SUSANA MARTINEZ, GOVERNOR



RETTA WARD, CABINET SECRETARY

Date: May 11, 2015

To: Angela Ledesma, Executive Director Provider: Angel Care of New Mexico, Inc.

Address: 2225 E. Griggs St.

State/Zip: Las Cruces, New Mexico 88001

E-mail Address: angela@angelcarenm.net

Region: Southwest

Survey Date: March 16 - 18, 2015

Program Surveyed: Developmental Disabilities Waiver

Service Surveyed: 2012: Living Supports (Family Living) and Inclusion Supports (Customized Community

Supports)

Survey Type: Routine

Team Leader: Russell R. Cain, BSW, Healthcare Surveyor, Division of Health Improvement/Quality

Management Bureau

Team Members: Tony Fragua, BFA, Plan of Correction Coordinator/Health Program Manager, Division of Health

Improvement/Quality Management Bureau; Erica Nilsen, BA, Healthcare Surveyor, Division of

Health Improvement/Quality Management Bureau; Florence Mulheron, BA, Health Care

Surveyor, Division of Health Improvement/Quality Management Bureau.

Dear, Ms. Angela Ledesma:

The Division of Health Improvement/Quality Management Bureau has completed a compliance survey of the services identified above. The purpose of the survey was to determine compliance with federal and state standards; to assure the health, safety, and welfare of individuals receiving services through the Developmental Disabilities Waiver; and to identify opportunities for improvement. This Report of Findings will be shared with the Developmental Disabilities Supports Division for their use in determining your current and future provider agreements. Upon receipt of this letter and Report of Findings your agency must immediately correct all deficiencies which place Individuals served at risk of harm.

Determination of Compliance:

The Division of Health Improvement, Quality Management Bureau has determined your agency is in:

Compliance with all Conditions of Participation.

This determination is based on your agency's compliance with CMS waiver assurances at the Condition of Participation level. The attached QMB Report of Findings indicates Standard Level deficiencies identified and requires implementation of a Plan of Correction.

Plan of Correction:

The attached Report of Findings identifies the Standard Level and/or Condition of Participation deficiencies found during your agency's compliance review. You are required to complete and implement a Plan of Correction. Your agency has a total of 45 business days (10 business days to submit your POC for approval and 35 days to implement your approved Plan of Correction) from the receipt of this letter.

DIVISION OF HEALTH IMPROVEMENT

5301 Central Avenue NE, Suite 400 • Albuquerque, New Mexico • 87108 (505) 222-8623 • FAX: (505) 222-8661 • http://www.dhi.health.state.nm.us

Submission of your Plan of Correction:

Please submit your agency's Plan of Correction in the space on the two right columns of the Report of Findings. (See attachment "A" for additional guidance in completing the Plan of Correction).

Within 10 business days of receipt of this letter your agency Plan of Correction must be submitted to the parties below:

- 1. Quality Management Bureau, Attention: Plan of Correction Coordinator 5301 Central Ave. NE Suite 400 Albuquerque, NM 87108
- 2. Developmental Disabilities Supports Division Regional Office for region of service surveyed

Upon notification from QMB that your *Plan of Correction has been approved*, you must implement all remedies and corrective actions to come into compliance. If your Plan of Correction is denied, you must resubmit a revised plan as soon as possible for approval, as your POC approval and all remedies must be completed within 45 business days of the receipt of this letter.

Failure to submit your POC within the allotted 10 business days or complete and implement your Plan of Correction within the total 45 business days allowed may result in the imposition of a \$200 per day Civil Monetary Penalty until it is received, completed and/or implemented.

Request for Informal Reconsideration of Findings (IRF):

If you disagree with a finding of deficient practice, you have 10 business days upon receipt of this notice to request an IRF. Submit your request for an IRF in writing to:

QMB Deputy Bureau Chief 5301 Central Ave NE Suite #400 Albuquerque, NM 87108 Attention: IRF request

See Attachment "C" for additional guidance in completing the request for Informal Reconsideration of Findings. The request for an IRF will not delay the implementation of your Plan of Correction which must be completed within 45 total business days (10 business days to submit your POC for approval and 35 days to implement your *approved* Plan of Correction). Providers may not appeal the nature or interpretation of the standard or regulation, the team composition or sampling methodology. If the IRF approves the modification or removal of a finding, you will be advised of any changes.

Please call the Plan of Correction Coordinator Anthony Fragua at 505-231-7436 if you have questions about the Report of Findings or Plan of Correction. Thank you for your cooperation and for the work you perform.

Sincerely,

Russell R. Cain, BSW

Team Lead/Healthcare Surveyor Division of Health Improvement Quality Management Bureau

Survey Process Employed:

Entrance Conference Date: March 16, 2015

Present: Angel Care of New Mexico, Inc.

Jessica Guzman, Service Coordinator Suzann Ochoa, Service Coordinator

DOH/DHI/QMB

Russell R. Cain, BSW Team Lead/Healthcare Surveyor

Florence Mulheron, BA, Healthcare Surveyor

Exit Conference Date: March 18, 2015

Present: Angel Care of New Mexico, Inc.

Angela Ledesma, Executive Director Suzann Ochoa, Service Coordinator

DOH/DHI/QMB

Russell R. Cain, BSW Team Lead/Healthcare Surveyor

Florence Mulheron, BA, Healthcare Surveyor Erica Nilsen, BA, Healthcare Surveyor

Anthony Fragua, BFA, POC Coordinator/Program Manager

DDSD - SW Regional Office

Angie Brooks, Developmental Disability Supports Division, Generalist

Administrative Locations Visited Number: 1

Total Sample Size Number: 11

0 - Jackson Class Members11 - Non-Jackson Class Members

7 - Family Living

11 - Customized Community Supports

Total Homes Visited Number: 6

Family Living Homes Visited Number: 6

Persons Served Records Reviewed Number: 11

Persons Served Interviewed Number: 10

Persons Served Observed Number: 1 (Individual was not available during the on-sire

survey)

Direct Support Personnel Interviewed Number: 9

Direct Support Personnel Records Reviewed Number: 31

Substitute Care/Respite Personnel

Records Reviewed Number: 23

Service Coordinator Records Reviewed Number: 3

Administrative Processes and Records Reviewed:

- Medicaid Billing/Reimbursement Records for all Services Provided
- Accreditation Records
- Oversight of Individual Funds
- Individual Medical and Program Case Files, including, but not limited to:
 - Individual Service Plans
 - Progress on Identified Outcomes
 - Healthcare Plans
 - Medication Administration Records
 - Medical Emergency Response Plans
 - Therapy Evaluations and Plans
 - o Healthcare Documentation Regarding Appointments and Required Follow-Up
 - Other Required Health Information
- Internal Incident Management Reports and System Process / General Events Reports
- · Personnel Files, including nursing and subcontracted staff
- Staff Training Records, Including Competency Interviews with Staff
- Agency Policy and Procedure Manual
- Caregiver Criminal History Screening Records
- Consolidated Online Registry/Employee Abuse Registry
- Human Rights Committee Notes and Meeting Minutes
- Evacuation Drills of Residences and Service Locations
- Quality Assurance / Improvement Plan

CC: Distribution List: DOH - Division of Health Improvement

DOH - Developmental Disabilities Supports Division

DOH - Office of Internal Audit HSD - Medical Assistance Division

Attachment A

Provider Instructions for Completing the QMB Plan of Correction (POC) Process

Introduction:

After a QMB Compliance Survey, your QMB Report of Findings will be sent to you via e-mail.

Each provider must develop and implement a Plan of Correction (POC) that identifies specific quality assurance and quality improvement activities the agency will implement to correct deficiencies and prevent continued deficiencies and non-compliance.

Agencies must submit their Plan of Correction within ten (10) business days from the date you receive the QMB Report of Findings. (Providers who do not submit a POC within 10 business days may be referred to the Internal Review Committee [IRC] for possible actions or sanctions).

Agencies must fully implement their approved Plan of Correction within 45 business days (10 business days to submit your POC for approval and 35 days to implement your approved Plan of Correction) from the date they receive the QMB Report of Findings (Providers who fail to complete a POC within the 45 business days allowed will be referred to the IRC for possible actions or sanctions.)

If you have questions about the Plan of Correction process, call the Plan of Correction Coordinator at 505-231-7436 or email at Anthony.Fragua@state.nm.us. Requests for technical assistance must be requested through your Regional DDSD Office.

The POC process cannot resolve disputes regarding findings. If you wish to dispute a finding on the official Report of Findings, you must file an Informal Reconsideration of Findings (IRF) request within ten (10) business days of receiving your report. Please note that you must still submit a POC for findings that are in question (see Attachment "C").

Instructions for Completing Agency POC:

Required Content

Your Plan of Correction should provide a step-by-step description of the methods to correct each deficient practice to prevent recurrence and information that ensures the regulation cited is in compliance. The remedies noted in your POC are expected to be added to your Agency's required, annual Quality Assurance Plan.

