Dear Mr. Keptner;

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

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

**Partial Compliance with Conditions of Participation**

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

Jennifer Bruns, BSW

Jennifer Bruns, BSW
Team Lead/Healthcare Surveyor
Division of Health Improvement
Quality Management Bureau
Survey Process Employed:

Entrance Conference Date: August 5, 2013

Present:

**Tohatchi Area of Opportunity & Services, Inc.**
Artencia Beyal, Human Resources Manager
Kimber Crowe, Director of Disability Services
Annette Etsitty, Chief Executive Officer Consultant
Melinda Golden, Quality Assurance Analyst
Rebecca Hopkins, Registered Nurse
Doreen Kalleco, Service Coordinator
Patrick Keptner, Chief Executive Officer
Andrea Manuelito, Contract Compliance Manager

**DOH/DHI/QMB**
Jennifer Bruns, BSW, Team Lead/Healthcare Surveyor
Nicole Brown, MBA, Healthcare Surveyor
Anthony Fragua, BFA, Healthcare Surveyor

Exit Conference Date: August 7, 2013

Present:

**Tohatchi Area of Opportunity & Services, Inc.**
Artencia Beyal, Human Resources Manager
Kimber Crowe, Director of Disability Services
Annette Etsitty, Chief Executive Officer Consultant
Melinda Golden, Quality Assurance Analyst
Rebecca Hopkins, Registered Nurse
Doreen Kalleco, Service Coordinator
Patrick Keptner, Chief Executive Officer
Andrea Manuelito, Contract Compliance Manager
Dan Shepard, Chief Financial Officer
Terrilyn Williams, Training Coordinator

**DOH/DHI/QMB**
Jennifer Bruns, BSW, Team Lead/Healthcare Surveyor
Anthony Fragua, BFA, Healthcare Surveyor

**DDSD - NW Regional Office**
Dennis O’Keefe, Community Social Services Coordinator
Crystal Wright, NW DDSD Regional Director

Administrative Locations Visited
Number: 1

Total Sample Size
Number: 6
- Jackson Class Members: 0
- Non-Jackson Class Members: 6
- Supported Living: 5
- Adult Habilitation: 6
- Community Access: 5
- Supported Employment: 3

Total Homes Visited
Number: 5
- Supported Living Homes Visited: 5

Persons Served Records Reviewed
Number: 6
Persons Served Interviewed Number: 6
Direct Support Personnel Interviewed Number: 10
Direct Support Personnel Records Reviewed Number: 38
Service Coordinator Records Reviewed Number: 1

Administrative Processes and Records Reviewed:

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

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

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

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

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

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

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

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

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

Instructions for Completing Agency POC:

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

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

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

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

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

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

The following details should be considered when developing your POC:

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

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

Completion Dates

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

Initial Submission of the Plan of Correction Requirements

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

2. For questions about the POC process, call the QMB POC Coordinator, Crystal Lopez-Beck at 505-699-9356 for assistance.

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

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

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

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

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

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

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

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

When a Provider requests that a finding be reconsidered, it does not stop or delay the Plan of Correction process. Providers must continue to complete the Plan of Correction, including the finding in dispute regardless of the IRF status. If a finding is removed or modified, it will be noted and removed or modified from the Report of Findings. It should be noted that in some cases a Plan of Correction may be completed prior to the IRF process being completed. The provider will be notified in writing on the decisions of the IRF committee.
**Agency:** Tohatchi Area of Opportunity & Services, Inc. - Northwest Region  
**Program:** Developmental Disabilities Waiver  
**Service:** Community Living Supports (Supported Living) and Community Inclusion Supports (Adult Habilitation, Community Access, 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. | **Tag # 1A08 Agency Case File** | **Standard Level Deficiency** | **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: → |
**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, Based on record review, the Agency did not maintain a complete and confidential case file at the administrative office for 2 of 6 individuals.  
Review of the Agency individual case files revealed the following items were not found, incomplete, and/or not current:  
- **Current Emergency and Personal Identification Information**  
  - Did not contain Physician’s Information (#5)  
- Documentation of Guardianship/Power of Attorney (#5)  
- Annual Physical (#2)  
- Dental Exam  
  - Individual #2 - As indicated by the DDSD file matrix Dental Exams are to be conducted annually. No evidence of exam was found.  
- Vision Exam  
  - Individual #2 - As indicated by the DDSD file matrix Vision Exams are to be conducted every other year. No evidence of exam was found. | | |
or guardian or conservator, physician’s name(s) and telephone number(s), pharmacy name, address and telephone number, and health plan if appropriate;

(2) The individual’s complete and current ISP, with all supplemental plans specific to the individual, and the most current completed Health Assessment Tool (HAT);

(3) Progress notes and other service delivery documentation;

(4) Crisis Prevention/Intervention Plans, if there are any for the individual;

(5) A medical history, which shall include at least demographic data, current and past medical diagnoses including the cause (if known) of the developmental disability, psychiatric diagnoses, allergies (food, environmental, medications), immunizations, and most recent physical exam;

(6) When applicable, transition plans completed for individuals at the time of discharge from Fort Stanton Hospital or Los Lunas Hospital and Training School; and

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

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

(a) Complete file for the past 12 months;
(b) ISP and quarterly reports from the current and prior ISP year;
(c) Intake information from original admission to services; and
(d) When applicable, the Individual Transition Plan at the time of discharge from Los Lunas Hospital and Training School or Ft. Stanton Hospital.

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

B. **Documentation of test results:** Results of tests and services must be documented, which includes results of laboratory and radiology procedures or progress following therapy or treatment.
<table>
<thead>
<tr>
<th>Tag # 1A32 and 6L14 Individual Service Plan Implementation</th>
<th>Condition of Participation Level Deficiency</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NMAC 7.26.5.16.C and D Development of the ISP. Implementation of the ISP.</strong> The ISP shall be implemented according to the timelines determined by the IDT and as specified in the ISP for each stated desired outcomes and action plan.</td>
<td>After an analysis of the evidence it has been determined there is a significant potential for a negative outcome to occur.</td>
<td>Provider: State your Plan of Correction for the deficiencies cited in this tag here: →</td>
</tr>
<tr>
<td></td>
<td>Based on record review, the Agency did not implement the ISP according to the timelines determined by the IDT and as specified in the ISP for each stated desired outcomes and action plan for 6 of 6 individuals.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Per Individuals ISP the following was found with regards to the implementation of ISP Outcomes:</td>
<td>Provider: Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →</td>
</tr>
<tr>
<td>Administrative Files Reviewed:</td>
<td><strong>Supported Living Data Collection/Data Tracking/Progress with regards to ISP Outcomes:</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Individual #3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• None found regarding: Fun Outcome; Action Step for “Attend an activity quarterly with a friend” for 4/2013 – 6/2013.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Per Live Outcome; Action Step for “use VOCA at mealtime” is to be completed 1 time per day, evidence found indicated it was not being completed at the required frequency as indicated in the ISP for 6/2013.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Individual #5</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Per Live Outcome; Action Step for “gather dishes and set table” is to be completed daily. Action Step was not being completed at the required frequency for 6/2013.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Individual #6</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Per Live Outcome; Action Step for “will sort</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Provider:</td>
<td></td>
</tr>
<tr>
<td><strong>Provider:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here:</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The following principles provide direction and purpose in planning for individuals with developmental disabilities. [05/03/94; 01/15/97; Recompiled 10/31/01]

<table>
<thead>
<tr>
<th>Laundry, sweep/mop, and dust independently” is to be completed 1 time weekly. Action Step was not being completed at the required frequency for 6/2013.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Adult Habilitation Data Collection&gt;Data Tracking/Progress with regards to ISP Outcomes:</strong></td>
</tr>
<tr>
<td>Individual #1</td>
</tr>
<tr>
<td>• Per Live Outcome; Action Step for “practice serving beverages at home” is to be completed daily, evidence found indicated it was not being completed at the required frequency as indicated in the ISP for 4/2013 – 6/2013.</td>
</tr>
<tr>
<td>Individual #2</td>
</tr>
<tr>
<td>• No Outcomes or DDSD exemption/decision justification found for Adult Habilitation Services. As indicated by NMAC 7.26.5.14 “Outcomes are required for any life area for which the individual receives services funded by the developmental disabilities Medicaid waiver.”</td>
</tr>
<tr>
<td>Individual #4</td>
</tr>
<tr>
<td>• None found for 4/2013 – 6/2013.</td>
</tr>
<tr>
<td><strong>Supported Employment Data Collection&gt;Data Tracking/Progress with regards to ISP Outcomes:</strong></td>
</tr>
<tr>
<td>Individual #1</td>
</tr>
<tr>
<td>• None found for 4/2013 – 6/2013.</td>
</tr>
<tr>
<td>Individual #2</td>
</tr>
<tr>
<td>• None found for 4/2013 – 6/2013.</td>
</tr>
<tr>
<td><strong>Community Access Data Collection&gt;Data Tracking/Progress with regards to ISP</strong></td>
</tr>
</tbody>
</table>


Survey Report #: Q.14.1.DDW.D1703.1.001.RTN.01.238
Outcomes:

Individual #5
- No Outcomes or DDSD exemption/decision justification found for Community Access Services. As indicated by NMAC 7.26.5.14 “Outcomes are required for any life area for which the individual receives services funded by the developmental disabilities Medicaid waiver.”

