DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES
CORRECTIVE ACTION PLAN

License #: **909-14-003**
Organization Name: **Harbor Point Behavioral Health Center**

Date of Inspection: **09-05-2024**
Program Type/Facility Name: **14-003 Harbor Point Behavioral Health**

Standard(s) Cited	Comp	Description of Noncompliance	Actions to be Taken	Planned Comp. Date
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	Harbor Point Behavioral Health This regulation was NOT MET as evidenced by: See OHR citation below.		
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	Harbor Point Behavioral Health This regulation was NOT MET as evidenced by: Neglect means failure by a person, program, or facility operated, licensed, or funded by the department, excluding those operated by the Department of Corrections, responsible for providing services to do so, including nourishment, treatment, care, goods, or services necessary to the health, safety, or welfare of an individual receiving care or treatment for mental illness, intellectual disability, or substance abuse. See § 37.2-100 of the Code of Virginia. • Per provider's CHRIS report #20240342, Employee #1 used an inappropriate technique with Individual #1 during a behavioral crisis when Employee #1 dragged Individual #1 by their legs across floor in order to remove Individual #1 from a peer-to-peer altercation that was occurring.	PR) 09/20/2024 **1. Provide a statement of the issue that led to non-compliance and state how you corrected/will correct the deficient practice in this specific violation.** On 7/1/24, Individual #1 and a peer got into a physical altercation. Employee #1 was their assigned supervision, and he immediately acted to separate the fight, positioning himself between the residents. Individual #1 and the peer persisted in moving around Employee #1 to re-engage in fighting, then assaulting Employee #1. Employee #1 then separated the residents by dragging individual #1 by his leg several feet away. A nurse was arriving at the same time to assist. There was no further contact between Individual #1 and the peer. At that time Individual #2 involved himself by pushing Employee #1. Employee #1 reacted by extending his arm	7/25/2024

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		• Per provider's CHRIS report #20240345, Employee #1 also used an inappropriate technique with Individual #2 during the same incident when Employee #1 grabbed Individual #2 by the throat and pushed them against the wall in order to stop the peer-to-peer altercation. • Per provider's CHRIS report #20240342, provider stated "…the technique was not approved by the facility physical intervention model, necessitating retraining, [and] corrective action…" • Per camera footage review, the advocate observed Employee #1 dragging Individual #1 across the floor during a peer-to-peer altercation as well as while viewing camera footage for report #20240345, Employee #1 was observed pushing Individual #1 against the wall with Employee #1's hand against his throat and then quickly removing the hand to separate Individual #1 from the peer-to-peer altercation. • Employee #1 failed to provide treatment necessary to the safety and welfare for Individual #1 and Individual #2 and as a result, Individual #1 and #2's right to be free from neglect was violated.	toward Individual #2 without looking. His arm was at Individual #2's neck area for one second, then he moved his hand down to Individual #2's chest, then retracted his arm within 3 seconds. No further issues were identified under these cases. There were no injuries associated with the incident. The facility decision was that Employee #1 acted to separate a fight and defend himself, with no evidence of intentional abuse. However, the technique used by Employee #1 was outside the scope of the policy on safe patient handling. Employee was suspended for two days, and assigned re-training in the facility-approved physical intervention techniques (Handle with Care), which he completed on 7/10/24. **2. Include a plan of action to address systematic changes (process/protocols, etc.) that have been or will be implemented to ensure you remain in compliance of the regulation.** The facility response confirmed that policies for appropriate methods of verbal and physical intervention are in place at the facility, and Employee #1's training program verified his knowledge in these areas before he was assigned supervision duties. It was determined that no changes to facility policy are needed. **3. Include Staff by Title who will monitor the procedures implemented to ensure you stay in compliance with the regulation. Indicate the frequency for monitoring the plan including how it will be monitored (Ex: monthly audits, weekly chart reviews, daily checklist).** Employee #1 was provided written corrective	

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			action by his Program Manager. His re-training was completed by a certified instructor and evidenced on his training file. The training topics are to be covered annually going forward. **4. By what date you will have each planned corrective action completed (Ex. Date training completed or Date protocol implemented).** Written corrective action signed 7/25/24. Suspension was from 7/8/24 to 7/10/24. Handle with Care completed 7/10/24. OHR/OLR) Accepted 09/20/2024	

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.

Latoya Wilborne, Human Rights | (Signature of Organization Representative) | Date

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