

COMPLAINT INVESTIGATION REPORT

Facility Number: 435390032
Report Date: 03/19/2024
Date Signed: 03/19/2024 01:19:33 PM

Substantiated

STATE OF CALIFORNIA - HEALTH AND HUMAN SERVICES AGENCY COMPLAINT INVESTIGATION REPORT	CALIFORNIA DEPARTMENT OF SOCIAL SERVICES COMMUNITY CARE LICENSING DIVISION CCLD Regional Office, 2580 N. FIRST STREET, STE. 350 SAN JOSE, CA 95131
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This is an official report of an unannounced visit/investigation of a complaint received in our office on **01/23/2024** and conducted by Evaluator Shikya Belfield

PUBLIC		COMPLAINT CONTROL NUMBER: 26-CR-20240123090338	
FACILITY NAME: EMBARK AT SAN MARTIN		FACILITY NUMBER:	435390032
ADMINISTRATOR: PRINCESS GARCIA		FACILITY TYPE:	730
ADDRESS:		TELEPHONE:	
CITY:		ZIP CODE:	
CAPACITY:	6	DATE:	03/19/2024
		UNANNOUNCED TIME BEGAN:	09:38 AM
MET WITH: Alyssa Avila		TIME COMPLETED:	12:22 PM

ALLEGATION(S):

1	Staff did not ensure minors were afforded a safe environment.
2	Staff did not prevent minor from physically assaulting another minor.
3	Staff were not properly trained.
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INVESTIGATION FINDINGS:

1	On 3/19/2024 at 9:38 AM, Licensing Program Analyst (LPA) Shikya Belfield and LPA Mona Lam,
2	conducted an unannounced inspection to the above facility. The purpose of this visit was to inform the
3	facility representative of the findings for the allegations above. LPA met with Alyssa Avila who assisted
4	with the inspection.
5	
6	Based on confidential interviews conducted and a review of supportive documentation to include but not
7	limit, incident reports and video surveillance. Facility did not prevent client from assaulting other staff and
8	client in care. It was also confirmed that the client who committed the assaults was in placement outside
9	of the compliance of the facility's plan of operation as C1 (see lic811 dated 3/19/2024) was 18 years old.
10	No exception was requested before their birthday to allow them to remain in the facility. Based on
11	confidential interviews and observations of video surveillance, the placement of C1 in the facility was not

12 compatible with other clients who were placed in the facility. Based on a review of facility training records,
13 staff did not receive training in the required training topics as outlined in the regulations and were not
trained to handle or in preparations for situations in the facility.

Substantiated

Estimated Days of Completion: 90

SUPERVISOR'S NAME: Carolyn Flynn

TELEPHONE: (408) 324-2112

LICENSING EVALUATOR NAME: Shikya Belfield

TELEPHONE: (408) 316-8950

LICENSING EVALUATOR SIGNATURE:

DATE: 03/19/2024

I acknowledge receipt of this form and understand my licensing appeal rights as explained and received.

FACILITY REPRESENTATIVE SIGNATURE:

DATE: 03/19/2024

This report must be available at Child Care and Group Home facilities for public review for 3 years.

LIC9099 (FAS) - (06/04)

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COMPLAINT INVESTIGATION REPORT (Cont)

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NARRATIVE

1 Therefore, these allegations are Substantiated. Facility cited for violations of the
2 California Code of Regulations, Title 22, Division Six, Section 84072(d)(14)(a)(1)
3 Personal Rights, 80022(k) Plan of Operation, and 84065(i) Personnel Requirements
4 as described on the following page LIC 9099 D.
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FACILITY NAME: EMBARK AT SAN MARTIN

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DEFICIENCY INFORMATION FOR THIS PAGE:

VISIT DATE: 03/19/2024

Deficiency Type POC Due Date / Section Number	DEFICIENCIES	PLAN OF CORRECTIONS(POCs)
Type B 03/20/2024 Section Cited CCR 84072(d)(14)(a)(1)	1 84072(d)(14)(a)(1) To live in a safe, 2 healthy, and comfortable home where 3 he or she is treated with respect. This 4 requirement was not met as evidenced 5 by, 6 7	1 Licensee will revise admission practice 2 and procedure for how clients are 3 accepted into the program. This revised 4 plan will be submitted to the department 5 by the plan of correction due date of 6 4/20/2024. 7
	8 Based on confidential interviews 9 conducted and a review of supportive 10 documentation to include but not limit, 11 incident reports and video surveillance. 12 Facility did not prevent client from 13 assaulting other staff and client in care. 14 This poses a potential health, safety, or personal rights risk to the clients in care.	8 9 10 11 12 13 14
Type B 03/20/2024 Section Cited CCR 80022(k)	1 80022(k) The facility shall operate in 2 accordance with the terms specified in 3 the Plan of Operation and may be cited 4 for not doing so. This requirement was 5 not met as evidenced by, 6 7	1 Licensee agrees to have the 2 admissions team complete training on 3 the California Code of Regulations. 4 Proof of training to be submitted to the 5 department by the plan of correction 6 due date of 4/30/2024. 7
	8 Based on confidential interviews 9 conducted and a review of supportive 10 documentation to include but not limit, 11 incident reports and video surveillance. 12 It was also confirmed that the client 13 who committed the assaults was in 14 placement outside of the compliance of the facility's plan of operation as C1 was 18 years old. No exception was requested before their birthday to allow them to remain in the facility. This poses a potential health, safety, or personal rights risk to clients in care.	8 9 10 11 12 13 14

Failure to correct the cited deficiency(ies), on or before the Plan of Correction (POC) due date, may result in a civil penalty assessment.

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Deficiency Type POC Due Date / Section Number	DEFICIENCIES	PLAN OF CORRECTIONS(POCs)
Type B 03/19/2024 Section Cited CCR 84065(i)(3)	1 84065(i)(3) Training shall include, at a 2 minimum, all of the following topics. 3 The licensee shall determine how much 4 time is spent on each topic and shall 5 ensure that childcare staff have 6 appropriate skills necessary to 7 supervise the children in care. This requirement was not met as evidenced by,	1 Licensee agrees to revise the current 2 training plan to include the required 3 topics outlined in the regulations. This 4 new plan will be submitted to the 5 department for approval by the plan of 6 correction due date 4/20/2024. 7
	8 Based on a review of facility training 9 records, staff did not receive training in 10 the required training topics as outlined 11 in the regulations and were not trained 12 to handle or in preparations for 13 situations in the facility. This poses a 14 potential health, safety, or personal rights risk to clients in care.	
	1 2 3 4 5 6 7	1 2 3 4 5 6 7
	1 2 3 4 5 6 7	1 2 3 4 5 6 7

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