

**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: **07-06-2022**

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. - 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	Newport Academy- Creekside This regulation was NOT MET as evidenced by: See OHR citations below.	PR) 07/28/2022 07/24/2022 - Residential Director called employee to confirm that he was going to be suspended during the investigation for the Human Rights allegations; he then emailed his resignation soon after the phone call. OLR) Accepted 08/11/2022	5/24/2022
12VAC35-115-50. 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	N	Newport Academy- Creekside This regulation was NOT MET as evidenced by: - Per provider's CHRIS complaint report C20220020, the provider noted a violation to Individual #1's human rights occurred when Individual #1 became uncomfortable with Employee #1 when Employee #1 began discussing another staff with Individual #1 and then grabbed Individual #1's arm during the conversation to get Individual #1's attention. - Employee #1's actions violated Individual #1's right to be treated with dignity and respect.	PR) 07/28/2022 05/24/2022 - Residential Director called to communicate to the employee that he was going to be suspended during the Human Rights investigation; he submitted his resignation over email soon thereafter OHR/OLR) Accepted 08/09/2022	5/24/2022

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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.				
12VAC35-115-80. A. (1) - Each individual is entitled to have all identifying information that a provider maintains or knows about him remain confidential. Each individual has a right to give his authorization before the provider shares identifying information about him or his care unless another state law or regulation, or	N	Newport Academy- Creekside This regulation was NOT MET as evidenced by: - Per provider's CHRIS complaint report C20220021, the provider noted a violation to Individual #1's human rights occurred when Employee #1 "Face timed" with Employee #1's significant other and asked Individual #1 to join them on the face to face call, to which Individual #1 did. - Employee #1's actions violated Individual #1's right to confidentiality and privacy.	PR) 07/28/2022 05/24/2022 - Residential Director called to communicate to the employee that he was going to be suspended during the Human Rights investigation; he submitted his resignation over email soon thereafter OHR/OLR) Accepted 08/09/2022	5/24/2022

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these regulations specifically require or permit the provider to disclose certain specific information. 1. Providers shall maintain the confidentiality of any information that identifies an individual. If an individual's services record pertains in whole or in part to referral, diagnosis or treatment of substance use disorders, providers shall disclose information only according to applicable federal regulations (see 42 CFR Part 2, Confidentiality of Alcohol and Drug Abuse Patient Records).				

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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.				
Tonya Carr, Legal Operations Manager		(Signature of Organization Representative)		Date
C = Substantial Compliance, N = Non Compliance, NS = Non Compliance Systemic, ND = Non Determined				