NEW MEXICO
Department of Health
Division of Health Improvement

MICHELLE LUJAN GRISHAM
Governor

PATRICK M. ALLEN
Cabinet Secretary Designate

Date:	January 25, 2023
To:	Bill Kesatie, Executive Director
Provider: Address: State/Zip:	Su Vida Services, Inc. 6715 Academy Road NE, Suite B Albuquerque, New Mexico 87109
E-mail Address:	billkesatie@suvidaservices.com
Board Chair E-Mail Address:	Patrick Babcock, patrick.b@sasi-services.com
Region: Survey Date:	Metro and Northwest December 12 – 23, 2022
Program Surveyed:	Developmental Disabilities Waiver
Service Surveyed:	Supported Living, Family Living, Customized In-Home Supports, Customized Community Supports, and Community Integrated Employment Services
Survey Type:	Routine
Team Leader:	Heather Driscoll, AA, Healthcare Surveyor, Division of Health Improvement/Quality Management Bureau
Team Members:	Wolf Krusemark, BFA, Healthcare Surveyor Supervisor, Division of Health Improvement/Quality Management Bureau; Lora Norby, Healthcare Surveyor, Division of Health Improvement/Quality Management Bureau; Jamie Pond, BS, QMB Staff Manager, Division of Health Improvement/Quality Management Bureau; Alyssa Swisher, BSN, Nurse Healthcare Surveyor, Division of Health Improvement/Quality Management Bureau; Kaitlyn Taylor, BSW, Healthcare Surveyor, Division of Health Improvement/Quality Management Bureau; Monica Valdez, BS, POC Coordinator / Healthcare Surveyor Advanced, Division of Health Improvement/Quality Management Bureau; Elizabeth Vigil, Healthcare Surveyor, Division of Health Improvement/Quality Management Bureau

Dear Bill Kesatie,

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:

Non-Compliance: This determination is based on noncompliance with 17 or more total Tags with 0 to 5 Condition of Participation Level Tags with 75% to 100% of the survey sample affected in any Condition of Participation Level tag or any amount of Standard Level Tags with 6 or more Condition of Participation Level Tags *(refer to Attachment D for details)*. The attached QMB Report of Findings indicates Standard Level and Condition of Participation Level deficiencies identified and requires completion and implementation of a Plan of Correction.

The following tags are identified as Condition of Participation Level:

- Tag # 1A08.3 Administrative Case File: Individual Service Plan / ISP Components
- Tag # 1A32 Administrative Case File: Individual Service Plan Implementation
- Tag # LS14 Residential Service Delivery Site Case File (ISP and Healthcare Requirements)
- Tag # 1A22 Agency Personnel Competency
- Tag # 1A25.1 Caregiver Criminal History Screening
- Tag # 1A08.2 Administrative Case File: Healthcare Requirements & Follow-up
- Tag # 1A09 Medication Delivery Routine Medication Administration
- Tag # 1A09.1 Medication Delivery PRN Medication Administration
- Tag # 1A09.2 Medication Delivery Nurse Approval for PRN Medication
- Tag # 1A15.2 Administrative Case File: Healthcare Documentation (Therap and Required Plans)
- Tag # 1A31 Client Rights / Human Rights

The following tags are identified as Standard Level:

- Tag # 1A08 Administrative Case File (Other Required Documents)
- Tag # 1A08.1 Administrative and Residential Case File: Progress Notes
- Tag # 1A32.1 Administrative Case File: Individual Service Plan Implementation (Not Completed at Frequency)
- Tag # 1A32.2 Individual Service Plan Implementation (Residential Implementation)
- Tag # 1A38 Living Care Arrangement / Community Inclusion Reporting Requirements
- Tag # IS12 Person Centered Assessment (Community Inclusion)
- Tag # LS14.1 Residential Service Delivery Site Case File (Other Req. Documentation)
- Tag # 1A20 Direct Support Professional Training
- Tag #1A25 Caregiver Criminal History Screening
- Tag # 1A43.1 General Events Reporting: Individual Reporting
- Tag # 1A37 Individual Specific Training
- Tag # 1A03 Quality Improvement System & Key Performance Indicators (KPIs)
- Tag # 1A09.0 Medication Delivery Routine Medication Administration
- Tag # 1A09.1.0 Medication Delivery PRN Medication Administration
- Tag # 1A27.2 Duty to Report IRs Filed During On-Site and/or IRs Not Reported by Provider
- Tag # 1A29 Complaints / Grievances Acknowledgement
- Tag # 1A50.1 Individual: Scope of Services (Individual Interviews)
- Tag # LS06 Family Living Requirements
- Tag # LS25 Residential Health & Safety (Supported Living / Family Living / Intensive Medical Living)

Plan of Correction:
The attached Report of Findings identifies the deficiencies found during your agency's on-site 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.