If a deficiency has already been corrected, the plan should state how it was corrected, the completion date (date the correction was accomplished), and how possible recurrence of the deficiency will be prevented.

The Plan of Correction must address the six required Center for Medicare and Medicaid Services (CMS) core elements to address each deficiency cited in the Report of Findings:

- 1. How the specific and realistic corrective action will be accomplished for individuals found to have been affected by the deficient practice.
- 2. How the agency will identify other individuals who have the potential to be affected by the same deficient practice, and how the agency will act to protect individuals in similar situations.
- 3. What QA measures will be put into place or systemic changes made to ensure that the deficient practice will not recur
- 4. Indicate how the agency plans to monitor its performance to make sure that solutions are sustained. The agency must develop a QA plan for ensuring that correction is achieved and

- sustained. This QA plan must be implemented, and the corrective action evaluated for its effectiveness. The plan of correction is integrated into the agency quality assurance system; and
- 5. Include dates when corrective action will be completed. The corrective action completion dates must be acceptable to the State.
- 6. The POC must be signed and dated by the agency director or other authorized official.

The following details should be considered when developing your Plan of Correction:

- Details about how and when Consumer, Personnel and Residential files are audited by Agency personnel to ensure they contain required documents;
- Information about how Medication Administration Records are reviewed to verify they contain all required information before they are distributed, as they are being used, and after they are completed;
- Your processes for ensuring that all staff are trained in Core Competencies, Abuse, Neglect and Exploitation Reporting, and Individual-Specific service requirements, etc.;
- How accuracy in Billing/Reimbursement documentation is assured;
- How health, safety is assured;
- For Case Management Providers, how Individual Specific Plans are reviewed to verify they meet requirements, how the timeliness of LOC packet submissions and consumer visits are tracked;
- Your process for gathering, analyzing and responding to Quality data indicators; and,
- Details about Quality Targets in various areas, current status, analyses about why targets were not met, and remedies implemented.

Note: <u>Instruction or in-service of staff alone may not be a sufficient plan of correction.</u> This is a good first step toward correction, but additional steps must be taken to ensure the deficiency is corrected and will not recur.

Completion Dates

- The plan of correction must include a **completion date** (entered in the far right-hand column) for each finding. Be sure the date is **realistic** in the amount of time your Agency will need to correct the deficiency; not to exceed 45 total business days.
- Direct care issues should be corrected immediately and monitored appropriately.
- Some deficiencies may require a staged plan to accomplish total correction.
- Deficiencies requiring replacement of equipment, etc., may require more time to accomplish correction but should show reasonable time frames.

Initial Submission of the Plan of Correction Requirements

- 1. The Plan of Correction must be completed on the official QMB Survey Report of Findings/Plan of Correction Form and received by QMB within ten (10) business days from the date you received the report of findings.
- 2. For questions about the POC process, call the POC Coordinator, Anthony Fragua at 505-231-7436 for assistance.
- 3. For Technical Assistance (TA) in developing or implementing your POC, contact your Regional DDSD Office.
- 4. Submit your POC to Anthony Fragua, POC Coordinator in any of the following ways:
 - a. Electronically at Anthony.Fragua@state.nm.us (preferred method)
 - b. Fax to 505-222-8661, or
 - c. Mail to POC Coordinator, 5301 Central Avenue NE, Suite 400, Albuquerque, NM 87108
- 5. Do not submit supporting documentation (evidence of compliance) to QMB until after your POC has been approved by the QMB.
- 6. QMB will notify you when your POC has been "approved" or "denied."

- a. During this time, whether your POC is "approved," or "denied," you will have a maximum of 45 business days from the date of receipt of your Report of Findings to correct all survey deficiencies.
- b. If your POC is denied, it must be revised and resubmitted as soon as possible, as the 45 business day limit is in effect.
- c. If your POC is denied a second time your agency may be referred to the Internal Review Committee.
- d. You will receive written confirmation when your POC has been approved by QMB and a final deadline for completion of your POC.
- e. Please note that all POC correspondence will be sent electronically unless otherwise requested.
- 7. Failure to submit your POC within 10 business days without prior approval of an extension by QMB will result in a referral to the Internal Review Committee and the possible implementation of monetary penalties and/or sanctions.

POC Document Submission Requirements

Once your POC has been approved by the QMB Plan of Correction Coordinator you must submit copies of documents as evidence that all deficiencies have been corrected, as follows.

- 1. Your internal documents are due within a <u>maximum</u> of 45 business days of receipt of your Report of Findings.
- 2. It is preferred that you submit your documents via USPS or other carrier (scanned and saved to CD/DVD disc, flash drive, etc.). If the documents do not contain protected Health information (PHI) the preferred method is that you submit your documents electronically (scanned and attached to e-mails).
- All submitted documents <u>must be annotated</u>; please be sure the tag numbers and Identification numbers are indicated on each document submitted. Documents which are not annotated with the Tag number and Identification number may not be accepted.
- 4. Do not submit original documents; Please provide copies or scanned electronic files for evidence. Originals must be maintained in the agency file(s) per DDSD Standards.
- 5. In lieu of some documents, you may submit copies of file or home audit forms that clearly indicate cited deficiencies have been corrected, other attestations of correction must be approved by the Plan of Correction Coordinator prior to their submission.
- 6. When billing deficiencies are cited, you must provide documentation to justify billing and/or void and adjust forms submitted to Xerox State Healthcare, LLC for the deficiencies cited in the Report of Findings. In addition to this, we ask that you submit:
 - Evidence of an internal audit of billing/reimbursement conducted for a sample of individuals and timeframes of your choosing to verify POC implementation;
 - Copies of "void and adjust" forms submitted to Xerox State Healthcare, LLC to correct all
 unjustified units identified and submitted for payment during your internal audit.

Revisions, Modifications or Extensions to your Plan of Correction (post QMB approval) must be made in writing and submitted to the Plan of Correction Coordinator, prior to the due date and are approved on a case-by-case basis. No changes may be made to your POC or the timeframes for implementation without written approval of the POC Coordinator.

Attachment B

Department of Health, Division of Health Improvement QMB Determination of Compliance Process

The Division of Health Improvement, Quality Management Bureau (QMB) surveys compliance of the Developmental Disabilities Waiver (DDW) standards and state and federal regulations. QMB has grouped the CMS assurances into five Service Domains: Level of Care; Plan of Care; Qualified Providers; Health, Welfare and Safety; and Administrative Oversight (note that Administrative Oversight listed in this document is not the same as the CMS assurance of Administrative Authority. Used in this context it is related to the agency's operational policies and procedures, Quality Management system and Medicaid billing and reimbursement processes.)

The QMB Determination of Compliance process is based on provider compliance or non-compliance with standards and regulations identified in the QMB Report of Findings. All deficiencies (non-compliance with standards and regulations) are identified and cited as either a Standard level deficiency or a Condition of Participation level deficiency in the QMB Reports of Findings. All deficiencies require corrective action when non-compliance is identified.

Within the QMB Service Domains there are fundamental regulations, standards, or policies with which a provider must be in essential compliance in order to ensure the health and welfare of individuals served known as Conditions of Participation (CoPs).

The Determination of Compliance for each service type is based on a provider's compliance with CoPs in three (3) Service Domains.

Case Management Services:

- Level of Care
- Plan of Care
- Qualified Providers

Community Inclusion Supports/ Living Supports:

- Qualified Provider
- Plan of Care
- Health, Welfare and Safety

Conditions of Participation (CoPs)

A CoP is an identified fundamental regulation, standard, or policy with which a provider must be in compliance in order to ensure the health and welfare of individuals served. CoPs are based on the Centers for Medicare and Medicaid Services, Home and Community-Based Waiver required assurances. A provider must be in compliance with CoPs to participate as a waiver provider.

QMB surveyors use professional judgment when reviewing the critical elements of each standard and regulation to determine when non-compliance with a standard level deficiency rises to the level of a CoP out of compliance. Only some deficiencies can rise to the level of a CoP (See the next section for a list of CoPs). The QMB survey team analyzes the relevant finding in terms of scope, actual harm or potential for harm, unique situations, patterns of performance, and other factors to determine if there is the potential for a negative outcome which would rise to the level of a CoP. A Standard level deficiency becomes a CoP out of compliance when the team's analysis establishes that there is an identified potential for significant harm or actual harm. It is then cited as a CoP out of compliance. If the deficiency does not rise to the level of a CoP out of compliance, it is cited as a Standard Level Deficiency.

The Division of Health Improvement (DHI) and the Developmental Disabilities Supports Division (DDSD) collaborated to revise the current Conditions of Participation (CoPs). There are seven Conditions of Participation in which providers must be in compliance.

CoPs and Service Domains for Case Management Supports are as follows:

Service Domain: Level of Care

Condition of Participation:

1. **Level of Care**: The Case Manager shall complete all required elements of the Long Term Care Assessment Abstract (LTCAA) to ensure ongoing eligibility for waiver services.

