

**DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES
CORRECTIVE ACTION PLAN**

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License #: **2917-14-001**

Organization Name: **Three Rivers Treatment Center, LLC**

Date of Inspection: **05-10-2024**

Program Type/Facility Name: **14-001 Three Rivers Treatment Center**

<u>Standard(s) Cited</u>	<u>Comp</u>	<u>Description of Noncompliance</u>	<u>Actions to be Taken</u>	<u>Planned Comp. Date</u>
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	Three Rivers Treatment Center This regulation was NOT MET as evidenced by: See OHR citation.		4/30/2024
12VAC35-115-110. C. (9a) - The provider's duties. 9. Providers shall comply with all applicable state and federal laws and regulations, certification and accreditation standards, and third party requirements as they relate to seclusion and restraint. 9a. Whenever an inconsistency exists between this chapter and federal laws or regulations,	N	Three Rivers Treatment Center "Providers shall comply with all applicable state and federal laws and regulations, certification and accreditation standards, and third party requirements as they relate to seclusion and restraint." This regulation was NOT MET as evidenced by: Upon review of CHRIS entry A:20240018 included interviews with multiple employees and Individual #1, a review of the provider's policy and a review of video footage which revealed: - Employee #1 implemented a technique that did not meet Handle With Care protocol. - Upon video review, it was determined that during the restraint Individual #1 was in a prone position. Based on the provider's investigative finding, there is a	PR) 06/07/2024 PR1: Individual 1 was placed in a restraint from 2:57 to 3:10 in the main hallway. While in the restraint Individual 1 called female staff bitches and black staff the N word. Video review of incident reveals criteria for restraint not apparently present at time applied. Once physical restraint applied, resident did back kick at Employee 1 and Individual 1 was thrown to the floor by staff and placed in prone restraint. Investigation of this incident resulted in two findings of abuse/neglect: "the allegations of improper restraint and physical abuse by Employee 1 against Individual 1 are SUBSTANTIATED. Individual 1 did not present a danger to himself or others at the time of restraint, and the physical restraint applied was not in keeping with regulations, standards and	4/30/2024

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accreditation or certification standards, or the requirements of third party payers, the provider shall comply with the higher standard.		preponderance of evidence to support the provider's finding of a regulatory violation.	Three River's policy and procedures. Additionally, Individual 1 was placed in a prone restraint, another violation of restraint procedure," and "Employee 2 failure to act to correct Employee 1 at the time of the incident and failure to document and report the incident accurately is an allegation of neglect, and this allegation is SUBSTANTIATED." Employees 1 &2 have been terminated from employment at Three Rivers Treatment Center. PR2: Three Rivers leadership reviewed the policies, procedures, and practices for resident supervision and physical interaction with residents. The leadership team found these policies, procedures, and practices to be sound and without need of revision. However, to ensure and validate proper verbal and physical interactions with residents, all Three Rivers staff will attend Handle With Care, Three Rivers' behavioral management training program, regardless of the expiration date of their current certification. PR3: Three Rivers Training Coordinator will monitor staff attendance at scheduled HWC sessions to ensure all staff attend, reporting attendance to the Human Resources Director. Staff who do not certify in HWC prior to 04-30-2024 will not be scheduled for duty shifts until certification is completed. PR4: April 30, 2024 OHR/OLR) Not Accepted 06/20/2024 PR) 07/05/2024	

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			PR1: Individual 1 did not present a danger to himself or others at the time of restraint, and the physical restraint applied was not in keeping with regulations, standards and Three River's policy and procedures. Additionally, Individual 1 was placed in a prone restraint, another violation of restraint procedure," and "Employee 2 failure to act to correct Employee 1 at the time of the incident and failure to document and report the incident accurately is an allegation of neglect, and this allegation is SUBSTANTIATED." Employees 1 &2 have been terminated from employment at Three Rivers Treatment Center. PR2: Three Rivers leadership reviewed the policies, procedures, and practices for resident supervision and physical interaction with residents. The leadership team found these policies, procedures, and practices to be sound and without need of revision. However, to ensure and validate proper verbal and physical interactions with residents, all Three Rivers staff will attend Handle With Care, Three Rivers' behavioral management training program, regardless of the expiration date of their current certification. PR3: Three Rivers Training Coordinator	