You were provided information during the exit meeting portion of your on-site survey. Please refer to this information (Attachment A) for specific instruction on completing your Plan of Correction. At a minimum your Plan of Correction should address the following for each Tag cited:
Corrective Action for Current Citation:

- How is the deficiency going to be corrected? (i.e., obtained documents, retrain staff, individuals and/or staff no longer in service, void/adjusts completed, etc.) This can be specific to each deficiency cited or if possible, an overall correction, i.e., all documents will be requested and filed as appropriate.

On-going Quality Assurance/Quality Improvement Processes:

- What is going to be done on an ongoing basis? (i.e., file reviews, etc.)
- How many individuals is this going to effect? (i.e., percentage of individuals reviewed, number of files reviewed, etc.)
- How often will this be completed? (i.e., weekly, monthly, quarterly, etc.)
- Who is responsible? (responsible position within your agency)
- What steps will be taken if issues are found? (i.e., retraining, requesting documents, filing RORA, etc.)
- How is this integrated in your agency's QIS, QI Committee reviews and annual report?

Submission of your Plan of Correction:

Please submit your agency's Plan of Correction in the available space on the two right-hand 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, Monica Valdez, Plan of Correction Coordinator** at MonicaE.Valdez@doh.nm.gov

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.

Billing Deficiencies:

If you have deficiencies noted in this report of findings under the *Service Domain: Medicaid Billing/Reimbursement*, you must complete a "Void/Adjust" claim or remit the identified overpayment via a check within 30 calendar days of the date of this letter to HSD/OIG/PIU, *though this is not the preferred method of payment*. If you choose to pay via check, please include a copy of this letter with the payment. Make the check payable to the New Mexico Human Services Department and mail to:

Attention: *Lisa Medina-Lujan*
HSD/OIG/Program Integrity Unit
PO Box 2348
1474 Rodeo Road
Santa Fe, New Mexico 87505

If you have questions and would like to speak with someone at HSD/OIG/PIU, please contact:

Lisa Medina-Lujan (Lisa.medina-lujan@doh.nm.gov)

Please be advised that there is a one-week lag period for applying payments received by check to Void/Adjust claims. During this lag period, your other claim payments may be applied to the amount you owe even though you have sent a refund, reducing your payment amount. For this reason, we recommend that you allow the system to recover the overpayment instead of sending in a check.

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:

ATTN: QMB Bureau Chief
Request for Informal Reconsideration of Findings
5300 Homestead Rd NE, Suite 300-3223
Albuquerque, NM 87110
Attention: IRF request/QMB

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 contact the Plan of Correction Coordinator, Monica Valdez at 505-273-1930 or email at: MonicaE.Valdez@doh.nm.gov 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,

Heather Driscoll, AA

Heather Driscoll, AA
Team Lead/Healthcare Surveyor
Division of Health Improvement
Quality Management Bureau

Survey Process Employed:

Administrative Review Start Date:	December 12, 2022
Contact:	**Su Vida Services, Inc.** Bill Kesatie, Executive Director **DOH/DHI/QMB** Heather Driscoll, AA, Team Lead/Healthcare Surveyor
On-site Entrance Conference Date:	December 12, 2022
Present:	**Su Vida Services, Inc.** Bill Kesatie, Executive Director JJ Box – Lanciloti, LPN Diane Martinez, Service Coordinator Rosanna Sanchez, Service Coordinator Jennifer Tenorio, Administrative Assistant **DOH/DHI/QMB** Heather Driscoll, AA, Team Lead/Healthcare Surveyor Wolf Krusemark, BFA, Healthcare Surveyor Supervisor Lora Norby, Healthcare Surveyor Jamie Pond, BS, QMB Staff Manager Alyssa Swisher, RN, Nurse Healthcare Surveyor Kaitlyn Taylor, BSW, Healthcare Surveyor Monica Valdez, BS, POC Coordinator / Healthcare Surveyor Advanced Elizabeth Vigil, Healthcare Surveyor
Exit Conference Date:	December 23, 2022
Present:	**Su Vida Services, Inc.** Bill Kesatie, Executive Director **DOH/DHI/QMB** Heather Driscoll, AA, Team Lead/Healthcare Surveyor Wolf Krusemark, BFA, Healthcare Surveyor Supervisor Lora Norby, Healthcare Surveyor Kaitlyn Taylor, BSW, Healthcare Surveyor Elizabeth Vigil, Healthcare Surveyor **DDSD - Metro Regional Office** Linda Clark, Assistant Regional Director
Administrative Locations Visited:	1 (6715 Academy Road NE, Suite B; Albuquerque, NM 87109)
Total Sample Size:	22 0 - *Former Jackson Class Members* 22 - Non-*Jackson* Class Members 6 - Supported Living 13 - Family Living 2 - Customized In-Home Supports 20 - Customized Community Supports

