Supports (Adult Habilitation, Community Access and Supported Employment)
Survey Type: Routine

Dear Mr. Madrid;

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

**The Plan of Correction process is now complete.**

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

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

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

Sincerely,

Crystal Lopez-Beck
Deputy Bureau Chief
Quality Management Bureau/DHI

Q.14.3.DDW.D1129.4.001.RTN.09.030