

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

Page: 1 of 4

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

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

Date of Inspection: **05-29-2024**

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 citations below.		5/20/2024

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Page: 2 of 4

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12VAC35-115-110. C. (9a) - The provider's duties. 9. Providers shall comply with all applicable state and federal laws and regulations, certification and accreditation standards, and third party requirements as they relate to seclusion and restraint. 9a. Whenever an inconsistency exists between this chapter and federal laws or regulations, accreditation or certification standards, or the requirements of third party payers, the provider shall comply with the higher standard.	N	Liberty Point Academy This regulation was NOT MET as evidenced by: Provider has substantiated based on the following: • Camera footage of the incident revealed: ◦ Individual #1 lunged at Employee #1, and Employee #1 responded by wrapping Employee #1's arm around Individual #1's neck and then twisting Individual #1's neck. ◦ Employee #1 then used a full body twisting motion on Individual #1 and Individual #1 landed on the floor. Individual #1 was then placed in a seated physical restraint by Employee #1 and Employee #2. Employee #1's actions were not in compliance for initiating a physical restraint and is a violation of 12VAC35-115-110 (C)(9)(a).	PR) 06/03/2024 The accused was immediately put on leave upon receipt of the allegation and was termination upon completion of the investigation. OHR/OLR) Accepted 06/03/2024	5/20/2024
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: "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	PR) 06/03/2024 The accused was put on leave immediately after receipt of the allegation and terminated upon the completion of the investigation. OHR/OLR) Accepted 06/03/2024	5/20/2024

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Page: 3 of 4

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		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. Provider has substantiated for abuse based on the following: • Camera footage of the incident revealed: ◦ Individual #1 was in the cafeteria for breakfast when Individual #1 and a peer were engaging in horseplay and did not respond to redirection from staff. The horseplay became escalated and Individual #1 was escorted out of the cafeteria into the hallway with Employee #1 and Employee #2. ◦ Individual #1 lunged at Employee #1, and Employee #1 responded by wrapping Employee #1's arm around Individual #1's neck and then twisting Individual #1's neck. ◦ Employee #1 then used a full body twisting motion on Individual #1, and Individual #1 landed on the floor. Individual #1 is then placed in a seated physical restraint by Employee #1 and Employee #2. Employee #1 using unauthorized and potentially harmful restraint techniques which were performed knowingly, recklessly, or intentionally, that might have caused physical or psychological harm or injury meets the regulatory definition of abuse and is a violation of 12VAC35-115-50 (B)(2).		

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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				