	1 - Community Integrated Employment
Total Homes Visited In-Person	10
❖ Supported Living Homes Visited	2 *Note: The following Individuals share a SL residence:* • #5, 11, 21 • #10, 16, 19
❖ Family Living Homes Visited	8 *Note: The following Individuals share a FL residence:* • #2, 3
Persons Served Records Reviewed	22
Persons Served Interviewed	16
Persons Served Observed	3 *(Note: Three Individuals were observed, as they chose not to participate in the interview process)*
Persons Served Not Seen and/or Not Available	3 *(Note: Three Individuals were not available during the on-site survey)*
Direct Support Professional Records Reviewed	110
Direct Support Professional Interviewed	23
Substitute Care/Respite Personnel Records Reviewed	34
Service Coordinator Records Reviewed	4
Nurse Interview	1

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
    - °Medical Emergency Response Plans
    - °Medication Administration Records
    - °Physician Orders
    - °Therapy Evaluations and Plans
    - °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
- 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
NM Attorney General's Office
DOH – Internal Review Committee (when needed)

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 DDSD Regional Office for purposes of contract management or 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 505-273-1930 or email at MonicaE.Valdez@doh.nm.gov. 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 cited to prevent recurrence and information that ensures the regulation cited comes into and remains in compliance. The remedies noted in your POC are expected to be added to your Agency's required, annual Quality Assurance (QA) Plan.

If a deficiency has already been corrected since the on-site survey, 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 following details should be considered when developing your Plan of Correction:

The Plan of Correction must address each deficiency cited in the Report of Findings unless otherwise noted with a "No Plan of Correction Required statement." The Plan of Correction must address the five (5) areas listed below:

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 those individuals in similar situations.
3. What Quality Assurance measures will be put into place and what systemic changes made to ensure the deficient practice will not recur.
4. Indicate how the agency plans to monitor its performance to make certain solutions are sustained. The agency must develop a QA plan for ensuring correction is achieved and sustained. This QA plan must be implemented, and the corrective action is evaluated for its effectiveness. The plan of correction is integrated into the agency quality assurance system; and

5. Include dates when corrective actions will be completed. The corrective action completion dates must be acceptable to the State.

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

- Details about how and when Individual Served, agency personnel and administrative and service delivery site 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 to service sites, as they are being used, and after they are completed;
- Your processes for ensuring that all required agency personnel are trained on required DDSD required trainings;
- How accuracy in billing/reimbursement documentation is assured;
- How health, safety is assured;
- For Case Management providers, how Individual Service Plans are reviewed to verify they meet requirements, how the timeliness of level of care (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: **Instruction or in-service of staff alone may not be a sufficient plan of correction.** 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, Monica Valdez at 505-273-1930 or email at MonicaE.Valdez@doh.nm.gov for assistance.
3. For Technical Assistance (TA) in developing or implementing your POC, contact your Regional DDSD Office.
4. Submit your POC to Monica Valdez, POC Coordinator via email at MonicaE.valdez@doh.nm.gov. Please also submit your POC to your Developmental Disabilities Supports Division Regional Office for region of service surveyed.
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. You must also submit evidence of the ongoing Quality Assurance/Quality Improvement processes.

1. Your internal documents are due within a *maximum* of 45-business days of receipt of your Report of Findings.
2. Please submit your documents electronically according to the following: If documents do not contain protected Health information (PHI) then you may submit your documents electronically scanned and attached to the State email account. If documents contain PHI **do not** submit PHI directly to the State email account. *You may submit PHI **only** when **replying** to a **secure** email received from the State email account*. When possible, please submit requested documentation using a "zipped/compressed" file to reduce file size. You may also submit documents via S-Comm (Therap), or another electronic format, i.e., flash drive.
3. All submitted documents *must be annotated*; 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.

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 other state and federal regulations. For the purpose of the LCA / CI survey the CMS waiver assurances have been grouped into four (4) Service Domains: Plan of Care (ISP Implementation); 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 Assurance 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 during the on-site survey process and as reported in the QMB Report of Findings. All areas reviewed by QMB have been agreed to by DDSD and DHI/QMB and are reflective of CMS requirements. 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.

Each deficiency in your Report of Findings has been predetermined to be a Standard Level Deficiency, a Condition of Participation Level Deficiency, if below 85% compliance or a non-negotiable Condition of Participation Level Deficiency. Your Agency's overall Compliance Determination is based on a Scope and Severity Scale which takes into account the number of Standard, and Condition Level Tags cited as well as the percentage of Individuals affected in the sample.

Conditions of Participation (CoPs)

CoPs are based on the Centers for Medicare and Medicaid Services, Home and Community-Based Waiver required assurances, in addition to the New Mexico Developmental Disability Waiver (DDW) Service Standards. The Division of Health Improvement (DHI), in conjunction with the Developmental Disability Support Division (DDSD), has identified certain deficiencies that have the potential to be a Condition of Participation Level, if the tag falls below 85% compliance based on the number of people affected. Additionally, there are what are called non-negotiable Conditions of Participation, regardless if one person or multiple people are affected. In this context, a CoP is defined as an essential / fundamental regulation or standard, which when out of compliance directly affects the health and welfare of the Individuals served. If no deficiencies within a Tag are at the level of a CoP, it is cited as a Standard Level Deficiency.