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			will monitor staff attendance at scheduled HWC sessions to ensure all staff attend, reporting attendance to the Human Resources Director. Staff who do not certify in HWC prior to 04-30-2024 will not be scheduled for duty shifts until certification is completed. OHR/OLR) Accepted 07/10/2024 CAP Not accepted.	
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	Three Rivers Treatment Center 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. "Neglect" means failure by a person, program, or facility operated, licensed, or funded by the department, excluding those operated by the Department of Corrections, responsible for providing services to do so, including nourishment, treatment, care, goods, or services necessary to the health, safety, or welfare of an individual receiving care or treatment for mental illness, intellectual disability, or substance abuse.	PR) 06/07/2024 PR1: Individual 1 was placed in a restraint from 2:57 to 3:10 in the main hallway. While in the restraint Individual 1 called female staff bitches and black staff the N word. Video review of incident reveals criteria for restraint not apparently present at time applied. Once physical restraint applied, resident did back kick at Employee 1 and Individual 1 was thrown to the floor by staff and placed in prone restraint. Investigation of this incident resulted in two findings of abuse/neglect: "the allegations of improper restraint and physical abuse by Employee 1 against Individual 1 are SUBSTANTIATED. Individual 1 did not present a danger to himself or others at the time of restraint, and the physical restraint applied was not in keeping with regulations, standards and Three River's policy and procedures. Additionally, Individual 1 was placed in a prone restraint, another violation of restraint procedure," and "Employee 2 failure to act to	4/30/2024

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		Upon review of CHRIS entry A:20240018, the provider's investigation included interviews with multiple employees and Individual #1, a review of the provider's policy and a review of video footage which revealed: - Employee #1 threw Individual #1 to the ground. - Individual #1 sustained a concussion during the incident. - Employee #2 failed to follow the provider's policy in responding to critical incidents. Based on the provider's investigative finding, there is a preponderance of evidence to support the provider's substantiated finding of physical abuse and neglect.	correct Employee 1 at the time of the incident and failure to document and report the incident accurately is an allegation of neglect, and this allegation is SUBSTANTIATED." Employees 1 &2 have been terminated from employment at Three Rivers Treatment Center. PR2: Three Rivers leadership reviewed the policies, procedures, and practices for resident supervision and physical interaction with residents. The leadership team found these policies, procedures, and practices to be sound and without need of revision. However, to ensure and validate proper verbal and physical interactions with residents, all Three Rivers staff will attend Handle With Care, Three Rivers' behavioral management training program, regardless of the expiration date of their current certification. PR3: Three Rivers Training Coordinator will monitor staff attendance at scheduled HWC sessions to ensure all staff attend, reporting attendance to the Human Resources Director. Staff who do not certify in HWC prior to 04-30-2024 will not be scheduled for duty shifts until certification is completed. PR4: April 30, 2024 OHR/OLR) Not Accepted 06/20/2024 PR) 07/05/2024 PR1: Individual 1 did not present a danger to himself or others at the time of restraint, and the physical restraint applied was not in keeping with	

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			regulations, standards and Three River's policy and procedures. Additionally, Individual 1 was placed in a prone restraint, another violation of restraint procedure," and "Employee 2 failure to act to correct Employee 1 at the time of the incident and failure to document and report the incident accurately is an allegation of neglect, and this allegation is SUBSTANTIATED." Employees 1 &2 have been terminated from employment at Three Rivers Treatment Center. PR2: Three Rivers leadership reviewed the policies, procedures, and practices for resident supervision and physical interaction with residents. The leadership team found these policies, procedures, and practices to be sound and without need of revision. However, to ensure and validate proper verbal and physical interactions with residents, all Three Rivers staff will attend Handle With Care, Three Rivers' behavioral management training program, regardless of the expiration date of their current certification. PR3: Three Rivers Training Coordinator will monitor staff attendance at scheduled HWC sessions to ensure all staff attend, reporting attendance to the Human Resources Director. Staff who	

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			do not certify in HWC prior to 04-30-2024 will not be scheduled for duty shifts until certification is completed. OHR/OLR) Accepted 07/10/2024 CAP Not accepted. Please respond to the regulatory violation 12VAC35-115-50(B)(2): Physical Abuse. Please include the following four points. 1. Provide a statement of the issue that led to non-compliance and state how you corrected/will correct the deficient practice in this specific violation. 2. Include a plan of action to address systematic changes (process/protocols, etc) that have been or will be implemented to ensure you remain in compliance of the regulation. 3. Include Staff by Title who will monitor the procedures implemented to ensure you stay in compliance with the regulation. Indicate the frequency for monitoring the plan including how it will be monitored (Ex: monthly audits, weekly chart reviews, daily checklist). 4. By what date you will have each planned corrective action completed (Ex. Date training completed or Date protocol implemented).	

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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.				
_____ Andrea Milhouse, Human Rights		_____ (Signature of Organization Representative)		_____ Date
C = Substantial Compliance, N = Non Compliance, NS = Non Compliance Systemic, ND = Non Determined				