

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

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License #: 3517-14-010

Organization Name: Virginia Health Operations LLC

Date of Inspection: 10-13-2021

Program Type/Facility Name: 14-010 Newport Academy- Creekside

<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. - Compliance with human rights regulations	N	Newport Academy- Creekside 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). Human Rights Regulations: 12VAC35-115- 50. A Dignity which states: A. Each individual has a right to exercise his legal, civil, and human rights, including constitutional rights, statutory rights, and the rights contained in this chapter, except as specifically limited in this chapter or otherwise by law. Each individual has a right to have services that he receives respond to his needs and preferences and be person-centered. Each individual also has the right to be protected, respected, and supported in exercising these rights. Providers shall not partially or totally take away or limit these rights solely because an individual has a mental health or substance use disorder or an intellectual disability and is receiving services for these conditions or has any physical or sensory condition that may pose a barrier to communication or mobility. This regulation was NOT MET as evidenced by: • Per provider's CHRIS complaint report C#20210006, the provider determined a violation of Individual #1's human rights occurred when Employee #1 laughed at Individual #1's behavior and said "at least it's a cute one, I guess it could be worse." • Per provider's CHRIS complaint report C#20210006, Employee #1 confirmed that they made this statement in a warm and jokingly way with no mal-intent. • The provider indicated Employee #1's actions were in violation of Individual #1's right to be treated with dignity and respect at all times.	PR) 10/30/2021 Retrain staff - discuss perception, impact vs intent, and validation of the client experience and respect of client's symptomology. OLR) Accepted 11/03/2021 OHR Accepted 11/3/2021	9/7/2021

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General Comments / Recommendations:

Inspection ID: 70

Location: Creekside

Please respond with acceptable corrective action to jennifer.anglin@dbhds.virginia.gov and tonya.carr@dbhds.virginia.gov by 11/4/2021.

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.

Tonya Carr, Legal Operations Manager

(Signature of Organization Representative)

Date

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