Service Domains and CoPs for <u>Living Care Arrangements and Community Inclusion</u> are as follows:

<u>Service Domain: Service Plan: ISP Implementation -</u> *Services are delivered in accordance with the service plan, including type, scope, amount, duration, and frequency specified in the service plan.*

Potential Condition of Participation Level Tags, if compliance is below 85%:

- **1A08.3 –** Administrative Case File: Individual Service Plan / ISP Components
- **1A32 –** Administrative Case File: Individual Service Plan Implementation
- **LS14 –** Residential Service Delivery Site Case File (ISP and Healthcare Requirements)
- **IS14 –** CCS / CIES Service Delivery Site Case File (ISP and Healthcare Requirements)

<u>Service Domain: Qualified Providers -</u> *The State monitors non-licensed/non-certified providers to assure adherence to waiver requirements. The State implements its policies and procedures for verifying that provider training is conducted in accordance with State requirements and the approved waiver.*

Potential Condition of Participation Level Tags, if compliance is below 85%:

- **1A20 -** Direct Support Professional Training
- **1A22 -** Agency Personnel Competency
- **1A37 –** Individual Specific Training

Non-Negotiable Condition of Participation Level Tags (one or more Individuals are cited):

- **1A25.1 –** Caregiver Criminal History Screening
- **1A26.1 –** Consolidated On-line Registry Employee Abuse Registry

Service Domain: Health, Welfare and Safety - *The State, on an ongoing basis, identifies, addresses and seeks to prevent occurrences of abuse, neglect and exploitation. Individuals shall be afforded their basic human rights. The provider supports individuals to access needed healthcare services in a timely manner.*

Potential Condition of Participation Level Tags, if compliance is below 85%:

- **1A08.2 –** Administrative Case File: Healthcare Requirements & Follow-up
- **1A09 –** Medication Delivery Routine Medication Administration
- **1A09.1 –** Medication Delivery PRN Medication Administration
- **1A15.2 –** Administrative Case File: Healthcare Documentation (Therap and Required Plans)

Non-Negotiable Condition of Participation Level Tags (one or more Individuals are cited):

- **1A05 –** General Requirements / Agency Policy and Procedure Requirements
- **1A07 –** Social Security Income (SSI) Payments
- **1A09.2 –** Medication Delivery Nurse Approval for PRN Medication
- **1A15 –** Healthcare Coordination - Nurse Availability / Knowledge
- **1A31 –** Client Rights/Human Rights
- **LS25.1 –** Residential Reqts. (Physical Environment - Supported Living / Family Living / Intensive Medical Living)

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 Bureau Chief **within 10 business days** of receipt of the final Report of Findings **(*Note: No extensions are granted for the IRF)*.**
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: https://nmhealth.org/about/dhi/cbp/irf/
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, Valerie V. Valdez at valerie.valdez@doh.nm.gov 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.

Attachment D

QMB Determinations of Compliance

Compliance:

The QMB determination of *Compliance* indicates that a provider has either no deficiencies found during a survey or that no deficiencies at the Condition of Participation Level were found. 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*, the provider must have received no Conditions of Participation Level Deficiencies and have a minimal number of Individuals on the sample affected by the findings indicated in the Standards Level Tags.

Partial-Compliance with Standard Level Tags:

The QMB determination of *Partial-Compliance with Standard Level Tags* indicates that a provider is in compliance with all Condition of Participation Level deficiencies but is out of compliance with a certain percentage of Standard Level deficiencies. This partial compliance, if not corrected, may result in a negative outcome or the potential for more than minimal harm to individuals' health and safety. There are two ways to receive a determination of Partial Compliance with Standard Level Tags:

1. Your Report of Findings includes 16 or fewer Standards Level Tags with between 75% and 100% of the survey sample affected in any tag.

2. Your Report of Findings includes 17 or more Standard Level Tags with between 50% to 74% of the survey sample affected in any tag.

Partial-Compliance with Standard Level Tags and Condition of Participation Level Tags:

The QMB determination of *Partial-Compliance with Standard Level Tags and Condition of Participation Level Tags* indicates that a provider is out of compliance with one to five (1 – 5) Condition of Participation Level Tags. 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.

Non-Compliance:

The QMB determination of *Non-Compliance* indicates a provider is significantly out of compliance with both Standard Level deficiencies and Conditions of Participation level deficiencies. 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. There are three ways an agency can receive a determination of Non-Compliance:

1. Your Report of Findings includes 17 or more total Tags with 0 to 5 Condition of Participation Level Tags with 75% to 100% of the survey sample affected in any Condition of Participation Level tag.

2. Your Report of Findings includes any amount of Standard Level Tags with 6 or more Condition of Participation Level Tags.