Service Domain: Plan of Care

Condition of Participation:

2. **Individual Service Plan (ISP) Creation and Development**: Each individual shall have an ISP. The ISP shall be developed in accordance with DDSD regulations and standards and is updated at least annually or when warranted by changes in the individual's needs.

Condition of Participation:

3. **ISP Monitoring and Evaluation:** The Case Manager shall ensure the health and welfare of the individual through monitoring the implementation of ISP desired outcomes.

CoPs and Service Domain for ALL Service Providers is as follows:

Service Domain: Qualified Providers

Condition of Participation:

4. **Qualified Providers**: Agencies shall ensure support staff has completed criminal background screening and all mandated trainings as required by the DDSD.

CoPs and Service Domains for Living Supports and Inclusion Supports are as follows:

Service Domain: Plan of Care

Condition of Participation:

5. **ISP Implementation**: Services provided shall be consistent with the components of the ISP and implemented to achieve desired outcomes.

Service Domain: Health, Welfare and Safety

Condition of Participation:

6. **Individual Health, Safety and Welfare: (Safety)** Individuals have the right to live and work in a safe environment.

Condition of Participation:

7. **Individual Health, Safety and Welfare (Healthcare Oversight)**: The provider shall support individuals to access needed healthcare services in a timely manner. Nursing, healthcare services and healthcare oversight shall be available and provided as needed to address individuals' health, safety and welfare.

QMB Determinations of Compliance

Compliance with Conditions of Participation

The QMB determination of *Compliance with Conditions of Participation* indicates that a provider is in compliance with all Conditions of Participation, (CoP). The agency has obtained a level of compliance such that there is a minimal potential for harm to individuals' health and safety. To qualify for a determination of Compliance with Conditions of Participation, the provider must be in compliance with all Conditions of Participation in all relevant Service Domains. The agency may also have Standard level deficiencies (deficiencies which are not at the condition level) out of compliance in any of the Service Domains.

Partial-Compliance with Conditions of Participation

The QMB determination of *Partial-Compliance with Conditions of Participation* indicates that a provider is out of compliance with Conditions of Participation in one (1) to two (2) Service Domains. The agency may have one or more Condition level tags within a Service Domain. This partial-compliance, if not corrected, may result in a serious negative outcome or the potential for more than minimal harm to individuals' health and safety. The agency may also have Standard level deficiencies (deficiencies which are not at the condition level) in any of the Service Domains.

Providers receiving a <u>repeat</u> determination of Partial-Compliance for repeat deficiencies at the level of a Condition in any Service Domain may be referred by the Quality Management Bureau to the Internal Review Committee (IRC) for consideration of remedies and possible actions or sanctions.

Non-Compliance with Conditions of Participation

The QMB determination of *Non-Compliance with Conditions of Participation* indicates a provider is significantly out of compliance with Conditions of Participation in multiple Service Domains. The agency may have one or more Condition level tags in each of 3 relevant Service Domains. This non-compliance, if not corrected, may result in a serious negative outcome or the potential for more than minimal harm to individuals' health and safety. The agency may also have Standard level deficiencies (deficiencies which are not at the condition level) in any of the Service Domains

Providers receiving a <u>repeat</u> determination of Non-Compliance will be referred by Quality Management Bureau to the Internal Review Committee (IRC) for consideration of remedies and possible actions or sanctions.

Attachment C

Guidelines for the Provider Informal Reconsideration of Finding (IRF) Process

Introduction:

Throughout the QMB Survey process, surveyors are openly communicating with providers. Open communication means surveyors have clarified issues and/or requested missing information before completing the review through the use of the signed/dated "Document Request," or "Administrative Needs," etc. forms. Regardless, there may still be instances where the provider disagrees with a specific finding. Providers may use the following process to informally dispute a finding.

Instructions:

- 1. The Informal Reconsideration of the Finding (IRF) request must be received in writing to the QMB Deputy Bureau Chief <u>within 10 business days</u> of receipt of the final Report of Findings.
- 2. The written request for an IRF *must* be completed on the QMB Request for Informal Reconsideration of Finding form available on the QMB website: http://dhi.health.state.nm.us/qmb
- 3. The written request for an IRF must specify in detail the request for reconsideration and why the finding is inaccurate.
- 4. The IRF request must include all supporting documentation or evidence.
- 5. If you have questions about the IRF process, email the IRF Chairperson, Crystal Lopez-Beck at Crystal.Lopez-Beck@state.nm.us for assistance.

The following limitations apply to the IRF process:

- The written request for an IRF and all supporting evidence must be received within 10 business days.
- Findings based on evidence requested during the survey and not provided may not be subject to reconsideration.
- The supporting documentation must be new evidence not previously reviewed or requested by the survey team.
- Providers must continue to complete their Plan of Correction during the IRF process
- Providers may not request an IRF to challenge the sampling methodology.
- Providers may not request an IRF based on disagreement with the nature of the standard or regulation.
- Providers may not request an IRF to challenge the team composition.
- Providers may not request an IRF to challenge the DHI/QMB determination of compliance or the length of their DDSD provider contract.

A Provider forfeits the right to an IRF if the request is not received within 10 business days of receiving the report and/or does not include all supporting documentation or evidence to show compliance with the standards and regulations.

The IRF Committee will review the request, the Provider will be notified in writing of the ruling; no face-to-face meeting will be conducted.

When a Provider requests that a finding be reconsidered, it does not stop or delay the Plan of Correction process. **Providers must continue to complete the Plan of Correction, including the finding in dispute regardless of the IRF status.** If a finding is removed or modified, it will be noted and removed or modified from the Report of Findings. It should be noted that in some cases a Plan of Correction may be completed prior to the IRF process being completed. The provider will be notified in writing on the decisions of the IRF committee.

Agency: Angel Care of New Mexico, Inc. - Southwest Region

Program: Developmental Disabilities Waiver

Service: 2012: Living Supports (Family Living); Inclusion Supports (Customized Community Supports)

Monitoring Type: Routine Survey

Survey Date: March 16 - 18, 2015

Standard of Care	Deficiencies	Agency Plan of Correction, On-going QA/QI and Responsible Party	Date Due
		accordance with the service plan, including	type,
scope, amount, duration and frequency sp	pecified in the service plan.		
Tag # LS14 / 6L14	Standard Level Deficiency		
Residential Case File			
Developmental Disabilities (DD) Waiver Service Standards effective 11/1/2012 revised 4/23/2013 CHAPTER 11 (FL) 3. Agency Requirements C. Residence Case File: The Agency must maintain in the individual's home a complete and current confidential case file for each individual. Residence case files are required to comply with the DDSD Individual Case File Matrix policy.	Based on record review, the Agency did not maintain a complete and confidential case file in the residence for 4 of 7 Individuals receiving Family Living Services. Review of the residential individual case files revealed the following items were not found, incomplete, and/or not current:	Provider: State your Plan of Correction for the deficiencies cited in this tag here: →	
CHAPTER 12 (SL) 3. Agency Requirements C. Residence Case File: The Agency must maintain in the individual's home a complete and current confidential case file for each individual. Residence case files are required to comply with the DDSD Individual Case File Matrix policy.	 Positive Behavioral Plan (# 6, 9, 10) Behavior Crisis Intervention Plan (#6, 9) Speech Therapy Plan (#3) 	Provider:	
CHAPTER 13 (IMLS) 2. Service Requirements B.1. Documents To Be Maintained In The Home: a. Current Health Passport generated through the e-CHAT section of the Therap website and printed for use in the home in case of disruption in internet access; b. Personal identification; c. Current ISP with all applicable assessments, teaching and support strategies, and as	 Physical Therapy Plan (#3) Healthcare Passport (#10) Special Health Care Needs Comprehensive Aspiration Risk Management Plan: Not Found (#3, 10) Health Care Plans Falls (#9) 	Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →	

applicable for the consumer, PBSP, BCIP, MERP, health care plans, CARMPs, Written Therapy Support Plans, and any other plans (e.g. PRN Psychotropic Medication Plans) as applicable;

- d. Dated and signed consent to release information forms as applicable;
- e. Current orders from health care practitioners;
- f. Documentation and maintenance of accurate medical history in Therap website;
- g. Medication Administration Records for the current month:
- Record of medical and dental appointments for the current year, or during the period of stay for short term stays, including any treatment provided;
- i. Progress notes written by DSP and nurses;
- j. Documentation and data collection related to ISP implementation;
- k. Medicaid card;
- Salud membership card or Medicare card as applicable; and
- m. A Do Not Resuscitate (DNR) document and/or Advanced Directives as applicable.

DEVELOPMENTAL DISABILITIES SUPPORTS DIVISION (DDSD): Director's Release: Consumer Record Requirements eff. 11/1/2012 III. Requirement Amendments(s) or Clarifications:

A. All case management, living supports, customized in-home supports, community integrated employment and customized community supports providers must maintain records for individuals served through DD Waiver in accordance with the Individual Case File Matrix incorporated in this director's release.