Residential Files Reviewed:

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

Individual #1
- Per Live Outcome; Action Step for “will practice serving beverages at home” is to be completed daily, evidence found indicated it was not being completed at the required frequency as indicated in the ISP for 8/1 - 6, 2013.

Individual #3
- Per Live Outcome; Action Step for “will use his radio” is to be completed daily evidence found indicated it was not being completed at the required frequency as indicated in the ISP for 8/1 - 5, 2013.

Individual #5
- Per. Live Outcome; Action Step for “gather dishes and set table” is to be completed daily, evidence found indicated it was not being completed at the required frequency as indicated in the ISP for 8/3 – 5, 2013.
### Tag # 5I11
**Reporting Requirements**
Community Inclusion Reports


**CHAPTER 5 IV. COMMUNITY INCLUSION SERVICES PROVIDER AGENCY REQUIREMENTS**

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

1. Identification and implementation of a meaningful day definition for each person served;
2. Documentation summarizing the following:
   (a) Daily choice-based options; and
   (b) Daily progress toward goals using age-appropriate strategies specified in each individual’s action plan in the ISP;
3. Significant changes in the individual’s routine or staffing;
4. Unusual or significant life events;
5. Quarterly updates on health status, including changes in medication, assistive technology needs and durable medical equipment needs;
6. Record of personally meaningful community inclusion;
7. Success of supports as measured by whether or not the person makes progress toward his or her desired outcomes as identified in the ISP; and
8. Any additional reporting required by DDSD.

<table>
<thead>
<tr>
<th>Standard Level Deficiency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Based on record review, the Agency did not complete quarterly reports as required for 2 of 6 individuals receiving Community Inclusion services.</td>
</tr>
<tr>
<td>Review of the Agency individual case files revealed the following items were not found, and/or incomplete:</td>
</tr>
<tr>
<td><strong>Adult Habilitation Quarterly Reports</strong></td>
</tr>
<tr>
<td>• Individual #2 - None found for 7/2012 – 6/2013.</td>
</tr>
<tr>
<td><strong>Supported Employment Quarterly Reports</strong></td>
</tr>
<tr>
<td>• Individual #2 - None found for 7/2012 – 9/2012.</td>
</tr>
<tr>
<td>• Individual #4 - None found for 2/2013 – 4/2013.</td>
</tr>
</tbody>
</table>

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

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

---


Survey Report #: Q.14.1.DDW.D1703.1.001.RTN.01.238

Page 18 of 82
<table>
<thead>
<tr>
<th>Tag # 5I22 SE Agency Case File</th>
<th>Standard Level Deficiency</th>
<th>Provider:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</td>
<td>Based on record review, the Agency did not maintain a confidential case file for each individual receiving Supported Employment Services for 1 of 3 individuals.</td>
<td>State your Plan of Correction for the deficiencies cited in this tag here: →</td>
</tr>
<tr>
<td>CHAPTER 5 VII. SUPPORTED EMPLOYMENT SERVICES REQUIREMENTS</td>
<td>Review of the Agency individual case files revealed the following items were not found, incomplete, and/or not current:</td>
<td></td>
</tr>
<tr>
<td>D. Provider Agency Requirements</td>
<td>• <strong>Vocational Assessment (#2)</strong></td>
<td></td>
</tr>
</tbody>
</table>
| (1) Provider Agency Records: The provider adheres to the Department of Labor (DOL) wage laws and maintains required certificates and documentation. These documents are subject to review by the DDSD. Each individual’s earnings and benefits shall be monitored by the Provider Agency in accordance with the Fair Labor Standards Act. Each individual’s earnings and benefits shall be reviewed at least semi-annually by the Supported Employment Provider to ensure the appropriateness of pay rates and benefits. | • **Required Certificates and Documentation**  
  ◦ Current Pay Stub (#2) | |
| (2) The Provider Agency shall maintain a confidential case file for each individual that includes all items listed in section IV.D. above and the following additional items: | | |
| (a) Quarterly progress reports; | | |
| (b) Vocational assessments (A vocational assessment or profile is an objective analysis of a person’s interests, skills, needs, career goals, preferences, concerns, in areas that can pertain to an employment outcome and can ultimately be compared to the requirements and attributes of a potential job in order to determine the degree of compatibility as well as identification of training needs). A vocational assessment must be of a quality and content to be acceptable to DVR or DDSD; | | |
| (c) Career development plan as incorporated in the ISP; a career development plan consists of the vocational assessment and the ISP Work/Learn Action Plan that specifies steps | | |
| | | |
| | | |
necessary towards a successful employment outcome and identifies the people who will complete specific tasks including the individual, as well and a review and reporting mechanism for mutual accountability; and

(d) Documentation of decisions concerning the Division of Vocational Rehabilitation that services provided under the Waiver are not otherwise available under the Rehabilitation Act of 1973.

New Mexico Department of Health (DOH) Developmental Disabilities Supports Division (DDSD) Policy

Policy Title: Vocational Assessment Profile
Policy Eff July 16, 2008

I. PURPOSE
The intent of the policy is to ensure that individuals are identified who could benefit from Vocational Assessment Profiles (VAPs) and are supported to access this support.

II. POLICY STATEMENT
Individuals served under the Developmental Disabilities Medicaid Waiver (DDW) who express an interest in obtaining employment or exploring employment opportunities, or individuals who desire a VAP and those whose teams identify that they could benefit from a VAP, will have access to a VAP in accordance to the DDW Service Standards and related procedures.
<table>
<thead>
<tr>
<th>Tag # 6L14 Residential Case File</th>
<th>Standard Level Deficiency</th>
<th>Provider: State your Plan of Correction for the deficiencies cited in this tag here: →</th>
<th>Provider: Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →</th>
</tr>
</thead>
<tbody>
<tr>
<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 3 of 5 Individuals receiving Supported Living Services. Review of the residential individual case files revealed the following items were not found, incomplete, and/or not current:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CHAPTER 6. VIII. COMMUNITY LIVING SERVICE PROVIDER AGENCY REQUIREMENTS</td>
<td>• <strong>Current Emergency and Personal Identification Information</strong>&lt;br&gt;○ Names and phone numbers of relatives, or guardian or conservator (#1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. Residence Case File: For individuals receiving Supported Living or Family Living, the Agency shall maintain in the individual’s home a complete and current confidential case file for each individual. For individuals receiving Independent Living Services, rather than maintaining this file at the individual’s home, the complete and current confidential case file for each individual shall be maintained at the agency’s administrative site. Each file shall include the following: (1) Complete and current ISP and all supplemental plans specific to the individual; (2) Complete and current Health Assessment Tool; (3) Current emergency contact information, which includes the individual’s address, telephone number, names and telephone numbers of residential Community Living Support providers, relatives, or guardian or conservator, primary care physician’s name(s) and telephone number(s), pharmacy name, address and telephone number and dentist name, address and telephone number, and health plan; (4) Up-to-date progress notes, signed and dated by the person making the note for at least the past month (older notes may be transferred to the agency office); (5) Data collected to document ISP Action Plan implementation (6) Progress notes written by direct care staff</td>
<td>• <strong>Special Health Care Needs</strong>&lt;br&gt;○ Comprehensive Aspiration Risk Management Plan (#3)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• <strong>Health Care Plans</strong>&lt;br&gt;○ Pain (#3)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• <strong>Medical Emergency Response Plans</strong>&lt;br&gt;○ Pain (#3)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• <strong>Progress Notes/Daily Contacts Logs:</strong>&lt;br&gt;○ Individual #5 - None found for 8/1 – 4, 2013.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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.

<table>
<thead>
<tr>
<th>Tag #</th>
<th>Standard Level Deficiency</th>
<th>Provider: State your Plan of Correction for the deficiencies cited in this tag here: →</th>
</tr>
</thead>
</table>
| 1A11.1 | Based on record review, 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 7 of 38 Direct Support Personnel. No documented evidence was found of the following required training:  
- Transportation (DSP #43, 44, 49, 50, 56, 58, 72) | |

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
<table>
<thead>
<tr>
<th>unaware of safety issues involving traffic or those who require physical assistance to enter/exit a vehicle)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Operating wheelchair lifts (if applicable to the staff's role)</td>
</tr>
<tr>
<td>6. Wheelchair tie-down procedures (if applicable to the staff's role)</td>
</tr>
<tr>
<td>7. Emergency and evacuation procedures (e.g., roadside emergency, fire emergency)</td>
</tr>
<tr>
<td>Tag # 1A20</td>
</tr>
<tr>
<td>------------</td>
</tr>
<tr>
<td>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</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>
</tr>
<tr>
<td>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:</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>
</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>
</tr>
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</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.
Tag # 1A22
Agency Personnel Competency

CHAPTER I 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.