Compliance Determination	Weighting						
	LOW		MEDIUM			HIGH	
Total Tags:	up to 16	17 or more	up to 16	17 or more	Any Amount	17 or more	Any Amount
	and	and	and	and	And/or	and	And/or
COP Level Tags:	0 COP	0 COP	0 COP	0 COP	1 to 5 COP	0 to 5 CoPs	6 or more COP
	and	and	and	and		and	
Sample Affected:	0 to 74%	0 to 49%	75 to 100%	50 to 74%		75 to 100%	
"Non-Compliance"						**17 or more** Total Tags with **75 to 100%** of the Individuals in the sample cited in any CoP Level tag.	**Any Amount** of Standard Level Tags and **6 or more** Conditions of Participation Level Tags.
"Partial Compliance with Standard Level tags and Condition of Participation Level Tags"					**Any Amount** Standard Level Tags, plus **1 to 5** Conditions of Participation Level tags.		
"Partial Compliance with Standard Level tags"			**up to 16** Standard Level Tags with **75 to 100%** of the individuals in the sample cited in any tag.	**17 or more** Standard Level Tags with **50 to 74%** of the individuals in the sample cited any tag.			
"Compliance"	**Up to 16** Standard Level Tags with **0 to 74%** of the individuals in the sample cited in any tag.	**17 or more** Standard Level Tags with **0 to 49%** of the individuals in the sample cited in any tag.					

Standard of Care	Deficiencies	Agency Plan of Correction, On-going QA/QI and Responsible Party	Completion Date
Service Domain: Service Plans: ISP Implementation – *Services are delivered in accordance with the service plan, including type, scope, amount, duration and frequency specified in the service plan.*			
Tag # 1A08 Administrative Case File (Other Required Documents)	**Standard Level Deficiency**		
Developmental Disabilities Waiver Service Standards Eff 11/1/2021 **Chapter 20: Provider Documentation and Client Records: 20.1 HIPAA:** DD Waiver Provider Agencies shall comply with all applicable requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the Health Information Technology for Economic and Clinical Health Act of 2009 (HITECH). All DD Waiver Provider Agencies are required to store information and have adequate procedures for maintaining the privacy and the security of individually identifiable health information. HIPPA compliance extends to electronic and virtual platforms. **20.2 Client Records Requirements:** All DD Waiver Provider Agencies are required to create and maintain individual client records. The contents of client records vary depending on the unique needs of the person receiving services and the resultant information produced. The extent of documentation required for individual client records per service type depends on the location of the file, the type of service being provided, and the information necessary. DD Waiver Provider Agencies are required to adhere to the following: 1. Client records must contain all documents essential to the service being provided and	Based on record review, the Agency did not maintain a complete and confidential case file at the administrative office for 11 of 22 individuals. Review of the Agency administrative individual case files revealed the following items were not found, incomplete, and/or not current: **Positive Behavioral Support Plan:** • Not Found (#7, 15, 18) **Behavior Crisis Intervention Plan:** • Not Found (#15, 18) **Speech Therapy Plan (Therapy Intervention Plan TIP):** • Not Found (#5, 10) **Occupational Therapy Plan (Therapy Intervention Plan TIP):** • Not Found (#5, 7, 11) • Not Current (#19) **Physical Therapy Plan (Therapy Intervention Plan TIP)**: • Not Found (#5, 8, 16, 19) • Not Current (#10, 12) **IDT meeting Minutes:**	**Provider:** **State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible, an overall correction?)*: → **Provider:** **Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)*: →	

essential to ensuring the health and safety of the person during the provision of the service. 2. Provider Agencies must have readily accessible records in home and community settings in paper or electronic form. Secure access to electronic records through the Therap web-based system using computers or mobile devices are acceptable. 3. Provider Agencies are responsible for ensuring that all plans created by nurses, RDs, therapists or BSCs are present in all settings. 4. Provider Agencies must maintain records of all documents produced by agency personnel or contractors on behalf of each person, including any routine notes or data, annual assessments, semi-annual reports, evidence of training provided/received, progress notes, and any other interactions for which billing is generated. 5. Each Provider Agency is responsible for maintaining the daily or other contact notes documenting the nature and frequency of service delivery, as well as data tracking only for the services provided by their agency. 6. The current Client File Matrix found in Appendix A: Client File Matrix details the minimum requirements for records to be stored in agency office files, the delivery site, or with DSP while providing services in the community. 7. All records pertaining to JCMs must be retained permanently and must be made available to DDSD upon request, upon the termination or expiration of a provider agreement, or upon provider withdrawal from services.	• Individual #9 – Not Found for Hospitalization from 11/24 – 28, 2022. • Individual #16 – Not Found for Hospitalization from 6/30 – 7/3, 2022.		