H. Readily accessible electronic records are accessible, including those stored through the Therap web-based system.

- ° Oral Care (#9)
- ° Body Mass Index (#9)
- ° Aspiration (#10)

• Medical Emergency Response Plans

° Falls (#9)

Progress Notes/Daily Contacts Logs:

- Individual #3 None found for 3/9 16, 2015.
- ° Individual #9 None found for 3/1 − 8, 2015.

Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007 **CHAPTER 6. VIII. COMMUNITY LIVING** SERVICE PROVIDER AGENCY REQUIREMENTS A. Residence Case File: For individuals receiving Supported Living or Family Living, the Agency shall maintain in the individual's home a complete and current confidential case file for each individual. For individuals receiving Independent Living Services, rather than maintaining this file at the individual's home, the complete and current confidential case file for each individual shall be maintained at the agency's administrative site. Each file shall include the following: (1) Complete and current ISP and all supplemental plans specific to the individual; (2) Complete and current Health Assessment Tool: (3) Current emergency contact information, which includes the individual's address. telephone number, names and telephone numbers of residential Community Living Support providers, relatives, or guardian or conservator, primary care physician's name(s) and telephone number(s), pharmacy name, address and telephone number and dentist name, address and telephone number, and health plan; (4) Up-to-date progress notes, signed and dated by the person making the note for at least the past month (older notes may be transferred to the agency office); (5) Data collected to document ISP Action Plan implementation

(6) Progress notes written by direct care staff and by nurses regarding individual health status

and physical conditions including action taken in		
response to identified changes in condition for at		
least the past month;		
(7) Physician's or qualified health care providers		
written orders;		
(8) Progress notes documenting implementation		
of a physician's or qualified health care		
provider's order(s);		
(9) Medication Administration Record (MAR) for		
the past three (3) months which includes:		
(a) The name of the individual;		
(b) A transcription of the healthcare		
practitioners prescription including the		
brand and generic name of the medication;		
(c) Diagnosis for which the medication is		
prescribed;		
(d) Dosage, frequency and method/route of		
delivery;		
(e) Times and dates of delivery;		
(f) Initials of person administering or assisting		
with medication; and		
(g) An explanation of any medication		
irregularity, allergic reaction or adverse		
effect.		
(h) For PRN medication an explanation for the		
use of the PRN must include:		
(i) Observable signs/symptoms or		
circumstances in which the medication		
is to be used, and		
(ii) Documentation of the		
effectiveness/result of the PRN		
delivered.		
(i) A MAR is not required for individuals		
participating in Independent Living Services		
who self-administer their own medication.		
However, when medication administration		
is provided as part of the Independent Living Service a MAR must be maintained		
at the individual's home and an updated		
copy must be placed in the agency file on a	1	

weekly basis.

(10) Record of visits to healthcare practitioners		
including any treatment provided at the visit and		
a record of all diagnostic testing for the current		
ISP year; and		
(11) Medical History to include: demographic		
data, current and past medical diagnoses		
including the course (if known) of the		
including the cause (if known) of the		
developmental disability and any psychiatric		
diagnosis, allergies (food, environmental,		
medications), status of routine adult health care		
screenings, immunizations, hospital discharge		
summaries for past twelve (12) months, past		
medical history including hospitalizations,		
surgeries, injuries, family history and current		
physical exam.		

Standard of Care	Deficiencies	Agency Plan of Correction, On-going QA/QI and Responsible Party	Date Due
		fied providers to assure adherence to waive rovider training is conducted in accordance	
requirements and the approved waiver.	ocioled and procedured for vernying that pr	ovider training to correlation in accordance	with State
Tag # 1A20	Standard Level Deficiency		
Direct Support Personnel Training	-		
Department of Health (DOH) Developmental	Based on record review, the Agency did not	Provider:	
Disabilities Supports Division (DDSD) Policy	ensure Orientation and Training requirements	State your Plan of Correction for the	
- Policy Title: Training Requirements for	were met for 6 of 31 Direct Support Personnel.	deficiencies cited in this tag here: →	
Direct Service Agency Staff Policy - Eff.			
March 1, 2007 - II. POLICY STATEMENTS:	Review of Direct Support Personnel training		
A. Individuals shall receive services from	records found no evidence of the following		
competent and qualified staff. B. Staff shall complete individual-specific	required DOH/DDSD trainings and certification being completed:		
(formerly known as "Addendum B") training	being completed.		
requirements in accordance with the	• First Aid (DSP #201, 204)		
specifications described in the individual service	• 1 113t Ald (DS1 #201, 204)		
plan (ISP) of each individual served.	• CPR (DSP #204)		
C. Staff shall complete training on DOH-	0.11 (20.1 1/20.1)		
approved incident reporting procedures in	Participatory Communication and Choice		
accordance with 7 NMAC 1.13.	Making (DSP #204, 217, 227)	Provider:	
D. Staff providing direct services shall complete		Enter your ongoing Quality Assurance/Quality	
training in universal precautions on an annual	 Advocacy 101 (DSP #204, 207, 217) 	Improvement processes as it related to this tag	
basis. The training materials shall meet		number here: →	
Occupational Safety and Health Administration	 Positive Behavior Supports Strategies (DSP 		
(OSHA) requirements.	#204, 205, 207, 227)		
E. Staff providing direct services shall maintain certification in first aid and CPR. The training			
materials shall meet OSHA	 Teaching and Support Strategies (DSP #204, 		
requirements/guidelines.	207, 217, 227)		
F. Staff who may be exposed to hazardous			
chemicals shall complete relevant training in			
accordance with OSHA requirements.			
G. Staff shall be certified in a DDSD-approved			
behavioral intervention system (e.g., Mandt,			
CPI) before using physical restraint techniques.			
Staff members providing direct services shall			

maintain certification in a DDSD-approved behavioral intervention system if an individual they support has a behavioral crisis plan that includes the use of physical restraint techniques. H. Staff shall complete and maintain certification in a DDSD-approved medication course in accordance with the DDSD Medication Delivery Policy M-001. I. Staff providing direct services shall complete safety training within the first thirty (30) days of employment and before working alone with an individual receiving service.		
Developmental Disabilities (DD) Waiver Service Standards effective 11/1/2012 revised 4/23/2013 CHAPTER 5 (CIES) 3. Agency Requirements G. Training Requirements: 1. All Community Inclusion Providers must provide staff training in accordance with the DDSD policy T-003: Training Requirements for Direct Service Agency Staff Policy.		
CHAPTER 6 (CCS) 3. Agency Requirements F. Meet all training requirements as follows: 1. All Customized Community Supports Providers shall provide staff training in accordance with the DDSD Policy T-003: Training Requirements for Direct Service Agency Staff Policy;		
CHAPTER 7 (CIHS) 3. Agency Requirements C. Training Requirements: The Provider Agency must report required personnel training status to the DDSD Statewide Training Database as specified in the DDSD Policy T- 001: Reporting and Documentation of DDSD Training Requirements Policy. The Provider Agency must ensure that the personnel support staff have completed training as specified in the DDSD Policy T-003: Training Requirements for Direct Service Agency Staff Policy		

CHAPTER 11 (FL) 3. Agency Requirements B. Living Supports- Family Living Services Provider Agency Staffing Requirements: 3. Training:

A. All Family Living Provider agencies must ensure staff training in accordance with the Training Requirements for Direct Service Agency Staff policy. DSP's or subcontractors delivering substitute care under Family Living must at a minimum comply with the section of the training policy that relates to Respite, Substitute Care, and personal support staff [Policy T-003: for Training Requirements for Direct Service Agency Staff; Sec. II-J, Items 1-4]. Pursuant to the Centers for Medicare and Medicaid Services (CMS) requirements, the services that a provider renders may only be claimed for federal match if the provider has completed all necessary training required by the state. All Family Living Provider agencies must report required personnel training status to the DDSD Statewide Training Database as specified in DDSD Policy T-001: Reporting and Documentation for DDSD Training Requirements.