F. Qualifications for Direct Service Personnel: The following employment qualifications and competency requirements are applicable to all Direct Service Personnel employed by a Provider Agency:

1. Direct service personnel shall be eighteen (18) years or older. Exception: Adult Habilitation can employ direct care personnel under the age of eighteen 18 years, but the employee shall work directly under a supervisor, who is physically present at all times;
2. Direct service personnel shall have the ability to read and carry out the requirements in an ISP;
3. Direct service personnel shall be available to communicate in the language that is functionally required by the individual or in the use of any specific augmentative communication system utilized by the individual;
4. Direct service personnel shall meet the qualifications specified by DDSD in the Policy Governing the Training Requirements for

Condition of Participation Level
Deficiency

After an analysis of the evidence it has been determined there is a significant potential for a negative outcome to occur.

Based on interview, the Agency did not ensure training competencies were met for 3 of 10 Direct Support Personnel.

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

- DSP #59 stated, “No.” As indicated by the Electronic Comprehensive Health Assessment Tool, the Individual requires a Health Care Plan for Oral Care. (Individual #5)
- DSP #72 stated, “He has one for seizures and that’s it.” As indicated by the Electronic Comprehensive Health Assessment Tool, the Individual requires Health Care Plans for Body Mass Index and Oral Care. (Individual #4)
- DSP #76 stated, “No.” As indicated by the Electronic Comprehensive Health Assessment Tool, the Individual requires Health Care Plans for Oral Care and Seizures. (Individual #4)

When DSP were asked if the Individual had a Seizure Disorder, the following was reported:

- DSP #76 stated, “I have not been trained on his seizure disorder. I don’t know what to do if he has a seizure. I work alone with him in the mornings.” According to the ISP, the individual has a diagnosis of Seizures.

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: →
(Individual #4)
<table>
<thead>
<tr>
<th>Tag # 1A25</th>
<th>Standard Level Deficiency</th>
<th>Provider:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Criminal Caregiver History Screening</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 2 of 39 Agency Personnel.</td>
<td>State your Plan of Correction for the deficiencies cited in this tag here: →</td>
</tr>
<tr>
<td>NMAC 7.1.9.8 CAREGIVER AND HOSPITAL CAREGIVER EMPLOYMENT REQUIREMENTS: F. Timely Submission: Care providers shall submit all fees and pertinent application information for all individuals who meet the definition of an applicant, caregiver or hospital caregiver as described in Subsections B, D and K of 7.1.9.7 NMAC, no later than twenty (20) calendar days from the first day of employment or effective date of a contractual relationship with the care provider.</td>
<td>Provider:</td>
<td></td>
</tr>
<tr>
<td>NMAC 7.1.9.9 CAREGIVERS OR HOSPITAL CAREGIVERS AND APPLICANTS WITH DISQUALIFYING CONVICTIONS: A. Prohibition on Employment: A care provider shall not hire or continue the employment or contractual services of any applicant, caregiver or hospital caregiver for whom the care provider has received notice of a disqualifying conviction, except as provided in Subsection B of this section.</td>
<td></td>
<td></td>
</tr>
<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: A. homicide; B. trafficking, or trafficking in controlled substances; C. kidnapping, false imprisonment, aggravated assault or aggravated battery; D. rape, criminal sexual penetration, criminal sexual contact, incest, indecent exposure, or other related felony sexual offenses;</td>
<td>Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →</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.
<table>
<thead>
<tr>
<th>Tag # 1A26</th>
<th>Consolidated On-line Registry Employee Abuse Registry</th>
<th>Standard Level Deficiency</th>
<th></th>
</tr>
</thead>
</table>
| **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 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 2 of 39 Agency Personnel.  
The following Agency Personnel records contained evidence that indicated the Employee Abuse Registry check was completed after hire:  
**Direct Support Personnel (DSP):**  

**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: →  

}
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.

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

**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.
<table>
<thead>
<tr>
<th>Tag # 1A28.1</th>
<th>Incident Mgt. System - Personnel Training</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Standard Level Deficiency</strong></td>
<td>Based on record review and interview, the Agency did not ensure Incident Management Training for 2 of 39 Agency Personnel.</td>
</tr>
<tr>
<td><strong>Direct Support Personnel (DSP):</strong></td>
<td>Incident Management Training (Abuse, Neglect and Misappropriation of Consumers' Property) (DSP# 49)</td>
</tr>
<tr>
<td><strong>Service Coordination Personnel (SC):</strong></td>
<td>Incident Management Training (Abuse, Neglect and Misappropriation of Consumers' Property) (SC #79)</td>
</tr>
</tbody>
</table>

| **Policy Title:** Training Requirements for Direct Service Agency Staff Policy - Eff. March 1, 2007 |
| II. POLICY STATEMENTS: |
| A. Individuals shall receive services from competent and qualified staff. |
| C. Staff shall complete training on DOH-approved incident reporting procedures in accordance with 7 NMAC 1.13. |

**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: →
## Service Domain: Health and Welfare

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

### Tag # 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

<table>
<thead>
<tr>
<th>Standard Level Deficiency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medication Administration Records (MAR) were reviewed for the months of May, June and August 2013.</td>
</tr>
<tr>
<td>Based on record review, 4 of 6 individuals had Medication Administration Records (MAR), which contained missing medications entries and/or other errors:</td>
</tr>
<tr>
<td>Individual #3 August 2013 Medication Administration Records did not contain the strength of the medication which is to be given:</td>
</tr>
<tr>
<td>– Thera-Plus Liquid (1 time daily)</td>
</tr>
<tr>
<td>– Secura Barrier Cream (2 times daily)</td>
</tr>
<tr>
<td>Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries:</td>
</tr>
<tr>
<td>– Secura Barrier Cream (2 times daily) – Blank 8/1 (8:00 PM) and 8/3 (8:00 AM)</td>
</tr>
<tr>
<td>Individual #4 May 2013 Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries:</td>
</tr>
<tr>
<td>– Oyster Shell Calcium 500mg (2 times daily) – Blank 5/29 (8:00 AM)</td>
</tr>
</tbody>
</table>

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

**Provider:**
Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →
<table>
<thead>
<tr>
<th>generic name of the medication, diagnosis for which the medication is prescribed;</th>
<th>• Prenatol Tablet (1 time daily) – Blank 5/29 (8:00 AM)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b) Prescribed dosage, frequency and method/route of administration, times and dates of administration;</td>
<td>• Valporic Acid 250mg (2 times daily) – Blank 5/29 (8:00 AM)</td>
</tr>
<tr>
<td>(c) Initials of the individual administering or assisting with the medication;</td>
<td>• Tolinaftate 1% Topical Solution (2 times daily) – Blank 5/29 (8:00 AM)</td>
</tr>
<tr>
<td>(d) Explanation of any medication irregularity;</td>
<td></td>
</tr>
<tr>
<td>(e) Documentation of any allergic reaction or adverse medication effect; and</td>
<td></td>
</tr>
<tr>
<td>(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.</td>
<td>Individual #5</td>
</tr>
<tr>
<td>(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;</td>
<td>May 2013</td>
</tr>
<tr>
<td>(4) MARs are not required for individuals participating in Independent Living who self-administer their own medications;</td>
<td>Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries:</td>
</tr>
<tr>
<td>(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;</td>
<td>• Multivitamin (1 time daily) – Blank 5/10 and 5/16 (8:00 AM)</td>
</tr>
<tr>
<td>NMAC 16.19.11.8 MINIMUM STANDARDS:</td>
<td>• Docusate Sodium Liquid 50mg/5ml (2 times daily) – Blank 5/16 (8:00 AM)</td>
</tr>
<tr>
<td>A. MINIMUM STANDARDS FOR THE DISTRIBUTION, STORAGE, HANDLING AND RECORD KEEPING OF DRUGS:</td>
<td>• Tolinaftate 1% Solution (1 time daily) – Blank 5/16 (8:00 AM)</td>
</tr>
<tr>
<td>(d) The facility shall have a Medication Administration Record (MAR) documenting</td>
<td>June 2013</td>
</tr>
<tr>
<td></td>
<td>Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries:</td>
</tr>
<tr>
<td></td>
<td>• Tolinaftate 1% Solution (1 time daily) – Blank 6/21 (8:00 AM)</td>
</tr>
<tr>
<td></td>
<td>Individual #6</td>
</tr>
<tr>
<td></td>
<td>May 2013</td>
</tr>
<tr>
<td></td>
<td>Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries:</td>
</tr>
<tr>
<td></td>
<td>• Docusate Sodium Liquid 10mg/ml (2 times daily) – Blank 5/19 (8:00 AM)</td>
</tr>
<tr>
<td></td>
<td>• Tolinaftate 1% Solution (2 times daily) – Blank 5/19 (8:00 AM)</td>
</tr>
</tbody>
</table>
medication administered to residents, including over-the-counter medications.
This documentation shall include:
(i) Name of resident;
(ii) Date given;
(iii) Drug product name;
(iv) Dosage and form;
(v) Strength of drug;
(vi) Route of administration;
(vii) How often medication is to be taken;
(viii) Time taken and staff initials;
(ix) Dates when the medication is discontinued or changed;
(x) The name and initials of all staff administering medications.