Tag # 1A08.1 Administrative and Residential Case File: Progress Notes	Standard Level Deficiency		
Developmental Disabilities Waiver Service Standards Eff 11/1/2021 **Chapter 20: Provider Documentation and Client Records: 20.2 Client Records Requirements:** All DD Waiver Provider Agencies are required to create and maintain individual client records. The contents of client records vary depending on the unique needs of the person receiving services and the resultant information produced. The extent of documentation required for individual client records per service type depends on the location of the file, the type of service being provided, and the information necessary. DD Waiver Provider Agencies are required to adhere to the following: 1. Client records must contain all documents essential to the service being provided and essential to ensuring the health and safety of the person during the provision of the service. 2. Provider Agencies must have readily accessible records in home and community settings in paper or electronic form. Secure access to electronic records through the Therap web-based system using computers or mobile devices are acceptable. 3. Provider Agencies are responsible for ensuring that all plans created by nurses, RDs, therapists or BSCs are present in all settings. 4. Provider Agencies must maintain records of all documents produced by agency personnel or contractors on behalf of each person, including any routine notes or data, annual assessments, semi-annual reports, evidence of training provided/received, progress notes, and any other interactions for which billing is generated. 5. Each Provider Agency is responsible for maintaining the daily or other contact notes	Based on record review, the Agency did not maintain progress notes and other service delivery documentation for 9 of 22 Individuals. Review of the Agency individual case files revealed the following items were not found: **Residential Case File:** **Supported Living Progress Notes/Daily Contact Logs:** • Individual #5 – None found for 12/8 – 9, 2022. *(Date of home visit: 12/13/2022)* • Individual #21 – None found for 12/9/2022. *(Date of home visit: 12/13/2022)* **Family Living Progress Notes/Daily Contact Logs:** • Individual #1 – None found for 12/1 – 15, 2022. *(Date of home visit: 12/16/2022)* • Individual #2 – None found for 12/14/2022. *(Date of home visit: 12/16/2022)* • Individual #3 – None found for 12/14/2022. *(Date of home visit: 12/16/2022)* • Individual #12 – None found for 12/14 – 18, 2022. *(Date of home visit: 12/19/2022)* • Individual #13 – None found for 12/1 – 15, 2022. *(Date of home visit: 12/16/2022)* • Individual #20 – None Found for 12/1 – 14, 2022. *(Date of home visit: 12/15/2022)* • Individual #22 – None Found 12/1 – 13, 2022. *(Date of home visit: 12/14/2022)*	**Provider:** **State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible, an overall correction?)*: → **Provider:** **Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)*: →	

documenting the nature and frequency of service delivery, as well as data tracking only for the services provided by their agency. 6. The current Client File Matrix found in Appendix A: Client File Matrix details the minimum requirements for records to be stored in agency office files, the delivery site, or with DSP while providing services in the community. 7. All records pertaining to JCMs must be retained permanently and must be made available to DDSD upon request, upon the termination or expiration of a provider agreement, or upon provider withdrawal from services.			

Tag # 1A08.3 Administrative Case File: Individual Service Plan / ISP Components	Condition of Participation Level Deficiency		
NMAC 7.26.5 SERVICE PLANS FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES LIVING IN THE COMMUNITY. **NMAC 7.26.5.12 DEVELOPMENT OF THE INDIVIDUAL SERVICE PLAN (ISP) - PARTICIPATION IN AND SCHEDULING OF INTERDISCIPLINARY TEAM MEETINGS.** **NMAC 7.26.5.14 DEVELOPMENT OF THE INDIVIDUAL SERVICE PLAN (ISP) - CONTENT OF INDIVIDUAL SERVICE PLANS.** Developmental Disabilities Waiver Service Standards Eff 11/1/2021 **Chapter 6 Individual Service Plan (ISP)** The CMS requires a person-centered service plan for every person receiving HCBS. The DD Waiver's person-centered service plan is the ISP. **6.6 DDSD ISP Template:** The ISP must be written according to templates provided by the DDSD. Both children and adults have designated ISP templates. The ISP template includes Vision Statements, Desired Outcomes, a meeting participant signature page, an Addendum A (i.e., an acknowledgement of receipt of specific information) and other elements depending on the age and status of the individual. The ISP templates may be revised and reissued by DDSD to incorporate initiatives that improve person - centered planning practices. Companion documents may also be issued by DDSD and be required for use to better demonstrate required elements of the PCP process and ISP development. **6.6.1 Vision Statements: The long-term vision statement describes the person's major long-term (e.g., within one to three**	After an analysis of the evidence, it has been determined there is a significant potential for a negative outcome to occur. Based on record review, the Agency did not maintain a complete and confidential case file at the administrative office for 10 of 22 individuals. Review of the Agency administrative individual case files revealed the following items were not found, incomplete, and/or not current: **Addendum A**: • Not Found (#2, 8, 11, 15, 18, 21) • Not Current (#12) **ISP Teaching and Support Strategies:** ***Individual #8:*** *TSS not found for the Health Outcome Statement / Action Steps:* • "…will go to the gym and work out." • "…will follow her home workout plan." ***Individual #11*** *TSS not found for the following Live Outcome Statement / Action Steps:* • "…will prepare a snack for himself in the afternoon." ***Individual #12*** *TSS not found for the following Fun / Relationship Outcome Statement / Action Steps:* • "…and CCSI staff will choose some options for activities through research and development online options or appropriate socially distanced outside options."	**Provider:** **State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible, an overall correction?)*: → **Provider:** **Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)*: →	

