

**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: **06-15-2023**

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 citation below:		

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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	Newport Academy- Creekside 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. Examples of abuse include acts such as: Use of physical or mechanical restraints on a person that is not in compliance with federal and state laws, regulations, and policies; professionally accepted standards of practice; or the person's individualized services plan; • By a preponderance of the evidence, which included staff admissions and failure to follow policy, the provider substantiated the allegation of abuse in CHRIS report #A20230015. • Per provider's CHRIS report #A20230015, Employee #1 used an inappropriate physical intervention with Individual #1 during a behavioral emergency. • Per provider's CHRIS report #A20230015, Employee #1 failed to follow the provider's prescribed behavior management techniques that Employee #1 was trained on. • Due to Employee #1's failure to follow their prescribed behavior management techniques, Individual #1's right to be free from abuse was violated.	PR) 07/22/2023 No injury or discomfort reported by client. Client's behavior was high risk and impulsive, so while employee did not follow CPI methodology, he acted rapidly to ensure client safety. Employee did participate in a retraining of CPI methodology on 6/16/2023. CPI Training is completed with all employees within first week of employment and prior to working with any clients. CPI retraining is completed annually and as needed based on observed need. OHR/OLR) Accepted 07/26/2023	6/16/2023

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