Model Custodial Procedure Manual
D. Administration of Drugs
Unless otherwise stated by practitioner, patients will not be allowed to administer their own medications. Document the practitioner’s order authorizing the self-administration of medications.

All PRN (As needed) medications shall have complete detail instructions regarding the administering of the medication. This shall include:
- symptoms that indicate the use of the medication,
- exact dosage to be used, and
- the exact amount to be used in a 24 hour period.

June 2013
Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries:
- DOK 100mg (2 times daily) – Blank 6/27 (8:00 AM)
- Multivitamin (1 time daily) – Blank 6/27 (8:00 AM)
- Oyster Shell Calcium 500mg (2 times daily) – Blank 6/27 (8:00 AM)
- Docusate Sodium Liquid 10mg/ml (2 times daily) – Blank 6/23 (8:00 AM)
- Tolnaftate 1% Solution (2 times daily) – Blank 6/23 (8:00 AM)
| Tag # 1A09.1 | Medication Delivery PRN Medication Administration | Standard Level Deficiency | Provider:
State your Plan of Correction for the deficiencies cited in this tag here: → |
|--------------|----------------------------------------------------|---------------------------|--------------------------------------------------------------------------------|
| **Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007**<br>**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.<br><br>**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.<br><br>(2) When required by the DDSD Medication Assessment and Delivery Policy, Medication Administration Records (MAR) shall be maintained and include:<br><br>(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;<br><br>(b) Prescribed dosage, frequency and method/route of administration, times and dates of administration;<br><br>(c) Initials of the individual administering or
| **Medication Administration Records (MAR) were reviewed for the months of May, June and August 2013.**<br><br>Based on record review, 1 of 6 individuals had PRN Medication Administration Records (MAR), which contained missing elements as required by standard:<br><br>**Individual #6**<br>**May 2013**<br>No evidence of documented Signs/Symptoms were found for the following PRN medication: <br>• Loperamide 2mg – PRN – 5/22 (given 1 time)<br><br>No Effectiveness was noted on the Medication Administration Record for the following PRN medication: <br>• Loperamide 2mg – PRN – 5/22, 29, 30, 31 (given 1 time) | **Provider:**<br>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 administrating the medication, signs and symptoms of adverse events and interactions with other medications;

**NMAC 16.19.11.8 MINIMUM STANDARDS: A. MINIMUM STANDARDS FOR THE DISTRIBUTION, STORAGE, HANDLING AND RECORD KEEPING OF DRUGS:**
(d) The facility shall have a Medication Administration Record (MAR) documenting medication administered to residents, including over-the-counter medications.
This documentation shall include:
   (i) Name of resident;
   (ii) Date given;
(iii) Drug product name;
(iv) Dosage and form;
(v) Strength of drug;
(vi) Route of administration;
(vii) How often medication is to be taken;
(viii) Time taken and staff initials;
(ix) Dates when the medication is discontinued or changed;
(x) The name and initials of all staff administering medications.

Model Custodial Procedure Manual
D. Administration of Drugs
Unless otherwise stated by practitioner, patients will not be allowed to administer their own medications. Document the practitioner’s order authorizing the self-administration of medications.

All PRN (As needed) medications shall have complete detail instructions regarding the administering of the medication. This shall include:
- symptoms that indicate the use of the medication,
- exact dosage to be used, and
- the exact amount to be used in a 24 hour period.

Department of Health
Developmental Disabilities Supports Division (DDSD) Medication Assessment and Delivery Policy - Eff. November 1, 2006
F. PRN Medication
3. Prior to self-administration, self-administration with physical assist or assisting with delivery of PRN medications, the direct support staff must contact the agency nurse to describe observed symptoms and thus assure that the PRN medication is being used according to instructions given by the ordering PCP. In cases of fever, respiratory distress
(including coughing), severe pain, vomiting, diarrhea, change in responsiveness/level of consciousness, the nurse must strongly consider the need to conduct a face-to-face assessment to assure that the PRN does not mask a condition better treated by seeking medical attention. This does not apply to home based/family living settings where the provider is related by affinity or by consanguinity to the individual.

4. The agency nurse shall review the utilization of PRN medications routinely. Frequent or escalating use of PRN medications must be reported to the PCP and discussed by the Interdisciplinary for changes to the overall support plan (see Section H of this policy).

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

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

C. 3. Prior to delivery of the PRN, direct support staff must contact the agency nurse to describe observed symptoms and thus assure that the PRN is being used according to instructions given by the ordering PCP. In cases of fever, respiratory distress (including coughing), severe pain, vomiting, diarrhea, change in responsiveness/level of consciousness, the nurse must strongly consider the need to conduct a face-to-face assessment to assure that the PRN does not mask a condition better treated by seeking medical attention. (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.).
Tag # 1A15.2 and 5I09
Healthcare Documentation

| Standard Level Deficiency | Caregiver Documentation by Nurses for Community Living Services, Community Inclusion Services, and Private Duty Nursing Services: Nursing services must be available as needed and documented for Provider Agencies delivering Community Living Services, Community Inclusion Services, and Private Duty Nursing Services.

Chapter 1. III. E. (1 - 4) (1) Documentation of nursing assessment activities
(a) The following hierarchy shall be used to determine which provider agency is responsible for completion of the HAT and MAAT and related subsequent planning and training:
   (i) Community living services provider agency;
   (ii) Private duty nursing provider agency;
   (iii) Adult habilitation provider agency;
   (iv) Community access provider agency; and
   (v) Supported employment provider agency.
(b) The provider agency must arrange for their nurse to complete the Health Assessment Tool (HAT) and the Medication Administration Assessment Tool (MAAT) on at least an annual basis for each individual receiving community living, community inclusion or private duty nursing services, unless the provider agency arranges for the individual’s Primary Care Practitioner (PCP) to voluntarily complete these assessments in lieu of the agency nurse. Agency nurses may also complete these assessments in collaboration with the Primary Care Practitioner if they believe such

Based on record review, the Agency did not maintain the required documentation in the Individuals Agency Record as required per standard for 2 of 6 individual

Review of the administrative individual case files revealed the following items were not found, incomplete, and/or not current:
- Electronic Comprehensive Health Assessment Tool (eCHAT) (#2)
- Medication Administration Assessment Tool (#2)
- Healthcare Passport (#2)
- Aspiration Risk Screening Tool (#2, 6)

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: →
consultation is necessary for an accurate assessment. Family Living Provider Agencies have the option of having the subcontracted caregiver complete the HAT instead of the nurse or PCP, if the caregiver is comfortable doing so. However, the agency nurse must be available to assist the caregiver upon request.

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

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

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

(2) Health related plans

(a) For individuals with chronic conditions that have the potential to exacerbate into a life-threatening situation, a medical crisis prevention and intervention plan must be written by the nurse or other appropriately designated healthcare professional.

(b) Crisis prevention and intervention plans must be written in user-friendly language that is easily understood by those implementing the plan.

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

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

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

(a) Each healthcare plan must include a statement of the person’s healthcare needs and list measurable goals to be achieved through implementation of the healthcare plan. Needs statements may be based upon supports needed for the individual to maintain a current strength, ability or skill related to their health, prevention measures, and/or supports needed to remediate, minimize or manage an existing health condition.
(b) Goals must be measurable and shall be revised when an individual has met the goal and has the potential to attain additional goals or no longer requires supports in order to maintain the goal.
(c) Approaches described in the plan shall be individualized to reflect the individual's unique needs, provide guidance to the caregiver(s) and designed to support successful interactions. Some interventions may be carried out by staff, family members or other team members, and other interventions may be carried out directly by the nurse – persons responsible for each intervention shall be specified in the plan.
(d) Healthcare plans shall be written in language that will be easily understood by the person(s) identified as implementing the interventions.
(e) The nurse shall also document training on the healthcare plan delivered to agency staff and other team members, clearly indicating competency determination for each trainee. If the individual receives services from separate agencies for community living and community inclusion services, nurses from each agency shall collaborate in the development of and training delivery for healthcare plans to assure maximum consistency across settings.
(f) Healthcare plans must be updated to reflect relevant discharge orders whenever an individual returns to services following a hospitalization.
(g) All crisis prevention and intervention plans and healthcare plans shall include the individual's name and date on each page and shall be signed by the author.
(h) Crisis prevention and intervention plans as well as healthcare plans shall be reviewed by the nurse at least quarterly, and updated as needed.

(4) General Nursing Documentation
(a) The nurse shall complete legible and signed progress notes with date and time indicated that describe all interventions or interactions conducted with individuals served as well as all interactions with other healthcare providers serving the individual. All interactions shall be documented whether they occur by phone or in person.
(b) For individuals with a HAT score of 4, 5 or 6, or who have identified health concerns in their ISP, the nurse shall provide the interdisciplinary team with a quarterly report that indicates current health status and progress to date on health related ISP desired outcomes and action plans as well as progress toward goals in the healthcare plan.