years) life dreams and aspirations in the following areas: 1. Live, 2. Work/Education/Volunteer, 3. Develop Relationships/Have Fun, and 4. Health and/or Other (Optional). **6.6.2 Desired Outcomes:** A Desired Outcome is required for each life area (Live, Work, Fun) for which the person receives paid supports through the DD Waiver. Each service does not need its own, separate outcome, but should be connected to at least one Desired Outcome. **6.6.3.1 Action Plan:** Each Desired Outcome requires an Action Plan. The Action Plan addresses individual strengths and capabilities in reaching Desired Outcomes. **6.6.3.2 Teaching and Supports Strategies (TSS) and Written Direct Support Instructions (WDSI):** After the ISP meeting, IDT members conduct a task analysis and assessments necessary to create effective TSS and WDSI to support those Action Plans that require this extra detail. **6.6.3.3 Individual Specific Training in the ISP:** The CM, with input from each DD Waiver Provider Agency at the annual ISP meeting, completes the IST requirements section of the ISP form listing all training needs specific to the individual. **Chapter 20: Provider Documentation and Client Records: 20.2 Client Records Requirements:** All DD Waiver Provider Agencies are required to create and maintain individual client records. The contents of client records vary depending on the unique needs of the person receiving services and the resultant information produced. The extent of documentation required for individual client records per service type depends on the location of the file, the type of service being provided, and the information necessary.	***Individual #13*** *TSS not found for the following Work / Learn Outcome Statement / Action Steps:* • "…will complete his job responsibilities." *TSS not found for the following Fun / Relationship Outcome Statement / Action Steps:* • "…will choose and participate in activities each week." ***Individual #15*** *TSS not found for the following Work / Learn Outcome Statement / Action Steps:* • "…will research available job openings." • "…will apply to positions that she is interested in." • "After …secures employment, she will maintain her employment with the company." ***Individual #16*** *TSS not found for the following Live Outcome Statement / Action Steps:* • "…will put her clothes away." *TSS not found for the following Work / Learn Outcome Statement / Action Steps:* • "…will plan and participate in a hobby / activity." ***Individual #18*** *TSS not found for the following Work / Learn Outcome Statement / Action Steps:* • "…will be accompanied by a Job Coach at all trainings." • "…will express when she has questions or needs assistance with work related tasks."		

	• "…will learn labels / codes in the produce department." *TSS not found for the following Fun / Relationship Outcome Statement / Action Steps:* • "…will plan outings in the community." • "…will frequent local shops and familiarize herself." ***Individual #21*** *TSS not found for the following Work / Learn Outcome Statement / Action Steps:* • "…will choose an activity in the community." *TSS not found for the following Fun / Relationships Outcome Statement / Action Steps:* • "…will make something for his mom." *TSS not found for the following Other Outcome Statement / Action Steps:* • "…will see his family / homeland." • "…will access sights, sounds, and arts of Acoma on his iPad." ***Individual #22*** *TSS not found for the following Live Outcome Statement / Action Steps:* • "…will choose a recipe." *TSS not found for the following Fun / Relationship Outcome Statement / Action Steps:* • "…will choose and participate in a physical activity in the community." • "…will work on money exchanges in the community."		

Tag # 1A32 Administrative Case File: Individual Service Plan Implementation	Condition of Participation Level Deficiency		
NMAC 7.26.5.16.C and D Development of the ISP. Implementation of the ISP. The ISP shall be implemented according to the timelines determined by the IDT and as specified in the ISP for each stated desired outcomes and action plan. C. The IDT shall review and discuss information and recommendations with the individual, with the goal of supporting the individual in attaining desired outcomes. The IDT develops an ISP based upon the individual's personal vision statement, strengths, needs, interests and preferences. The ISP is a dynamic document, revised periodically, as needed, and amended to reflect progress towards personal goals and achievements consistent with the individual's future vision. This regulation is consistent with standards established for individual plan development as set forth by the commission on the accreditation of rehabilitation facilities (CARF) and/or other program accreditation approved and adopted by the developmental disabilities division and the department of health. It is the policy of the developmental disabilities division (DDD), that to the extent permitted by funding, each individual receive supports and services that will assist and encourage independence and productivity in the community and attempt to prevent regression or loss of current capabilities. Services and supports include specialized and/or generic services, training, education and/or treatment as determined by the IDT and documented in the ISP. D. The intent is to provide choice and obtain opportunities for individuals to live, work and play with full participation in their communities. The following principles provide direction and purpose in planning for individuals with	After an analysis of the evidence, it has been determined there is a significant potential for a negative outcome to occur. Based on administrative record review, the Agency did not implement the ISP according to the timelines determined by the IDT and as specified in the ISP for each stated desired outcomes and action plan for 6 of 22 individuals. As indicated by Individuals ISP the following was found with regards to the implementation of ISP Outcomes: **Supported Living Data Collection/Data Tracking/Progress with regards to ISP Outcomes**: Individual #5 • None found regarding: Live Outcome/Action Step: "…will put his clean clothes away in the closet or drawers" for 8/2022 – 10/2022. Action step is to be completed 1 time per week. Individual #10 • None found regarding: Live Outcome/Action Step: "…will research, plan for, and help prepare dinner for her household" for 9/2022 – 10/2022. Action step is to be completed 2 time per week. Individual #11 • None found regarding: Live Outcome/Action Step: "…will prepare a snack for himself in the afternoon" for 9/2022. Action step is to be completed 4 time per month. Individual #21	**Provider:** **State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible, an overall correction?)*: → **Provider:** **Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)*: →	

