

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

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License #: **780-14-001**

Organization Name: **Liberty Point Behavioral Healthcare, LLC**

Date of Inspection: **08-29-2022**

Program Type/Facility Name: **14-001 Liberty Point Academy**

<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	Liberty Point Academy This regulation was NOT MET as evidenced by: See OHR citation below.		8/18/2022

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12VAC35-115-110. A. - Each individual is entitled to be completely free from any unnecessary use of seclusion, restraint, or time out.	N	Liberty Point Academy This regulation was NOT MET as evidenced by: CHRIS Abuse #20220562/Incident Date: 8.08.2022 - Employee #1 physically intervened with Individual #1 and ultimately placed Individual #1 in a prone restraint after Individual #1 threw an article of clothing at Employee #1. Throwing an article of clothing does not place Individual #1 at imminent risk for hurting themselves or others and, thus, is an unauthorized reason to perform a physical restraint on an individual. - Employee #1 performed a physical intervention (prone restraint) on Individual #1 that is not in compliance with the provider's policies and procedures, and is not in compliance with Employee #1's Handle With Care training. - Provider has substantiated for unnecessary/unauthorized use of restraint.	PR) 09/19/2022 Employee #1 did not utilize proper technique and utilized physical intervention that was not necessary to manage the situation. Employee #1 failed to call for assistance as well. Employee #1 did not return to work and was released from employment on 8/18/2022. All employees are trained in proper use of handle with care upon orientation and annually thereafter. All employees are trained that prone restraints are not allowed under any circumstance. All employees are trained to call for assistance prior to intervening in an emergency situation. OHR/OLR) Accepted 09/19/2022	8/18/2022
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	Liberty Point Academy This regulation was NOT MET as evidenced by: CHRIS Abuse #20220562/Incident Date: 8.08.2022 "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.	PR) 09/19/2022 This allegation was founded for physical abuse by Employee #1. Employee #1 did not return to work following the event and was released from employment on 8/18/2022. OHR/OLR) Accepted 09/19/2022	8/18/2022

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		Video review of incident revealed the following: • After Individual #1 threw an article of clothing at Employee #1: ◦ Employee #1 grabbed Individual #1 by the head and pushed Individual #1 into a door. ◦ Employee #1 pulled the back of Individual #1's shirt over the top of Individual #1's head. ◦ Employee #1 wrapped his forearm around Individual #1's face (the bend of the inside of elbow was across the front of Individual #1's face). ◦ Employee #1 and Individual #1 landed on top of a chair with Individual #1 laying on his back and Employee #1 on top of Individual #1. Employee #1 then rolled Individual #1 over onto Individual #1's stomach, placing Individual #1 in a prone position (restraint) for approximately 13 minutes. ◦ While Individual #1 was in the prone position (restraint), Employee #1 laid across the back of Individual #1 and placed right elbow in Individual #1's back. ◦ During prone restraint, Employee #1 slammed his weight onto Individual #1 at least 5 times. *It is significant to note that Employee #1 is larger than Individual #1. ◦ The actions of Employee #1 caused physical harm to Individual #1 as Individual #1 sustained a muscle strain to the back and his toe. The actions of Employee #1 may have also caused death to Individual #1. • Provider has substantiated for physical abuse.		

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