CHAPTER 5 IV. COMMUNITY INCLUSION SERVICES PROVIDER AGENCY REQUIREMENTS
B. IDT Coordination
   (1) Community Inclusion Services Provider Agencies shall participate on the IDT as specified in the ISP Regulations (7.26.5 NMAC), and shall ensure direct support staff participation as needed to plan effectively for the individual; and
   (2) Coordinate with the IDT to ensure that each individual participating in Community Inclusion Services who has a score of 4, 5, or 6 on the HAT has a Health Care Plan developed by a licensed nurse, and if applicable, a Crisis Prevention/Intervention Plan.

Department of Health Developmental Disabilities Supports Division Policy.
Medical Emergency Response Plan Policy MERP-001 eff.8/1/2010
F. The MERP shall be written in clear, jargon free language and include at a minimum the following information:
1. A brief, simple description of the condition or illness.
2. A brief description of the most likely life threatening complications that might occur and what those complications may look like to an observer.
3. A concise list of the most important measures that may prevent the life threatening complication from occurring (e.g., avoiding allergens that trigger an asthma attack or making sure the person with diabetes has snacks with them to avoid hypoglycemia).
4. Clear, jargon free, step-by-step instructions regarding the actions to be taken by direct support personnel (DSP) and/or others to intervene in the emergency, including criteria for when to call 911.
5. Emergency contacts with phone numbers.
6. Reference to whether the individual has advance directives or not, and if so, where the advance directives are located.
<table>
<thead>
<tr>
<th>Tag #</th>
<th>Incident Mgt. Late and Failure to Report</th>
<th>Standard Level Deficiency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tag # 1A27</td>
<td>INCIDENT MANAGEMENT SYSTEM REPORTING REQUIREMENTS FOR COMMUNITY BASED SERVICE PROVIDERS:</td>
<td>Based on the Incident Management Bureau's Late and Failure Reports, the Agency did not report suspected abuse, neglect, or misappropriation of property, unexpected and natural/expected deaths; or other reportable incidents to the Division of Health Improvement, as required by regulations for 5 of 10 individuals.</td>
</tr>
<tr>
<td><strong>A. Duty To Report:</strong></td>
<td></td>
<td>Individual #4</td>
</tr>
<tr>
<td>(1) All community based service providers shall immediately report abuse, neglect or misappropriation of property to the adult protective services division.</td>
<td>Incident date 3/26/2013. Allegation was Neglect. Incident report was received 3/27/2013. Failure to Report. IMB Late and Failure Report indicated incident of Neglect was “Unconfirmed.”</td>
<td></td>
</tr>
<tr>
<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; or other reportable incidents to include:</td>
<td>Individual #7</td>
<td></td>
</tr>
<tr>
<td>(a) an environmental hazardous condition, which creates an immediate threat to life or health; or</td>
<td>Incident date 1/3/2013. Allegation was Exploitation. Incident report was received 1/3/2013. Failure to Report. IMB Late and Failure Report indicated incident of Exploitation was “Confirmed.”</td>
<td></td>
</tr>
<tr>
<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>
<td>Individual #8</td>
<td></td>
</tr>
<tr>
<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>
<td>Incident date 9/28/2012. Allegation was Emergency Services. Incident report was received 10/3/2012. IMB issued a Late Reporting for Emergency Services.</td>
<td></td>
</tr>
<tr>
<td><strong>B. Notification:</strong></td>
<td></td>
<td>Incident date 11/19/2012. Allegation was Neglect. Incident report was received 11/20/2012. Failure to Report. IMB Late and Failure Report indicated incident of Neglect was “Unconfirmed.”</td>
</tr>
<tr>
<td>(1) Incident Reporting: Any consumer, employee, family member or legal guardian may report an incident independently or through the community based service provider to the division by telephone call, written correspondence or other forms of communication utilizing the division’s incident report form. The incident report form and instructions for the completion and filing are available at the division’s website,</td>
<td>Individual #10</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Incident date 3/26/2013. Allegation was Neglect. Incident report was received 3/27/2012. Failure to Report. IMB Late and Failure Report indicated incident of Neglect</td>
<td></td>
</tr>
<tr>
<td><strong>Provider:</strong></td>
<td>State your Plan of Correction for the deficiencies cited in this tag here:</td>
<td></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>
<td></td>
</tr>
</tbody>
</table>


Survey Report #: Q.14.1.DDW.D1703.1.001.RTN.01.238
http://dhi.health.state.nm.us/elibrary/ironline/ir.php or may be obtained from the department by calling the toll free number.

Individual #11
- Incident date 12/22/2012. Allegation was Neglect/Emergency Services. Incident report was received 12/27/2012. Failure to Report. IMB Late and Failure Report indicated incident of Neglect was “Confirmed.”

was “Unconfirmed.”
<table>
<thead>
<tr>
<th>Tag # 1A28.2 Incident Mgt. System - Parent/Guardian Training</th>
<th>Standard Level Deficiency</th>
<th>Provider: State your Plan of Correction for the deficiencies cited in this tag here: →</th>
</tr>
</thead>
</table>
| 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 system 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 3 of 6 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) (#1, 2, 3) | Provider: Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: → |
<table>
<thead>
<tr>
<th>Tag # 1A29</th>
<th>Complaints / Grievances Acknowledgement</th>
<th>Standard Level Deficiency</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NMAC 7.26.3.6</strong></td>
<td>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 4 of 6 individuals. Review of the Agency individual case files revealed the following items were not found and/or incomplete:</td>
<td></td>
<td></td>
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<tr>
<td><strong>NMAC 7.26.3.13 Client Complaint Procedure Available.</strong> A complainant may initiate a complaint as provided in the client complaint procedure to resolve complaints alleging that a service provider has violated a client’s rights as described in Section 10 [now 7.26.3.10 NMAC]. The department will enforce remedies for substantiated complaints of violation of a client’s rights as provided in client complaint procedure. [09/12/94; 01/15/97; Recomplied 10/31/01]</td>
<td>- Grievance/Complaint Procedure Acknowledgement (#1, 2, 3, 4)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>NMAC 7.26.4.13 Complaint Process:</strong> 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>Provider: State your Plan of Correction for the deficiencies cited in this tag here: →</td>
<td></td>
<td></td>
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</tbody>
</table>

Provider: Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →
Tag # 6L13  
Community Living Healthcare Reqts.  

<table>
<thead>
<tr>
<th>Standard Level Deficiency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Based on record review, the Agency did not provide documentation of annual physical examinations and/or other examinations as specified by a licensed physician for 2 of 6 individuals receiving Community Living Services.</td>
</tr>
</tbody>
</table>

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

- **Auditory Exam**
  - Individual #1 - As indicated by collateral documentation reviewed, exam was completed on 7/21/2011. Follow-up was to be completed in 12 months. No evidence of follow-up found.

- **Pap Smear Exam**
  - Individual #5 - As indicated by collateral documentation reviewed, exam was ordered on 6/11/2013. No evidence of exam results were found.

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

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

Provider:
Community Living Services, Community Inclusion Services and Private Duty Nursing Services.

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

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

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

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

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

(a) The individual has a primary licensed physician;

(b) The individual receives an annual physical examination and other examinations as specified by a licensed physician;

(c) The individual receives annual dental check-ups and other check-ups as specified by a licensed dentist;

(d) The individual receives eye examinations as specified by a licensed optometrist or ophthalmologist; and

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

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

B. Documentation of test results: Results of tests and services must be documented, which includes results of laboratory and radiology procedures or progress following therapy or treatment.
<table>
<thead>
<tr>
<th>Tag # 6L25</th>
<th>Standard Level Deficiency</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Health and Safety (SL/FL)</td>
<td>Based on observation, the Agency did not ensure that each individual’s residence met all requirements within the standard for 1 of 5 Supported Living and Family Living residences.</td>
<td></td>
</tr>
<tr>
<td></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></td>
</tr>
<tr>
<td></td>
<td><strong>Supported Living Requirements:</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Accessible written procedures for emergency evacuation e.g. fire and weather-related threats (4)</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 (4)</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 (4)</td>
<td></td>
</tr>
</tbody>
</table>

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

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

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

<table>
<thead>
<tr>
<th>Tag # 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 4 of 6 individuals.</td>
<td>State your Plan of Correction for the deficiencies cited in this tag here: →</td>
</tr>
</tbody>
</table>

**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**

**BI RECORD KEEPING AND DOCUMENTATION REQUIREMENTS:**

<table>
<thead>
<tr>
<th>Provider:</th>
</tr>
</thead>
<tbody>
<tr>
<td>State your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>May 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Agency billed 33 units of Adult Habilitation (T2021 U1) from 5/16/2013 through 5/18/2013. Documentation received accounted for 26 units.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>April 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Agency billed 48 units of Adult Habilitation (T2021 U1) from 4/18/2013 through 4/20/2013. Documentation received accounted for 34 units.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>April 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Agency billed 52 units of Adult Habilitation (T2021 U3) from 4/7/2013 through 4/13/2013. Documentation received accounted for 50 units.</td>
</tr>
</tbody>
</table>