CHAPTER 12 (SL) 3. Agency Requirements B. Living Supports- Supported Living Services Provider Agency Staffing Requirements: 3. Training:

A. All Living Supports- Supported Living Provider Agencies must ensure staff training in accordance with the DDSD Policy T-003: for Training Requirements for Direct Service Agency Staff. Pursuant to CMS requirements, the services that a provider renders may only be claimed for federal match if the provider has completed all necessary training required by the state. All Supported Living provider agencies must report required personnel training status to

Tag # 1A22	Standard Level Deficiency		
Agency Personnel Competency	, and the second		
Department of Health (DOH) Developmental Disabilities Supports Division (DDSD) Policy - Policy Title: Training Requirements for	Based on interview, the Agency did not ensure training competencies were met for 4 of 9 Direct Support Personnel.	Provider: State your Plan of Correction for the deficiencies cited in this tag here: →	
Direct Service Agency Staff Policy - Eff. March 1, 2007 - II. POLICY STATEMENTS: A. Individuals shall receive services from competent and qualified staff. B. Staff shall complete individual specific (formerly known as "Addendum B") training	When DSP were asked if the Individual had a Positive Behavioral Supports Plan and if so, what the plan covered, the following was reported:		
requirements in accordance with the specifications described in the individual service plan (ISP) for each individual serviced.	DSP #222 stated, "No." According to the Individual Specific Training Section of the ISP, the Individual requires a Positive Behavioral Supports Plan. (Individual #6)		
Developmental Disabilities (DD) Waiver Service Standards effective 11/1/2012 revised 4/23/2013 CHAPTER 5 (CIES) 3. Agency Requirements G. Training Requirements: 1. All Community Inclusion Providers must provide staff training in accordance with the DDSD policy T-003:	When DSP were asked if the individual had a Positive Behavioral Crisis Plan and if so, what the plan covered, the following was reported:	Provider: Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →	
Training Requirements for Direct Service Agency Staff Policy. 3. Ensure direct service personnel receives Individual Specific Training as outlined in each individual ISP, including aspects of support plans (healthcare and	DSP #222 stated, "No." According to the Individual Specific Training Section of the ISP, the individual has Positive Behavioral Crisis Plan. (Individual #6)		
behavioral) or WDSI that pertain to the employment environment.	DSP #210 stated, "I know he has one." DSP was unable to describe what the plan covered if there was a crisis. According to the		
CHAPTER 6 (CCS) 3. Agency Requirements F. Meet all training requirements as follows: 1. All Customized Community Supports Providers shall provide staff training in	if there was a crisis. According to the Individual Specific Training Section of the ISP, the individual has Positive Behavioral Crisis Plan. (Individual #6)		
accordance with the DDSD Policy T-003: Training Requirements for Direct Service Agency Staff Policy;	When DSP were asked if the Individual had Health Care Plans and if so, what the plan(s) covered, the following was reported:		
CHAPTER 7 (CIHS) 3. Agency Requirements C. Training Requirements: The Provider Agency must report required personnel training	 DSP #223 stated, "Not that I know of." As indicated by the Comprehensive Health Assessment Tool, the Individual requires 		

status to the DDSD Statewide Training Database as specified in the DDSD Policy T-001: Reporting and Documentation of DDSD Training Requirements Policy. The Provider Agency must ensure that the personnel support staff have completed training as specified in the DDSD Policy T-003: Training Requirements for Direct Service Agency Staff Policy. 3. Staff shall complete individual specific training requirements in accordance with the specifications described in the ISP of each individual served; and 4. Staff that assists the individual with medication (e.g., setting up medication, or reminders) must have completed Assisting with Medication Delivery (AWMD) Training.

CHAPTER 11 (FL) 3. Agency Requirements B. Living Supports- Family Living Services Provider Agency Staffing Requirements: 3. Training:

A. All Family Living Provider agencies must ensure staff training in accordance with the Training Requirements for Direct Service Agency Staff policy. DSP's or subcontractors delivering substitute care under Family Living must at a minimum comply with the section of the training policy that relates to Respite, Substitute Care, and personal support staff [Policy T-003: for Training Requirements for Direct Service Agency Staff; Sec. II-J, Items 1-4]. Pursuant to the Centers for Medicare and Medicaid Services (CMS) requirements, the services that a provider renders may only be claimed for federal match if the provider has completed all necessary training required by the state. All Family Living Provider agencies must report required personnel training status to the DDSD Statewide Training Database as specified in DDSD Policy T-001: Reporting and

Health Care Plans for Body Mass Index, Oral care/Oral Hygiene and Falls. (Individual #9)

When DSP were asked if the Individual had a Medical Emergency Response Plans and if so, what the plan(s) covered, the following was reported:

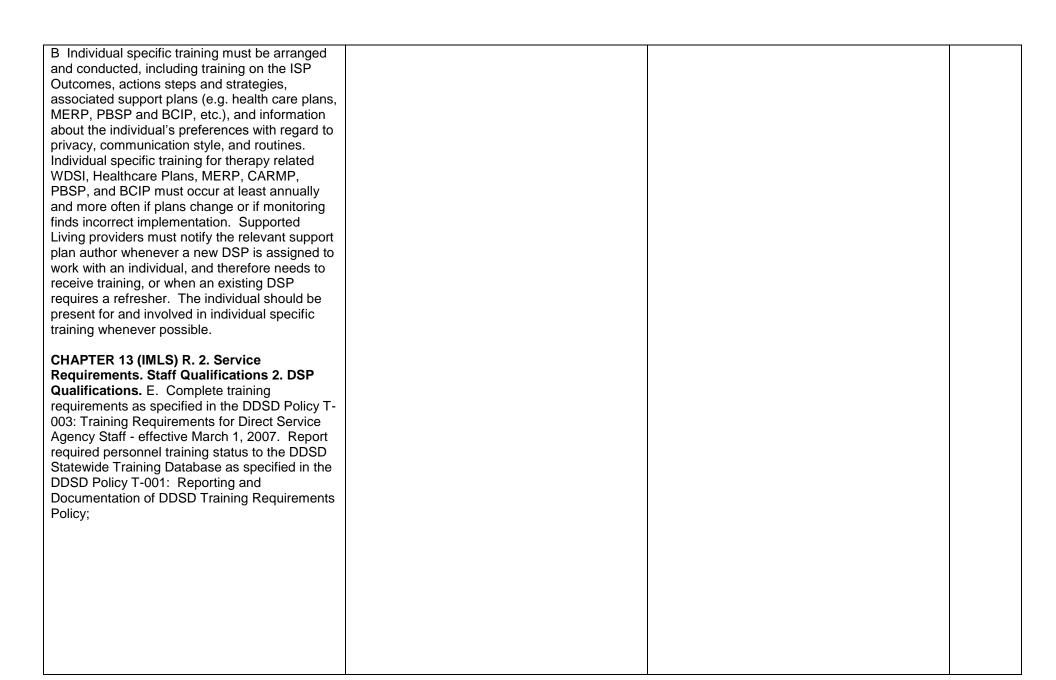
 DSP #223 stated, "No she doesn't have any plans." As indicated by the Electronic Comprehensive Health Assessment Tool, the Individual requires Medical Emergency Response plans for Falls. (Individual #9)

When DSP were asked if the Individual had any food and/or medication allergies that could be potentially life threatening, the following was reported:

 DSP #200 stated, "No." As indicated by the Electronic Comprehensive Health Assessment the Individual is allergic to mold and pollen. (Individual #9)

Requirements. B. Individual specific training must be arranged and conducted, including training on the Individual Service Plan outcomes, actions steps and strategies and associated support plans (e.g. health care plans, MERP, PBSP and BCIP etc.), information about the individual's preferences with regard to privacy, communication style, and routines. Individual			
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Training Requirements for Direct Service Agency Staff. Pursuant to CMS requirements, the services that a provider renders may only be claimed for federal match if the provider has completed all necessary training required by the state. All Supported Living provider agencies must report required personnel training status to the DDSD Statewide Training Database as specified in DDSD Policy T-001: Reporting and	· · · · · · · · · · · · · · · · · · ·		
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the services that a provider renders may only be claimed for federal match if the provider has completed all necessary training required by the state. All Supported Living provider agencies must report required personnel training status to the DDSD Statewide Training Database as specified in DDSD Policy T-001: Reporting and			
claimed for federal match if the provider has completed all necessary training required by the state. All Supported Living provider agencies must report required personnel training status to the DDSD Statewide Training Database as specified in DDSD Policy T-001: Reporting and			
completed all necessary training required by the state. All Supported Living provider agencies must report required personnel training status to the DDSD Statewide Training Database as specified in DDSD Policy T-001: Reporting and			
state. All Supported Living provider agencies must report required personnel training status to the DDSD Statewide Training Database as specified in DDSD Policy T-001: Reporting and			
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specified in DDSD Policy T-001: Reporting and			

Requirements.



