License #: **1266-14-009**
Organization Name: **Rest Assured, LLC**

Date of Inspection: **12-29-2022**
Program Type/Facility Name: **14-009 3820 Monza Drive**

Standard(s) Cited	Comp	Description of Noncompliance	Actions to be Taken	Planned Comp. Date
12VAC35-46-70. - Each provider shall guarantee resident rights as outlined in § 37.2-400 of the Code of Virginia and in the Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services (12VAC35-115).	N	Collingbourne This regulation was NOT MET as evidenced by: See OHR citation below.		2/18/2023
12VAC35-115-50. B. (2) - In receiving all services, each individual has the right to: 2. Be protected from harm including abuse, neglect, and exploitation.	N	Collingbourne This regulation was NOT MET as evidenced by: "Abuse" means any act or failure to act by an employee or other person responsible for the care of an individual in a facility or program operated, licensed, or funded by the department, excluding those operated by the Department of Corrections, that was performed or was failed to be performed knowingly, recklessly, or intentionally, and that caused or might have caused physical or psychological harm, injury, or death to a person receiving care or treatment for mental illness, intellectual disability, or substance abuse. Upon review of CHRIS entry, A-20220005, the provider's investigation included witness statements which revealed: • Employee #1 was witnessed to hit Individual #1 in the face during a verbal exchange on 10/19/2022.	PR) 01/23/2023 **PR:** First of all to be exact, there was no actual witness to the incident. The witness was another youth who was near the vicinity when the alleged incident occurred and only stated that "they" wasn't a "fink". This individual did not verify if the incident was true or if Individual #1 was telling the truth about Employee #1. The witness preferred to stay out of the situation, saying "they" heard a verbal exchange between the parties involved and that's all "they" would say. **ROOT CAUSE ANALYSIS:** Unfortunately, human beings "snap" occasionally when dealing with stressful situations and no one can be sure when any situation will occur. All staff have Behavior Management Training (TOVA) on a yearly basis to try to help prevent situations such as this. However, no one can predict what triggers a person's behavior.	2/18/2023

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		Based on the provider's investigation, there is a preponderance of evidence to suggest Employee #1's actions knowingly, recklessly, or intentionally caused, or might have caused physical or psychological harm, injury, or death to Individual #1 during the provision of care or treatment for mental illness, intellectual disability, or substance abuse. This meets the regulatory definition of abuse.	**PLAN OF ACTION:** As a measure of preventing recurring incidents, the Clinician for the Program has prepared a Staff Development In-House Training, entitled "Managing Youth With Aggressive Behaviors", to help assist staff with also managing their own behavior when dealing with youth who display aggressiveness. This In-house training will also be conducted on a yearly basis as a secondary behavior management training tool. OHR/OLR) Partially Accepted 01/24/2023 OHR Response): Partially Accepted. Provider's response contains identifiable pronouns. Pronouns such as "They" or "Them" are acceptable. PR) 02/14/2023 I submitted this on 2/5/2023 as it was due on 2/7/2023 with the instructions you dictated to be done. OHR/OLR) Partially Accepted 02/15/2023 OHR Response: Provider's 2/14/23 response contains information irrelevant to the area of noncompliance. PR) 03/02/2023 PR: Individual #1 accused Employee #1 of hitting them in the face. Due to the allegation, Employee #1 was immediately placed on suspension, pending an investigation. Individual	

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			#1 was examined, did not have any visual marks, and did not want to go to the ER. As this was considered/defined as abuse Employee #1 was terminated on 10/20/2022. **ROOT CAUSE ANALYSIS:** Unfortunately, human beings "snap" occasionally when dealing with stressful situations and no one can be sure when any situation will occur. All staff have Behavior Management Training (TOVA) on a yearly basis to try to help prevent situations such as this. However, no one can predict what triggers a person's behavior. **PLAN OF ACTION:** As a measure of preventing recurring incidents, the Clinician for the Program prepared a Staff Development In-House Training, entitled "Managing Youth With Aggressive Behaviors", to help assist staff with also managing their own behavior when dealing with youth who display aggressiveness. This In-house training will also be conducted on a yearly basis as a secondary behavior management training tool. OHR/OLR) Accepted 03/03/2023	

DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES
CORRECTIVE ACTION PLAN

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General Comments / Recommendations:

I understand it is my right to request a conference with the reviewer and the reviewer's supervisor should I desire further discussion of these findings. By my signature on the Corrective Action Plan, I pledge that the actions to be taken will be completed as identified by the date indicated.

Cassie Purtlebaugh, Human Rights	(Signature of Organization Representative)	Date

C = Substantial Compliance, N = Non Compliance, NS = Non Compliance Systemic, ND = Non Determined