**Individual #3**

<table>
<thead>
<tr>
<th>April 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Agency billed 33 units of Adult Habilitation (T2021 U1) from 4/25/2013 through 4/27/2013. Documentation received accounted for 24 units.</td>
</tr>
</tbody>
</table>

**Individual #1**

<table>
<thead>
<tr>
<th>April 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Agency billed 38 units of Adult Habilitation (T2021 U1) from 5/2/2013 through 5/4/2013. Documentation received accounted for 24 units.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>April 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Agency billed 33 units of Adult Habilitation (T2021 U1) from 5/16/2013 through 5/18/2013. Documentation received accounted for 26 units.</td>
</tr>
</tbody>
</table>

**Individual #4**

<table>
<thead>
<tr>
<th>April 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Agency billed 52 units of Adult Habilitation (T2021 U3) from 4/7/2013 through 4/13/2013. Documentation received accounted for 50 units.</td>
</tr>
</tbody>
</table>

**Individual #2**

<table>
<thead>
<tr>
<th>April 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Agency billed 48 units of Adult Habilitation (T2021 U1) from 4/18/2013 through 4/20/2013. Documentation received accounted for 34 units.</td>
</tr>
</tbody>
</table>

**Individual #3**

<table>
<thead>
<tr>
<th>April 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Agency billed 33 units of Adult Habilitation (T2021 U1) from 4/25/2013 through 4/27/2013. Documentation received accounted for 24 units.</td>
</tr>
</tbody>
</table>
that have been billed to Medicaid, but are not substantiated in a treatment plan and/or patient records for the recipient are subject to recoupment.


**CHAPTER 5 XVI. REIMBURSEMENT**

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

**B. Billable Activities**

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

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

- The Agency billed 33 units of Adult Habilitation (T2021 U1) from 5/26/2013 through 5/29/2013. Documentation received accounted for 24 units.

**Individual #5**

April 2013

- The Agency billed 48 units of Adult Habilitation (T2021 U2) from 4/18/2013 through 4/20/2013. Documentation received accounted for 24 units.

**Individual #6**

June 2013

- The Agency billed 136 units of Adult Habilitation (T2021 U2) from 6/10/2013 through 6/15/2013. Documentation received accounted for 133 units.

- The Agency billed 114 units of Adult Habilitation (T2021 U2) from 6/17/2013 through 6/22/2013. Documentation received accounted for 100 units.
Tag # 6L26  
Supported Living Reimbursement  

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>Standard Level Deficiency</th>
<th></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 Supported Living Services for 2 of 5 individuals.</td>
<td></td>
</tr>
</tbody>
</table>
| Individual #1  
May 2013  
- The Agency billed 3 units of Supported Living (T2033 U3) from 5/2/2013 through 5/4/2013. Documentation received accounted for 2 units. |  |
| Individual #5  
April 2013  
- The Agency billed 7 units of Supported Living (T2033 U2) from 4/7/2013 through 4/13/2013. Documentation received accounted for 5 units.  
- The Agency billed 3 units of Supported Living (T2033 U3) from 4/18/2013 through 4/20/2013. Documentation received accounted for 2 units. |  |
| May 2013  
- The Agency billed 3 units of Supported Living (T2033 U3) from 5/23/2013 through 5/25/2013. Documentation received accounted for 1 unit.  
- The Agency billed 4 units of Supported Living (T2033 U3) from 5/26/2013 through 5/29/2013. Documentation received accounted for 2 units. |  |
| Provider: State your Plan of Correction for the deficiencies cited in this tag here: → |  |
| Provider: Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: → |  |
Developmental Disabilities (DD) Waiver
Service Standards effective 4/1/2007

CHAPTER 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 31, 2014

To: Patrick Keptner, Chief Executive Officer
Provider: Tohatchi Area of Opportunity & Services, Inc.
Address: 1658 South 2nd
State/Zip: Gallup, New Mexico 87301

E-mail Address: patkeptner@yahoo.com

Region: Northwest
Routine Survey: August 5 - 7, 2013
Verification Survey: December 17, 2013
Program Surveyed: Developmental Disabilities Waiver
Service Surveyed: Community Living Supports (Supported Living) and Community Inclusion Supports (Adult Habilitation, Community Access, Supported Employment)

Survey Type: Verification
Team Leader: Marti Madrid, LBSW, Healthcare Surveyor, Division of Health Improvement/Quality Management Bureau
Team Members: Anthony Fragua, BFA, Healthcare Surveyor, Division of Health Improvement/Quality Management Bureau

Dear Mr. Keptner;

The Division of Health Improvement/Quality Management Bureau has completed a Verification survey of the services identified above. The purpose of the survey was to determine compliance with your Plan of Correction submitted to DHI regarding the Routine Survey on August 5 - 6, 2013.

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

Compliance with Conditions of Participation.

However, due to the new/repeat standard level deficiencies your agency will be referred to your DDSD Regional Office for technical assistance and follow up. You will need to contact your DDSD Regional Office regarding this issue.

Due to the new/repeat standard level deficiencies, you are also required to continue your Plan of Correction. Please respond to the Plan of Correction Coordinator within 10 business days of receipt of this letter.

Plan of Correction:
The attached Report of Findings identifies the new/repeat Standard Level deficiencies found during your agency’s verification compliance review. You are required to complete and implement a Plan of Correction. Your agency has a total of 10 business days from the receipt of this letter. The Plan of Correction must include the following:

1. Evidence your agency has contacted your DDSD Regional Office for technical assistance;
2. A Plan of Correction detailing Quality Assurance/Quality Improvement processes to prevent your agency from receiving deficiencies in the future;
3. Documentation verifying that newly cited deficiencies have been corrected.
Submission of your Plan of Correction:
Please submit your agency’s Plan of Correction and documentation verifying correction of survey deficiencies within 10 business days of receipt of this letter to the parties below:

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

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

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

Sincerely,

Marti Madrid, LBSW

Marti Madrid, LBSW
Team Lead/Healthcare Surveyor
Division of Health Improvement
Quality Management Bureau

Survey Process Employed:

Survey Report #: Q.14.2/DDW.D1703.2.001.VS.01.031
Entrance Conference Date: December 17, 2013

Present: Tohatchi Area of Opportunity & Services, Inc.
Kimber Crowe, Director of Disability Services

DOH/DHI/QMB
Marti Madrid, LBSW, Team Lead/Healthcare Surveyor
Anthony Fragua, BFA, Healthcare Surveyor

Exit Conference Date: December 17, 2013

Present: Tohatchi Area of Opportunity & Services, Inc.
Artencia Beyal, Human Resources Manager
Kimber Crowe, Director of Disability Services
Melinda Golden, Quality Assurance Analyst
Doreen Kalleco, Service Coordinator
Patrick Keptner, Chief Executive Officer

DOH/DHI/QMB
Marti Madrid, LBSW, Team Lead/Healthcare Surveyor
Anthony Fragua, BFA, Healthcare Surveyor

Administrative Locations Visited Number: 1

Total Sample Size Number: 6
  0 - Jackson Class Members
  6 - Non-Jackson Class Members
  5 - Supported Living
  6 - Adult Habilitation
  5 - Community Access
  3 - Supported Employment

Total Homes Visited Number: 3
  ❖ Supported Living Homes Visited Number: 3

Persons Served Records Reviewed Number: 6

Direct Support Personnel Interviewed Number: 10

Direct Support Personnel Records Reviewed Number: 48

Service Coordinator Records Reviewed Number: 1

Administrative Processes and Records Reviewed:

- 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


Survey Report #: Q.14.2.DDW.D1703.2.001.VS.01.031
- 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
- Quality Assurance / Improvement Plan
- Plan of Correction from Routine Survey, August 5 – 7, 2013

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

Attachment B
Department of Health, Division of Health Improvement

QMB Determination of Compliance Process

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

The QMB Determination of Compliance process is based on 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:
5. **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:
6. **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:
7. **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:
8. **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:
6. **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:
5. 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.
6. 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
7. The written request for an IRF must specify in detail the request for reconsideration and why the finding is inaccurate.
8. 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.
### Standard of Care

