DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES
CORRECTIVE ACTION PLAN

Investigation ID: **33**
License #: **3187-14-012**
Organization Name: **STARS**

Date of Inspection: **04-22-2024**
Program Type/Facility Name: **14-012 Phoenix House**

Standard(s) Cited	Comp	Description of Noncompliance	Actions to be Taken	Planned Comp. Date
12VAC35-46-300. B. (7) - The records of each employee shall include: 7. Documentation of compliance with requirements of Virginia laws regarding child protective services and criminal history background investigations;	N	Phoenix House This regulation was NOT MET as evidenced by: During the course of the investigation into CHRIS 20240042, Employee #2's personnel record was reviewed. This record did not contain the disclosure statement document required as part of the Virginia laws regarding child protective services and criminal history background investigations.	PR) 05/08/2024 Discussion with the admin team on this situation. Informed the staff supervisor, program director, and CAO of the disclosure statement and that this needs to be filled out/signed by the staff. Staff files will be audited by members of admin to ensure this is complete. OLR) Accepted 05/08/2024	5/22/2024
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	Phoenix House This regulation was NOT MET as evidenced by: Please see citations from The Office of Humans Rights.	PR) 05/22/2024 A message to all employees will be going out on 5/8/24 in regard to the said citations. OLR) Accepted 05/22/2024	5/8/2024

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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	Phoenix House 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. The allegation of abuse and exploitation is substantiated due to the following: • Employee 1 discovered that Employee 2 and Individual 1 were communicating via private messaging on Individual 1's social media account which included content with sexual insinuations, overnight messages, memes of a romantic nature, saying they loved one another, and Individual 1 talking about moving in with Employee 2. • Employee 1 discovered that Individual 1's phone contained a photo of Employee 2's arm with self-harm injuries. • Individual 1's employer reported witnessing Individual 1 purchase food for Employee 2 while the employee was visiting Individual 1 at the individual's place of employment. • Individual 1's employer stated that Individual 1 stated it was Individual 1's job to take care of Employee 2 and buy Employee 2 food because Employee 2 can't afford Employee 2's bills.	PR) 05/08/2024 Staff are informed during training the proper way for the exchanging of goods in the program. Everything goes through the case manager and or the program director. This ensures that everything is documented and fair. A message will be sent out to ensure of this on 5/8/2024. OHR/OLR) Partially Accepted 05/08/2024 OHR Response: Please indicate the specific corrective action taken for Employee 2. Please indicate the specific training offered to onboarding staff specific to boundaries and ethics. PR) 05/22/2024 I uploaded the training information. OHR/OLR) Accepted 05/22/2024	5/8/2024

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12VAC35-115-60. B. (2) - The provider's duties. 2. Providers shall ensure that all services, including medical services and treatment, are at all times delivered in accordance with sound therapeutic practice. Providers may deny or limit an individual's access to services if sound therapeutic practice requires limiting the service to individuals of the same sex or similar age, disability, or legal status.	N	Phoenix House This regulation was NOT MET as evidenced by: There is a preponderance of evidence to show that Employee 2 violated sound therapeutic practice as evidenced by: • Employee 1 discovered evidence that a number linked to Employee 2's cell phone was used to exchange several multimedia messages with Individual 1. • Employee 1 discovered a notification on Individual 1's phone that Employee 2 viewed Individual 1's social media profile. • Employee 1 discovered several private message exchanges on Individual 1's social media account between Individual 1 and Employee 2.	PR) 05/08/2024 Staff are informed that IF they want to have the residents as friends on social media, then the staff would need a STARS account and everything would need to be public. This has to be approved by the case manager and or the program director first. OHR/OLR) Partially Accepted 05/08/2024 OHR Response: Please indicate the specific corrective action taken towards Employee 2. PR) 05/22/2024 Employee 2 terminated on 4/8/24. OHR/OLR) Accepted 05/22/2024	5/8/2024

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.

Ann Mays, Licensing Specialist	(Signature of Organization Representative)	Date

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