Tag # 1A26	Standard Level Deficiency		
Consolidated On-line Registry			
Employee Abuse Registry			
NMAC 7.1.12.8 REGISTRY ESTABLISHED; PROVIDER INQUIRY REQUIRED: Upon the effective date of this rule, the department has established and maintains an accurate and complete electronic registry that contains the name, date of birth, address, social security number, and other appropriate identifying information of all persons who, while employed by a provider, have been determined by the department, as a result of an investigation of a complaint, to have engaged in a substantiated registry-referred incident of abuse, neglect or exploitation of a person receiving care or services from a provider. Additions and updates to the registry shall be posted no later than two (2) business days following receipt. Only department staff designated by the custodian may access, maintain and update the data in the registry. A. Provider requirement to inquire of registry. A provider, prior to employing or contracting with an employee, shall inquire of the registry whether the individual under consideration for employment or contracting is listed on the registry. B. Prohibited employment. A provider may not employee if the individual is listed on the registry as having a substantiated registry-referred incident of abuse, neglect or exploitation of a person receiving care or services from a provider. D. Documentation of inquiry to registry. The provider shall maintain documentation in the employee's personnel or employment records that evidences the fact that the provider made	Based on record review, the Agency did not maintain documentation in the employee's personnel records that evidenced inquiry into the Employee Abuse Registry prior to employment for 1 of 57 Agency Personnel. The following Agency Personnel records contained evidence that indicated the Employee Abuse Registry check was completed after hire: Direct Support Personnel (DSP): #218 – Date of hire 1/1/2014, completed 1/3/2014.	Provider: State your Plan of Correction for the deficiencies cited in this tag here: → Provider: Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →	

employee prior to employment. Such		
documentation must include evidence, based on		
the response to such inquiry received from the		
custodian by the provider, that the employee		
was not listed on the registry as having a		
substantiated registry-referred incident of abuse,		
neglect or exploitation.		
E. Documentation for other staff. With		
respect to all employed or contracted individuals		
providing direct care who are licensed health		
care professionals or certified nurse aides, the		
provider shall maintain documentation reflecting		
the individual's current licensure as a health		
care professional or current certification as a		
nurse aide.		
F. Consequences of noncompliance.		
The department or other governmental agency		
having regulatory enforcement authority over a		
provider may sanction a provider in accordance		
with applicable law if the provider fails to make		
an appropriate and timely inquiry of the registry,		
or fails to maintain evidence of such inquiry, in		
connection with the hiring or contracting of an		
employee; or for employing or contracting any		
person to work as an employee who is listed on		
the registry. Such sanctions may include a		
directed plan of correction, civil monetary		
penalty not to exceed five thousand dollars		
(\$5000) per instance, or termination or non-		
renewal of any contract with the department or		
other governmental agency.		
		i

Standard of Care	Deficiencies	Agency Plan of Correction, On-going QA/QI and Responsible Party	Date Due
	als shall be afforded their basic human righ	addresses and seeks to prevent occurrence of the provider supports individuals to ac	
Tag # 1A09 Medication Delivery Routine Medication Administration	Standard Level Deficiency		
NMAC 16.19.11.8 MINIMUM STANDARDS: A. MINIMUM STANDARDS FOR THE DISTRIBUTION, STORAGE, HANDLING AND RECORD KEEPING OF DRUGS: (d) The facility shall have a Medication Administration Record (MAR) documenting medication administered to residents, including over-the-counter medications. This documentation shall include: (i) Name of resident; (ii) Date given; (iii) Drug product name; (iv) Dosage and form; (v) Strength of drug; (vi) Route of administration; (vii) How often medication is to be taken; (viii) Time taken and staff initials; (ix) Dates when the medication is discontinued or changed; (x) The name and initials of all staff administering medications. Model Custodial Procedure Manual D. Administration of Drugs Unless otherwise stated by practitioner, patients will not be allowed to administer their own medications. Document the practitioner's order authorizing the self-administration of medications.	Medication Administration Records (MAR) were reviewed for the months of February and March 2015. Based on record review, 1 of 11 individuals had Medication Administration Records (MAR), which contained missing medications entries and/or other errors: Individual #9 During on-site survey Physician Orders were requested for the months of February and March 2015. As of 3/18/2015, Physician Orders had not been provided.	Provider: State your Plan of Correction for the deficiencies cited in this tag here: → Provider: Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →	

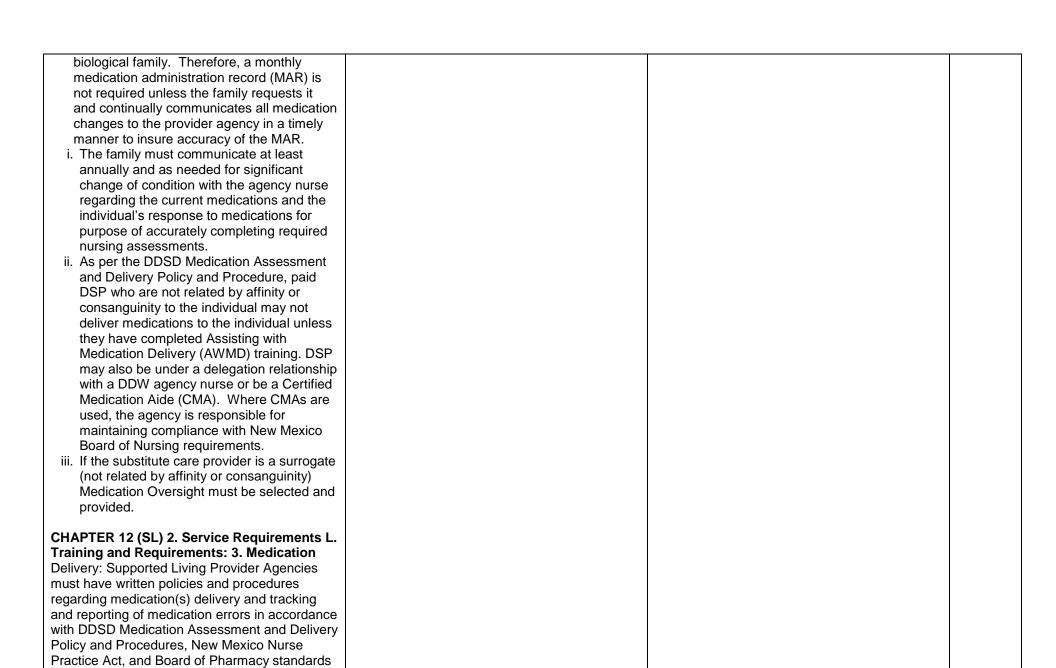
All PRN (As needed) medications shall have complete detail instructions regarding the administering of the medication. This shall include:		
 symptoms that indicate the use of the medication, exact dosage to be used, and the exact amount to be used in a 24 hour period. 		
Developmental Disabilities (DD) Waiver Service Standards effective 11/1/2012 revised 4/23/2013 CHAPTER 5 (CIES) 1. Scope of Service B. Self Employment 8. Providing assistance with medication delivery as outlined in the ISP; C. Individual Community Integrated Employment 3. Providing assistance with medication delivery as outlined in the ISP; D. Group Community Integrated Employment 4. Providing assistance with medication delivery as outlined in the ISP; and B. Community Integrated Employment Agency Staffing Requirements: o. Comply with DDSD Medication Assessment and Delivery Policy and Procedures;		
CHAPTER 6 (CCS) 1. Scope of Services A. Individualized Customized Community Supports 19. Providing assistance or supports with medications in accordance with DDSD Medication Assessment and Delivery policy. C. Small Group Customized Community Supports 19. Providing assistance or supports with medications in accordance with DDSD Medication Assessment and Delivery policy. D. Group Customized Community Supports 19. Providing assistance or supports with medications in accordance with DDSD		

Medication Assessment and Delivery policy.

CHAPTER 11 (FL) 1 SCOPE OF SERVICES

A. Living Supports- Family Living Services:		
The scope of Family Living Services includes,		
but is not limited to the following as identified by		
the Interdisciplinary Team (IDT):		
19. Assisting in medication delivery, and related		
monitoring, in accordance with the DDSD's		
Medication Assessment and Delivery Policy,		
New Mexico Nurse Practice Act, and Board of		
Pharmacy regulations including skill		
development activities leading to the ability for		
individuals to self-administer medication as		
appropriate; and		
I. Healthcare Requirements for Family Living.		
3. B. Adult Nursing Services for medication		
oversight are required for all surrogate Lining		
Supports- Family Living direct support personnel		
if the individual has regularly scheduled		
medication. Adult Nursing services for		
medication oversight are required for all		
surrogate Family Living Direct Support		
Personnel (including substitute care), if the		
individual has regularly scheduled medication.		
6. Support Living- Family Living Provider		
Agencies must have written policies and		
procedures regarding medication(s) delivery and		
tracking and reporting of medication errors in		
accordance with DDSD Medication Assessment		
and Delivery Policy and Procedures, the New		
Mexico Nurse Practice Act and Board of		
Pharmacy standards and regulations.		
•		
a. All twenty-four (24) hour residential home		
sites serving two (2) or more unrelated		
individuals must be licensed by the Board of		
Pharmacy, per current regulations;		
b. When required by the DDSD Medication		
Assessment and Delivery Policy, Medication		
Administration Records (MAR) must be		
maintained and include:		

	i.The name of the individual, a transcription of		
	the physician's or licensed health care		
	provider's prescription including the brand		
	and generic name of the medication, and		
	diagnosis for which the medication is		
	prescribed;		
i	i.Prescribed dosage, frequency and		
	method/route of administration, times and		
	dates of administration;		
ii	i.Initials of the individual administering or		
	assisting with the medication delivery;		
i١	v.Explanation of any medication error;		
١	v.Documentation of any allergic reaction or		
	adverse medication effect; and		
V	i.For PRN medication, instructions for the use		
	of the PRN medication must include		
	observable signs/symptoms or		
	circumstances in which the medication is to		
	be used, and documentation of effectiveness		
	of PRN medication administered.		
c.	The Family Living Provider Agency must		
	also maintain a signature page that		
	designates the full name that corresponds to		
	each initial used to document administered		
	or assisted delivery of each dose; and		
d.	Information from the prescribing pharmacy		
	regarding medications must be kept in the		
	home and community inclusion service		
	locations and must include the expected		
	desired outcomes of administering the		
	medication, signs and symptoms of adverse		
	events and interactions with other		
	medications.		
e.	Medication Oversight is optional if the		
	individual resides with their biological family		
	(by affinity or consanguinity). If Medication		
	Oversight is not selected as an Ongoing		
	Nursing Service, all elements of medication		
	administration and oversight are the sole		
	responsibility of the individual and their		



and regulations.