**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.

<table>
<thead>
<tr>
<th>Tag # 1A08 Agency Case File</th>
<th>Standard Level Deficiency</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 record review, the Agency did not maintain a complete and confidential case file at the administrative office for 2 of 6 individuals.</td>
<td>New &amp; Repeat Findings:</td>
</tr>
</tbody>
</table>
| **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. | Review of the Agency individual case files revealed the following items were not found, incomplete, and/or not current:  
   - **Current Emergency and Personal Identification Information**  
     - Did not contain Physician’s Information (#5)  
   - Documentation of Guardianship/Power of Attorney (#5)  
   - **Annual Physical** (#2)  
   - **Dental Exam**  
     - Individual #2 - As indicated by the DDSD file matrix Dental Exams are to be conducted annually. No evidence of exam was found.  
   - **Vision Exam**  
     - Individual #2 - As indicated by the DDSD file matrix Vision Exams are to be conducted every | Based on record review, the Agency did not maintain a complete and confidential case file at the administrative office for 1 of 6 individuals.  
   - Did not contain Physician’s Information (#5)  
   - Documentation of Guardianship/Power of Attorney (#5)  
   - **Annual Physical** (#2)  
   - **Dental Exam**  
     - Individual #2 - As indicated by the DDSD file matrix Dental Exams are to be conducted annually. No evidence of exam was found.  
   - **Vision Exam**  
     - Individual #2 - As indicated by the DDSD file matrix Vision Exams are to be conducted every |
| **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 | **Note:** ISP was not current, however Agency reported there was to be an extension. No evidence of extension approval was found nor a current MAD046 (budget page). (#3) |
and telephone numbers of relatives, or guardian or conservator, physician's name(s) and telephone number(s), pharmacy name, address and telephone number, and health plan if appropriate;

(2) The individual’s complete and current ISP, with all supplemental plans specific to the individual, and the most current completed Health Assessment Tool (HAT);

(3) Progress notes and other service delivery documentation;

(4) Crisis Prevention/Intervention Plans, if there are any for the individual;

(5) A medical history, which shall include at least demographic data, current and past medical diagnoses including the cause (if known) of the developmental disability, psychiatric diagnoses, allergies (food, environmental, medications), immunizations, and most recent physical exam;

(6) When applicable, transition plans completed for individuals at the time of discharge from Fort Stanton Hospital or Los Lunas Hospital and Training School; and

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

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

(a) Complete file for the past 12 months;
(b) ISP and quarterly reports from the current and prior ISP year;
(c) Intake information from original admission to services; and
(d) When applicable, the Individual Transition Plan at the time of discharge from Los Lunas Hospital and Training School or Ft. Stanton Hospital.

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

B. **Documentation of test results**: Results of tests and services must be documented, which includes results of laboratory and radiology procedures or progress following therapy or treatment.
Tag # 1A32 and 6L14  
Individual Service Plan Implementation

<table>
<thead>
<tr>
<th>Condition of Participation Level Deficiency</th>
<th>Standard Level Deficiency</th>
</tr>
</thead>
<tbody>
<tr>
<td>After an analysis of the evidence it has been determined there is a significant potential for a negative outcome to occur.</td>
<td>Repeat Finding:</td>
</tr>
<tr>
<td>Based on record review, the Agency did not implement the ISP according to the timelines determined by the IDT and as specified in the ISP for each stated desired outcomes and action plan for 6 of 6 individuals.</td>
<td>Based on record review, the Agency did not implement the ISP according to the timelines determined by the IDT and as specified in the ISP for each stated desired outcomes and action plan for 3 of 6 individuals.</td>
</tr>
<tr>
<td>Per Individuals ISP the following was found with regards to the implementation of ISP Outcomes:</td>
<td>Per Individuals ISP the following was found with regards to the implementation of ISP Outcomes:</td>
</tr>
<tr>
<td>Administrative Files Reviewed:</td>
<td>Supported Employment Data Collection/Data Tracking/Progress with regards to ISP Outcomes:</td>
</tr>
<tr>
<td>Supported Living Data Collection/Data Tracking/Progress with regards to ISP Outcomes:</td>
<td>Individual #2</td>
</tr>
<tr>
<td>Individual #3</td>
<td>• None found for 11/2013.</td>
</tr>
<tr>
<td>• None found regarding: Fun Outcome; Action Step for “Attend an activity quarterly with a friend” for 4/2013 – 6/2013.</td>
<td>Supported Living Data Collection/Data Tracking/Progress with regards to ISP Outcomes:</td>
</tr>
<tr>
<td>• Per Live Outcome; Action Step for “use VOCA at mealtime” is to be completed 1 time per day, evidence found indicated it was not being completed at the required frequency as indicated in the ISP for 6/2013.</td>
<td>Individual #3</td>
</tr>
<tr>
<td>Individual #5</td>
<td>• Per Live Outcome; Action Step for “will sort dishes and set table” is to be completed daily. Action Step was not being completed at the required frequency for 6/2013.</td>
</tr>
<tr>
<td>• Per Live Outcome; Action Step for “will sort dishes and set table” is to be completed daily. Action Step was not being completed at the required frequency for 6/2013.</td>
<td>Community Access Data Collection/Data Tracking/Progress with regards to ISP Outcomes:</td>
</tr>
<tr>
<td>Individual #6</td>
<td>• No Outcomes or DDSD exemption/decision justification found for Community Access Services. As indicated by NMAC 7.26.5.14</td>
</tr>
<tr>
<td>• Per Live Outcome; Action Step for “will sort dishes and set table” is to be completed daily. Action Step was not being completed at the required frequency for 6/2013.</td>
<td></td>
</tr>
</tbody>
</table>

NMAC 7.26.5.16.C and D Development of the ISP:

Implementation of the ISP. The ISP shall be implemented according to the timelines determined by the IDT and as specified in the ISP for each stated desired outcomes and action plan.

C. The IDT shall review and discuss information and recommendations with the individual, with the goal of supporting the individual in attaining desired outcomes. The IDT develops an ISP based upon the individual's personal vision statement, strengths, needs, interests and preferences. The ISP is a dynamic document, revised periodically, as needed, and amended to reflect progress towards personal goals and achievements consistent with the individual's future vision. This regulation is consistent with standards established for individual plan development as set forth by the commission on the accreditation of rehabilitation facilities (CARF) and/or other program accreditation approved and adopted by the developmental disabilities division and the department of health. It is the policy of the developmental disabilities division (DDD), that to the extent permitted by funding, each individual receive supports and services that will assist and encourage independence and productivity in the community and attempt to prevent regression or loss of current capabilities. Services and supports include specialized and/or generic services, training, education and/or treatment as determined by the IDT and documented in the ISP.

D. The intent is to provide choice and obtain opportunities for individuals to live, work and play with full participation in their communities. The following principles provide direction and purpose in planning for individuals with developmental disabilities.

[05/03/94; 01/15/97; Recompiled 10/31/01]

Survey Report #: Q.14.2.DDW.D1703.2.001.VS.01.031
“Outcomes are required for any life area for which the individual receives services funded by the developmental disabilities Medicaid waiver.”

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

Individual #1
- Per Live Outcome; Action Step for “practice serving beverages at home” is to be completed daily, evidence found indicated it was not being completed at the required frequency as indicated in the ISP for 4/2013 – 6/2013.

Individual #2
- No Outcomes or DDSD exemption/decision justification found for Adult Habilitation Services. As indicated by NMAC 7.26.5.14 “Outcomes are required for any life area for which the individual receives services funded by the developmental disabilities Medicaid waiver.”

Individual #4

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

Individual #1

Individual #2

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

Individual #5
No Outcomes or DDSD exemption/decision justification found for Community Access Services. As indicated by NMAC 7.26.5.14 “Outcomes are required for any life area for which the individual receives services funded by the developmental disabilities Medicaid waiver.”

Residential Files Reviewed:

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

Individual #1
- Per Live Outcome; Action Step for “will practice serving beverages at home” is to be completed daily, evidence found indicated it was not being completed at the required frequency as indicated in the ISP for 8/1 - 6, 2013.

Individual #3
- Per Live Outcome; Action Step for “will use his radio” is to be completed daily evidence found indicated it was not being completed at the required frequency as indicated in the ISP for 8/1 - 5, 2013.

Individual #5
- Per Live Outcome; Action Step for “gather dishes and set table” is to be completed daily, evidence found indicated it was not being completed at the required frequency as indicated in the ISP for 8/3 – 5, 2013.
**Standard of Care**

**Routine Survey Deficiencies August 5 - 7, 2013**

**Verification Survey New and Repeat Deficiencies December 17, 2013**

**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>Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007</td>
<td>New Finding: Based on record review, the Agency did not develop and implement a Continuous Quality Management System. Review of the findings from the August 5 – 7, 2013 survey indicated the Agency had multiple deficiencies noted. Nevertheless, during the verification survey the agency continues to have deficiencies with regards to ISP implementation and incident management late &amp; failure to report, which either were not corrected, nor addressed since the last survey.</td>
</tr>
<tr>
<td>Chapter 1 I. PROVIDER AGENCY ENROLLMENT PROCESS</td>
<td>I. Continuous Quality Management System: Prior to approval or renewal of a DD Waiver Provider Agreement, the Provider Agency is required to submit in writing the current Continuous Quality Improvement Plan to the DOH for approval. In addition, on an annual basis DD Waiver Provider Agencies shall develop or update and implement the Continuous Quality Improvement Plan. The CQI Plan shall be used to 1) discover strengths and challenges of the provider agency, as well as strengths, and barriers individuals experience in receiving the quality, quantity, and meaningfulness of services that he or she desires; 2) build on strengths and remediate individual and provider level issues to improve the provider’s service provision over time. At a minimum the CQI Plan shall address how the agency will collect, analyze, act on data and evaluate results related to: (1) Individual access to needed services and supports; (2) Effectiveness and timeliness of implementation of Individualized Service Plans; (3) Trends in achievement of individual outcomes in the Individual Service Plans; (4) Trends in medication and medical incidents leading to adverse health events; (5) Trends in the adequacy of planning and coordination of healthcare supports at both</td>
<td></td>
</tr>
</tbody>
</table>
supervisory and direct support levels;
(6) Quality and completeness documentation; and
(7) Trends in individual and guardian satisfaction.

