DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES
CORRECTIVE ACTION PLAN

License #: **1746-14-009**
Organization Name: **Gateway Counseling Center**

Date of Inspection: **02-27-2023**
Program Type/Facility Name: **14-009 Hope Road**

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	Hope Road This regulation was NOT MET as evidenced by: See OHR citations below.		3/1/2023

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12VAC35-115-175. C. (8) - Upon receipt of a complaint, providers shall: 8. Report the director's decision and action plan within 10 working days to the individual, authorized representative, if applicable, and human rights advocate.	N	Hope Road Complaint #20230001, Complaint #20230002, Abuse #20230002 This regulation was NOT MET as evidenced by: • The Advocate notified Employee 1 of the allegation of neglect and complaints on February 6, 2023, by phone and followed by an email. • Individual 1's legal guardian reported receiving the director's decision and action plan on February 23, 2023, which was 12 working days after receiving the complaints. • The provider failed to report the director's decision and action plan to Individual 1 or legal guardian within 10 working days.	PR) 03/02/2023 Clinical Director immediately began an internal investigation following the phone call with Human Rights advocate on February 6. During the investigation, Clinical Director was conferring regularly with the legal guardian and upon completion of report, had a phone discussion regarding outcome. At that point the Clinical Director believed that she had indeed sent the final written report to legal guardian. However, upon receiving another call from Human Rights advocate it became apparent that the written report had never been received by legal guardian, although it had been completed and shared with Human Rights Advocate. It was then sent to legal guardian on February 23. Clinical Director will be more diligent and conscientious regarding the sending of reports,etc, within proper time lines by having the Case Manager ensure that the 'shared with' section of reports is included on Internal Investigation Reports, just as it is on other reports that are shared with legal guardians. OHR/OLR) Accepted 03/17/2023	3/1/2023

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12VAC35-115-230. A. (2) - Providers shall collect, maintain, and report the following information concerning abuse, neglect, and exploitation: 2. The director of a service licensed or funded by the department shall report each allegation of abuse or neglect via the department's web-based reporting application within 24 hours of receipt of the allegation (see 12VAC35-115-175).	N	Hope Road Abuse #20230002 This regulation was NOT MET as evidenced by: • The Advocate notified Employee 1 of the allegation of neglect and complaints on February 6, 2023, by phone and followed by an email. • The Advocate attempted to review the CHRIS records on February 22, 2023, but the reports were not found in CHRIS. • Advocate emailed Employee 1 to request the CHRIS counter numbers for review. • Employee 1 reported the allegation of neglect and complaints were not entered into CHRIS in error. • The allegation of neglect and complaints were entered into CHRIS on February 23, 2023, which was 12 working days after receiving the complaints. • The allegation of neglect was not entered into the department's web-based reporting application within 24 hours of receipt of the allegation.	PR) 03/02/2023 Following the allegation of neglect, Clinical Director failed to ensure that the allegation was placed in the CHRIS system. Moving forward, the 'shared with' section on reports of abuse or neglect, etc, will include a spot for "Shared with CHRIS system" so that the Case Manager can provide an additional layer of ensuring that all requirements are met regardless of who completes the report/findings. OHR/OLR) Accepted 03/17/2023	3/1/2023

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12VAC35-115-230. A. (3a) - Providers shall collect, maintain, and report the following information concerning abuse, neglect, and exploitation: 3. The investigating authority shall provide a written report of the results of the investigation of abuse or neglect to the director and human rights advocate via the department's web-based reporting application within 10 working days from the date the investigation began unless an extension has been granted (see 12VAC35-115-175). This report shall include: 3a. Whether abuse, neglect, or exploitation occurred;	N	Hope Road Abuse #20230002 This regulation was NOT MET as evidenced by: • The Advocate notified Employee 1 of the allegation of neglect and complaints on February 6, 2023, by phone and followed by an email. • The Advocate attempted to review the CHRIS records on February 22, 2023, but the reports were not found in CHRIS. • Advocate emailed Employee 1 to request the CHRIS counter numbers for review. • Employee 1 reported the allegation of neglect and complaints were not entered into CHRIS in error. • The allegation of neglect, complaints, and written results of the investigation were entered into CHRIS on February 23, 2023, which was 12 working days after receiving the complaints. The written report of the results of the investigation was not entered into the department's web-based reporting application within 10 working days.	PR) 03/16/2023 Following the internal investigation of the allegation of neglect, Clinical Director failed to ensure that the results of the investigation of allegation were placed in the CHRIS system. Moving forward, the Clinical Director will ensure that the results of any investigation are entered into the CHRIS system within the required 10 working days time frame. The Program Director will provide additional oversight of this requirement by signing off on the reports as they are entered into CHRIS. OHR/OLR) Accepted 03/17/2023	3/1/2023
12VAC35-115-50. C. (7a) - In services provided in residential and inpatient settings, each individual has the right to: 7.	N	Hope Road Complaint 20230002 This regulation was NOT MET as evidenced by:	PR) 03/02/2023 Individual 1 was permitted to call her legal guardian following a serious threat of safety (stabbing another resident in the neck). Following that phone call she was told that she would remain one on one with staff for the	3/1/2023

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Communicate privately with any person by telephone and have help in doing so. Use of the telephone may be limited to certain times and places to make sure that other individuals have equal access to the telephone and that they can eat, sleep, or participate in an activity without being disturbed. 7a. An individual's access to the telephone may be limited only if, in the judgment of a licensed professional, communication with another person or persons will result in demonstrable harm to the individual or significantly affect his treatment.		• Employee 1 reported that the legal guardian had requested that Individual 1 not be allowed to call the legal guardian for the remainder of the weekend. This was confirmed to the advocate during a phone call with the legal guardian. • Individual's phone use was restricted until Sunday when Individual 1 was allowed to call the human rights advocate.	weekend and would not be permitted further phone calls. Clinical Director has conferred with Human Rights advocate and is aware that phone calls to legal guardian and Human Rights advocate cannot be denied at any time for any reason (even when safety issues are a concern). Clinical Director was in error but has since ensure that all staff are aware of the error and arrangements will be made to ensure that phone calls to appropriate persons are never denied. Human Rights advocate suggested various means of allowing calls when safety is at risk. OHR/OLR) Not Accepted 03/17/2023 OHR Response: Please review 12VAC35-115-50(C)(7)(a-b). The advocate did not say phone calls cannot be denied at any time for any reason. Phone calls may be limited only if a licensed professional determines the communication will result in demonstrable harm to the individual or significantly affect his treatment, and the issue has been discussed with the individual, the human rights advocate is informed of the reason for the restriction prior to implementation, and the reason for the restriction is documented in the services record. PR) 03/17/2023 Clinical Director did not allow resident to leave room to make phone calls to SW or advocate. Clinical Director was in error but has since reviewed policy and is aware that phone calls may be limited only if a licensed professional	

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			determines the communication will result in demonstrable harm to the individual or significantly affect his treatment, and the issue has been discussed with the individual, the human rights advocate is informed of the reason for the restriction prior to implementation, and the reason for the restriction is documented in the services record. If these terms cannot be met, individual will be permitted to make calls to appropriate people (SW, Legal guardian, Human Rights advocate, attorney, etc) OHR/OLR) Accepted 03/20/2023	

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