a.	All twenty-four (24) hour residential home sites serving two (2) or more unrelated individuals must be licensed by the Board of Pharmacy, per current regulations;	
b.	When required by the DDSD Medication Assessment and Delivery Policy, Medication Administration Records (MAR) must be maintained and include:	
	 The name of the individual, a transcription of the physician's or licensed health care provider's prescription including the brand and generic name of the medication, and diagnosis for which the medication is prescribed; 	
	ii. Prescribed dosage, frequency and method/route of administration, times and dates of administration;	
	iii. Initials of the individual administering or assisting with the medication delivery;	
	iv. Explanation of any medication error;	
	v. Documentation of any allergic reaction or adverse medication effect; and	
	vi. For PRN medication, instructions for the use of the PRN medication must include observable signs/symptoms or circumstances in which the medication is to be used, and documentation of effectiveness of PRN medication administered.	
c.	The Supported Living Provider Agency must also maintain a signature page that	

each initial used to document administered or assisted delivery of each dose; and		
d. Information from the prescribing pharmacy regarding medications must be kept in the home and community inclusion service locations and must include the expected desired outcomes of administrating the medication, signs, and symptoms of adverse events and interactions with other medications.		
CHAPTER 13 (IMLS) 2. Service Requirements. B. There must be compliance with all policy requirements for Intensive Medical Living Service Providers, including written policy and procedures regarding medication delivery and tracking and reporting of medication errors consistent with the DDSD Medication Delivery Policy and Procedures, relevant Board of Nursing Rules, and Pharmacy Board standards and regulations.		
Developmental Disabilities (DD) Waiver Service Standards effective 4/1/2007 CHAPTER 1 II. PROVIDER AGENCY REQUIREMENTS: E. Medication Delivery: Provider Agencies that provide Community Living, Community Inclusion or Private Duty Nursing services shall have written policies and procedures regarding medication(s) delivery and tracking and reporting of medication errors in accordance with DDSD Medication Assessment and Delivery Policy and Procedures, the Board of Nursing Rules and Board of Pharmacy standards and regulations.		
(2) When required by the DDSD Medication Assessment and Delivery Policy, Medication		

Admir	nistration Records (MAR) shall be	
maint	ained and include:	
(a)	The name of the individual, a	
, ,	transcription of the physician's written or	
	licensed health care provider's	
	prescription including the brand and	
	generic name of the medication,	
	diagnosis for which the medication is	
	prescribed;	
(b)	Prescribed dosage, frequency and	
	method/route of administration, times	
	and dates of administration;	
(c)	Initials of the individual administering or	
	assisting with the medication;	
(d)	Explanation of any medication	
	irregularity;	
(e)	Documentation of any allergic reaction	
	or adverse medication effect; and	
(f)	For PRN medication, an explanation for	
	the use of the PRN medication shall	
	include observable signs/symptoms or	
	circumstances in which the medication	
	is to be used, and documentation of	
	effectiveness of PRN medication	
	administered.	
	he Provider Agency shall also maintain a	
	ure page that designates the full name	
	orresponds to each initial used to	
	nent administered or assisted delivery of	
each		
	ARs are not required for individuals	
	pating in Independent Living who self-	
	nister their own medications;	
	formation from the prescribing pharmacy	
	ding medications shall be kept in the	
	and community inclusion service	
	ons and shall include the expected	
	ed outcomes of administrating the	
	eation, signs and symptoms of adverse	
event	s and interactions with other medications:	

Tag # 1A15.1 Nurse Availability	Standard Level Deficiency		
Developmental Disabilities (DD) Waiver Service Standards effective 11/1/2012 revised 4/23/2013 CHAPTER 6 (CCS) 3. Agency Requirements C. Employ or subcontract with at least one RN to comply with services under "Nursing and Medical Oversight Services as needed" that is detailed in the Scope of Services above for Group Customized Community Supports Services. If the size of the provider warrants more than one nurse, a RN must supervise LPNs. 1. Ensure compliance with the New Mexico Nurse Practice Act and DDSD Policies and Procedures regarding Delegation of Specific Nursing Functions, including: i. Provider agencies (Small group and Group services) must develop and implement policies and procedures regarding delegation which must comply with relevant DDSD Policies and Procedures, and the New Mexico Nurse Practice Act. Agencies must ensure that all nurses they employ or contract with are knowledgeable of all these requirements; CHAPTER 11. 2. Service Requirements I. Health Care Requirements for Family Living: 9. Family Living Provider Agencies are required to be an Adult Nursing provider and have a Registered Nurse (RN) licensed by the State of New Mexico on staff and residing in New Mexico or bordering towns see: Adult Nursing requirements. The agency nurse may be an employee or a sub-contractor.	Based on interview, the Agency did not ensure nursing services were available as needed for 1 of 11 individuals. When Direct Service Professionals (DSP) were asked about the availability of their agency nurse, the following was reported: • DSP #223 stated, "I don't know the nurse over there."	Provider: State your Plan of Correction for the deficiencies cited in this tag here: → Provider: Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →	

A. The Family Living Provider Agency must not use a LPN without a RN supervisor. The RN must provide face to face supervision required by the New Mexico Nurse Practice Act and these services standards for LPNs, CMAs, and direct support personnel who have been delegated nursing tasks. B. On-call nursing services: An on-call nurse must be available to surrogate or host families DSP for medication oversight. It is expected that no single nurse carry the full burden of on-call duties for the agency.		
CHAPTER 12. 2. Service Requirements. L. Training and Requirement: 6. Nursing Requirements and Roles: A. Supported Living Provider Agencies are required to have a RN licensed by the State of New Mexico on staff. The agency nurse may be an employee or a sub-contractor.		
CHAPTER 13. 1. SCOPE OF SERVICE. A. Living Supports- Intensive Medical Living Service includes the following: 1. Provide appropriate levels of supports: Agency nurses and Direct Support Personnel (DSP) provide individualized support based upon assessed need. Assessment shall include use of required health-related assessments, eligibility parameters issued by the Developmental Disabilities Support Division (DDSD), other pertinent assessments completed by the nurse, and the nurse's professional judgment. 2. Provide daily nursing visits:		
A daily, face to face nursing visit must be made by a Registered Nurse (RN) or Licensed Practical Nurse (LPN) in order to deliver required direct nursing care, monitor each individual's status, and oversee DSP		

delivery of health related care and interventions. Face to face nursing visits may not be delegated to non-licensed staff.		
b. Although a nurse may be present in the home for extended periods of time, a nurse is not required to be present in the home during periods of time when direct nursing services are not needed.		
NEW MEXICO NURSING PRACTICE ACT CHAPTER 61, ARTICLE 3 I. "licensed practical nursing" means the practice of a directed scope of nursing requiring basic knowledge of the biological, physical, social and behavioral sciences and nursing procedures, which practice is at the direction of a registered nurse, physician or dentist licensed to practice in this state. This practice includes but is not limited to:		
 (1) contributing to the assessment of the health status of individuals, families and communities; (2) participating in the development and modification of the plan of care; (3) implementing appropriate aspects of the plan of care commensurate with education and verified competence; (4) collaborating with other health care professionals in the management of health care; and (5) participating in the evaluation of responses to interventions; 		