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

(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 # 1A27

#### Incident Mgt. Late and Failure to Report

<table>
<thead>
<tr>
<th>Standard Level Deficiency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Based on the Incident Management Bureau’s Late and Failure Reports, the Agency did not report suspected abuse, neglect, or misappropriation of property, unexpected and natural/expected deaths; or other reportable incidents to the Division of Health Improvement, as required by regulations for 5 of 10 individuals.</td>
</tr>
</tbody>
</table>

**Individual #4**
- Incident date 3/26/2013. Allegation was Neglect. Incident report was received 3/27/2013. Failure to Report. IMB Late and Failure Report indicated incident of Neglect was “Unconfirmed.”

**Individual #7**
- Incident date 1/3/2013. Allegation was Exploitation. Incident report was received 1/3/2013. Failure to Report. IMB Late and Failure Report indicated incident of Exploitation was “Confirmed.”

**Individual #8**
- Incident date 9/28/2012. Allegation was Emergency Services. Incident report was received 10/3/2012. IMB issued a Late Reporting for Emergency Services.

**Individual #10**
- Incident date 3/26/2013. Allegation was Neglect. Incident report was received 3/27/2012. Failure to Report. IMB Late and Failure Report indicated incident of Neglect was “Unconfirmed.”

**Individual #11**

### New & Repeat Findings:

<table>
<thead>
<tr>
<th>Standard Level Deficiency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Based on the Incident Management Bureau’s Late and Failure Reports, the Agency did not report suspected abuse, neglect, or misappropriation of property, unexpected and natural/expected deaths; or other reportable incidents to the Division of Health Improvement, as required by regulations for 13 of 17 individuals.</td>
</tr>
</tbody>
</table>

**Individual #1**
- Incident date 9/18/2013. Allegation was Neglect. Incident report was received 9/19/2013. Failure to Report. IMB Late and Failure Report indicated incident of Neglect was “Unconfirmed.”

**Individual #4**
- Incident date 7/29/2013. Allegation was Neglect. Incident report was received 7/30/2013. Failure to Report. IMB Late and Failure Report indicated incident of Neglect was “Confirmed.”

**Individual #5**
- Incident date 7/29/2013. Allegation was Neglect. Incident report was received 7/30/2013. Failure to Report. IMB Late and Failure Report indicated incident of Neglect was “Confirmed.”

**Individual #6**
- Incident date 7/29/2013. Allegation was Neglect. Incident report was received 7/30/2013. Failure to Report. IMB Late and Failure Report indicated incident of Neglect was “Confirmed.”

**Individual #7**
- Incident date 7/29/2013. Allegation was Neglect. Incident report was received 7/30/2013. Failure to Report. IMB Late and Failure Report indicated incident of Neglect was “Confirmed.”
Individual #10
- Incident date 7/29/2013. Allegation was Neglect. Incident report was received 7/30/2013. Failure to Report. IMB Late and Failure Report indicated incident of Neglect was “Confirmed.”

Individual #11
- Incident date 7/29/2013. Allegation was Neglect. Incident report was received 7/30/2013. Failure to Report. IMB Late and Failure Report indicated incident of Neglect was “Confirmed.”

Individual #12
- Incident date 7/29/2013. Allegation was Neglect. Incident report was received 7/30/2013. Failure to Report. IMB Late and Failure Report indicated incident of Neglect was “Confirmed.”

Individual #13
- Incident date 7/29/2013. Allegation was Neglect. Incident report was received 7/30/2013. Failure to Report. IMB Late and Failure Report indicated incident of Neglect was “Confirmed.”

Individual #14
- Incident date 8/7/2013. Allegation was Neglect. Incident report was received 8/8/2013. Failure to Report. IMB Late and Failure Report indicated incident of Neglect was “Confirmed.”
- Incident date 9/18/2013. Allegation was Neglect/Emergency Services. Incident report was received 9/19/2013. Failure to Report. IMB Late and Failure Report indicated incident of Neglect was “Confirmed.”
- Incident date 11/16/2013. Allegation was Emergency Services. Incident report was received 11/19/2013. IMB issued a Late Reporting for Emergency Services.
Individual #15
- Incident date 8/22/2013. Allegation was Neglect. Incident report was received 8/23/2013. Failure to Report. IMB Late and Failure Report indicated incident of Neglect was “Confirmed.”

Individual #16
- Incident date 9/3/2013. Allegation was Neglect. Incident report was received 9/4/2013. Failure to Report. IMB Late and Failure Report indicated incident of Neglect was “Unconfirmed.”

Individual #17
- Incident date 11/15/2013. Allegation was Emergency Services. Incident report was received 11/19/2013. IMB issued a Late Reporting for Emergency Services.
## Standard of Care

### Routine Survey Deficiencies

**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.

<table>
<thead>
<tr>
<th>Tag #</th>
<th>Description</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>5I11</td>
<td>Reporting Requirements</td>
<td>Standard Level Deficiency</td>
</tr>
<tr>
<td>5I22</td>
<td>SE Agency Case File</td>
<td>Standard Level Deficiency</td>
</tr>
<tr>
<td>6L14</td>
<td>Residential Case File</td>
<td>Standard Level Deficiency</td>
</tr>
</tbody>
</table>

### Verification Survey New and Repeat Deficiencies

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

<table>
<thead>
<tr>
<th>Tag #</th>
<th>Description</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1A11.1</td>
<td>Transportation Training</td>
<td>Standard Level Deficiency</td>
</tr>
<tr>
<td>1A20</td>
<td>Direct Support Personnel Training</td>
<td>Standard Level Deficiency</td>
</tr>
<tr>
<td>1A22</td>
<td>Agency Personnel Competency</td>
<td>Condition of Participation Level Deficiency</td>
</tr>
<tr>
<td>1A25</td>
<td>Criminal Caregiver History Screening</td>
<td>Standard Level Deficiency</td>
</tr>
<tr>
<td>1A26</td>
<td>Consolidated On-line Registry Employee Abuse Registry</td>
<td>Standard Level Deficiency</td>
</tr>
<tr>
<td>1A28.1</td>
<td>Incident Mgt. System - Personnel Training</td>
<td>Standard Level Deficiency</td>
</tr>
</tbody>
</table>

**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>Description</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1A09</td>
<td>Medication Delivery</td>
<td>Standard Level Deficiency</td>
</tr>
<tr>
<td>Routine Medication Administration</td>
<td>Tag # 1A09.1 Medication Delivery PRN Medication Administration</td>
<td>Standard Level Deficiency</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>---------------------------------------------------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>Tag # 1A15.2 and 5I09 Healthcare Documentation</td>
<td>Standard Level Deficiency</td>
<td>Completed</td>
</tr>
<tr>
<td>Tag # 1A28.2 Incident Mgt. System - Parent/Guardian Training</td>
<td>Standard Level Deficiency</td>
<td>Completed</td>
</tr>
<tr>
<td>Tag # 1A29 Complaints / Grievances Acknowledgement</td>
<td>Standard Level Deficiency</td>
<td>Completed</td>
</tr>
<tr>
<td>Tag # 6L13 Community Living Healthcare Reqts.</td>
<td>Standard Level Deficiency</td>
<td>Completed</td>
</tr>
<tr>
<td>Tag # 6L25 Residential Health and Safety (SL/FL)</td>
<td>Standard Level Deficiency</td>
<td>Completed</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Service Domain: Medicaid Billing/Reimbursement</th>
<th>Tag # 5I44 Adult Habilitation Reimbursement</th>
<th>Standard Level Deficiency</th>
<th>Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tag # 6L26 Supported Living Reimbursement</td>
<td>Standard Level Deficiency</td>
<td>Completed</td>
<td></td>
</tr>
</tbody>
</table>
Date: February 19, 2014

To: Patrick Keptner, Chief Executive Officer
Provider: Tohatchi Area of Opportunity & Services, Inc.
Address: 1658 South 2nd
State/Zip: Gallup, New Mexico 87301
E-mail Address: patkeptner@yahoo.com

Region: Northwest
Routine Survey: August 5 - 7, 2013
Verification Survey: December 17, 2013
Program Surveyed: Developmental Disabilities Waiver
Service Surveyed: Community Living Supports (Supported Living) and Community Inclusion Supports (Adult Habilitation, Community Access, Supported Employment)
Survey Type: Verification

Dear Mr. Keptner:

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

The Plan of Correction process is now complete.

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

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

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

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

Sincerely,

Tony Fragua
Plan of Correction Coordinator
Quality Management Bureau/DHI