Tag # LS13 / 6L13	Standard Level Deficiency		
Community Living Healthcare Reqts.			
NMAC 8.302.1.17 RECORD KEEPING AND	Based on record review, the Agency did not	Provider:	
DOCUMENTATION REQUIREMENTS: A	provide documentation of annual physical	State your Plan of Correction for the	
provider must maintain all the records	examinations and/or other examinations as	deficiencies cited in this tag here: →	
necessary to fully disclose the nature, quality,	specified by a licensed physician for 4 of 7		
amount and medical necessity of services	individuals receiving Community Living Services.		
furnished to an eligible recipient who is			
currently receiving or who has received	Review of the administrative individual case files		
services in the past.	revealed the following items were not found,		
	incomplete, and/or not current:		
B. Documentation of test results: Results of			
tests and services must be documented, which	Annual Physical (#6, 9)		
includes results of laboratory and radiology	, , ,		
procedures or progress following therapy or	Vision Exam		
treatment.	 Individual #10 - As indicated by collateral 		
	documentation reviewed, exam was	Provider:	
Developmental Disabilities (DD) Waiver Service	completed on 12/6/2012. Follow-up was to	Enter your ongoing Quality Assurance/Quality	
Standards effective 11/1/2012 revised 4/23/2013	be completed in 1 year. No evidence of	Improvement processes as it related to this tag	
	follow-up found.	number here: →	
Chapter 11 (FL) 3. Agency Requirements:	'		
D. Consumer Records Policy: All Family	Auditory Exam		
Living Provider Agencies must maintain at the	° Individual #3 - As indicated by collateral		
administrative office a confidential case file for	documentation reviewed, exam was		
each individual. Provider agency case files for	completed on 12/6/2012. Follow-up was to		
individuals are required to comply with the	be completed in 1 year. No evidence of		
DDSD Individual Case File Matrix policy.	follow-up found.		
Chapter 12 (SL) 3. Agency Requirements:	Blood Levels		
D. Consumer Records Policy: All Living	° Individual #3 - As indicated by collateral		
Supports- Supported Living Provider Agencies	documentation reviewed, lab work was		
must maintain at the administrative office a	ordered on 6/23/2014. No evidence of lab		
confidential case file for each individual.	results were found.		
Provider agency case files for individuals are			
required to comply with the DDSD Individual			
Case File Matrix policy.			
Developmental Disabilities (DD) Waiver			
Service Standards effective 4/1/2007			

CHAPTER 6. VI. GENERAL REQUIREMENTS FOR COMMUNITY LIVING G. Health Care Requirements for **Community Living Services.** (1) The Community Living Service providers shall ensure completion of a HAT for each individual receiving this service. The HAT shall be completed 2 weeks prior to the annual ISP meeting and submitted to the Case Manager and all other IDT Members. A revised HAT is required to also be submitted whenever the individual's health status changes significantly. For individuals who are newly allocated to the DD Waiver program, the HAT may be completed within 2 weeks following the initial ISP meeting and submitted with any strategies and support plans indicated in the ISP, or within 72 hours following admission into direct services, whichever comes first. (2) Each individual will have a Health Care Coordinator, designated by the IDT. When the individual's HAT score is 4, 5 or 6 the Health Care Coordinator shall be an IDT member. other than the individual. The Health Care Coordinator shall oversee and monitor health care services for the individual in accordance with these standards. In circumstances where no IDT member voluntarily accepts designation as the health care coordinator, the community living provider shall assign a staff member to this role. (3) For each individual receiving Community Living Services, the provider agency shall ensure and document the following: (a) Provision of health care oversight consistent with these Standards as detailed in Chapter One section III E: Healthcare Documentation by Nurses For Community Living Services, Community Inclusion Services and Private Duty Nursing Services.

b) That each individual with a score of 4, 5,			
or 6 on the HAT, has a Health Care Plan			
developed by a licensed nurse.			
(c)That an individual with chronic			
condition(s) with the potential to			
exacerbate into a life threatening			
condition, has Crisis Prevention/			
Intervention Plan(s) developed by a			
licensed nurse or other appropriate			
professional for each such condition.			
(4) That an average of 3 hours of documented			
nutritional counseling is available annually, if			
recommended by the IDT.			
(5) That the physical property and grounds are			
free of hazards to the individual's health and			
safety.			
(6) In addition, for each individual receiving			
Supported Living or Family Living Services, the			
provider shall verify and document the			
following:			
(a)The individual has a primary licensed			
physician;			
(b)The individual receives an annual			
physical examination and other			
examinations as specified by a licensed			
physician;			
(c)The individual receives annual dental			
check-ups and other check-ups as			
specified by a licensed dentist;			
(d)The individual receives eye examinations			
as specified by a licensed optometrist or			
ophthalmologist; and			
(e)Agency activities that occur as follow-up			
to medical appointments (e.g. treatment,			
visits to specialists, changes in			
medication or daily routine).			
	1	<u>'</u>	1

Standard of Care	Deficiencies	Agency Plan of Correction, On-going QA/QI and Responsible Party	Date Due
		ists to assure that claims are coded and par	id for in
	odology specified in the approved waiver.		T
Tag # IS30	Standard Level Deficiency		
Customized Community Supports Reimbursement			
Developmental Disabilities (DD) Waiver Service Standards effective 11/1/2012 revised 4/23/2013 CHAPTER 6 (CCS) 4. REIMBURSEMENT A. Required Records: All Provider Agencies must maintain all records necessary to fully disclose the type, quality, quantity and clinical necessity of services furnished to individuals who are currently receiving services. The Provider Agency records must be sufficiently detailed to substantiate the date, time, individual name, servicing Provider Agency, nature of services, and length of a session of service billed.	Based on record review, the Agency did not provide written or electronic documentation as evidence for each unit billed for Customized Community Supports for 1 of 11 individuals. Individual #8 November 2014 • The Agency billed 24 units of Customized Community Supports (group) (T2021 HB U7) on 11/3/2014. Documentation received accounted for 20 units.	Provider: State your Plan of Correction for the deficiencies cited in this tag here: →	
 1. The documentation of the billable time spent with an individual shall be kept on the written or electronic record that is prepared prior to a request for reimbursement from the Human Services Department (HSD). For each unit billed, the record shall contain the following: a. Date, start and end time of each service encounter or other billable service interval; b. A description of what occurred during the encounter or service interval; and 		Provider: Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here: →	
c. The signature or authenticated name of staff providing the service.			
B. Billable Unit:			

1.	The billable unit for Individual Customized Community Supports is a fifteen (15) minute unit.		
2.	The billable unit for Community Inclusion Aide is a fifteen (15) minute unit.		
3.	The billable unit for Group Customized Community Supports is a fifteen (15) minute unit, with the rate category based on the NM DDW group.		
4.	The time at home is intermittent or brief; e.g. one hour time period for lunch and/or change of clothes. The Provider Agency may bill for providing this support under Customized Community Supports without prior approval from DDSD.		
5.	The billable unit for Intensive Behavioral Customized Community Supports is a fifteen (15) minute unit. (There is a separate rate established for individuals who require one-to-one (1:1) support either in the community or in a group day setting due to behavioral challenges (NM DDW group G).		
6.	The billable unit for Fiscal Management for Adult Education is dollars charged for each class including a 10% administrative processing fee.		
	Billable Activities: All DSP activities that are:		
a	a. Provided face to face with the individual;		
k	o. Described in the individual's approved ISP;		
C	c. Provided in accordance with the Scope of Services; and		

d. Activities included in billable services, activities or situations.		
 Purchase of tuition, fees, and/or related materials associated with adult education opportunities as related to the ISP Action Plan and Outcomes, not to exceed \$550 including administrative processing fee. 		
 Customized Community Supports can be included in ISP and budget with any other services. 		
MAD-MR: 03-59 Eff 1/1/2004 8.314.1 BI RECORD KEEPING AND DOCUMENTATION REQUIREMENTS: Providers must maintain all records necessary to fully disclose the extent of the services provided to the Medicaid recipient. Services that have been billed to Medicaid, but are not substantiated in a treatment plan and/or patient records for the recipient are subject to recoupment.		



Date: June 24, 2015

To: Angela Ledesma, Executive Director Provider: Angel Care of New Mexico, Inc.

Address: 2225 E. Griggs St.

State/Zip: Las Cruces, New Mexico 88001

E-mail Address: angela@angelcarenm.net

Region: Southwest

Survey Date: March 16 - 18, 2015

Program Surveyed: Developmental Disabilities Waiver

Service Surveyed: 2012: Living Supports (Family Living) and Inclusion Supports (Customized

Community Supports)

Survey Type: Routine

Dear Ms. Ledesma:

The Division of Health Improvement/Quality Management Bureau has received, reviewed and approved the supporting documents you submitted for your Plan of Correction. The documents you provided verified that all previously cited survey Deficiencies have been corrected.

The Plan of Correction process is now complete.

Furthermore, your agency is now determined to be in Compliance with all Conditions of Participation.

To maintain ongoing compliance with standards and regulations, continue to use the Quality Assurance (self-auditing) processes you described in your Plan of Correction.

Consistent use these Quality Assurance processes will enable you to identify and promptly respond to problems, enhance your service delivery, and result in fewer deficiencies cited in future QMB surveys.

Thank you for your cooperation with the Plan of Correction process, for striving to come into compliance with standards and regulations, and for helping to provide the health, safety and personal growth of the people you serve.

Sincerely,

Amanda Castañeda

Amanda Castañeda Plan of Correction Coordinator Quality Management Bureau/DHI

Q.15.3.DDW.D4361.3.RTN.09.15.175