developmental disabilities. [05/03/94; 01/15/97; Recompiled 10/31/01] Developmental Disabilities Waiver Service Standards Eff 11/1/2021 **Chapter 6 Individual Service Plan (ISP): 6.9** ISP Implementation and Monitoring All DD Waiver Provider Agencies with a signed SFOC are required to provide services as detailed in the ISP. The ISP must be readily accessible to Provider Agencies on the approved budget. (See Section II Chapter 20: Provider Documentation and Client Records) CMs facilitate and maintain communication with the person, their guardian, other IDT members, Provider Agencies, and relevant parties to ensure that the person receives the maximum benefit of their services and that revisions to the ISP are made as needed. All DD Waiver Provider Agencies are required to cooperate with monitoring activities conducted by the CM and the DOH. Provider Agencies are required to respond to issues at the individual level and agency level as described in Section II Chapter 16: Qualified Provider Agencies. **Chapter 20: Provider Documentation and Client Records: 20.2 Client Records Requirements:** All DD Waiver Provider Agencies are required to create and maintain individual client records. The contents of client records vary depending on the unique needs of the person receiving services and the resultant information produced. The extent of documentation required for individual client records per service type depends on the location of the file, the type of service being provided, and the information necessary. 5. Each Provider Agency is responsible for maintaining the daily or other contact notes documenting the nature and frequency of service delivery, as well as data tracking only for the services provided by their agency.	• None found regarding: Live Outcome/Action Step: "…will try new apps of his choice" for 8/2022 – 10/2022. Action step is to be completed 2 times per month. • None found regarding: Fun / Relationships Outcome/Action Step: "…will choose an activity such as art, clay work, baking, etc." for 9/2022 – 10/2022. Action step is to be completed 1 time per month. • None found regarding: Fun / Relationships Outcome/Action Step: "…will participate in activity" for 9/2022 – 10/2022. Action step is to be completed 1 time per month. • None found regarding: Fun / Relationships Outcome/Action Step: "…will access sights, sounds, and arts of Acoma on his iPad" for 8/2022 – 10/2022. Action step is to be completed 1 time per week. **Family Living Data Collection/Data Tracking/Progress with regards to ISP Outcomes:** Individual #9 • None found regarding: Live Outcome/Action Step: "With prompting and necessary assistance, …will take her dishes to the sink following a meal" for 8/2022. Action step is to be completed 2 times per week. Individual #20 • None found regarding: Live Outcome/Action Step: "…will gather needed supplies and make his bowl of cereal" for 9/2022. Action step is to be completed 2 times per week. **Customized Community Supports Data Collection / Data Tracking/Progress with regards to ISP Outcomes**:		

	Individual #5 • None found regarding: Fun Outcome/Action Step: "…will identify a physical activity available to him" for 8/2022 – 9/2022. Action step is to be completed 1 time per week. • None found regarding: Fun Outcome/Action Step: "…will participate in a physical activity" for 8/2022 – 9/2022. Action step is to be completed 1 time per week.		

Tag # 1A32.1 Administrative Case File: Individual Service Plan Implementation *(Not Completed at Frequency)*	Standard Level Deficiency		
NMAC 7.26.5.16.C and D Development of the ISP. Implementation of the ISP. The ISP shall be implemented according to the timelines determined by the IDT and as specified in the ISP for each stated desired outcomes and action plan. C. The IDT shall review and discuss information and recommendations with the individual, with the goal of supporting the individual in attaining desired outcomes. The IDT develops an ISP based upon the individual's personal vision statement, strengths, needs, interests, and preferences. The ISP is a dynamic document, revised periodically, as needed, and amended to reflect progress towards personal goals and achievements consistent with the individual's future vision. This regulation is consistent with standards established for individual plan development as set forth by the commission on the accreditation of rehabilitation facilities (CARF) and/or other program accreditation approved and adopted by the developmental disabilities division and the department of health. It is the policy of the developmental disabilities division (DDD), that to the extent permitted by funding, each individual receive supports and services that will assist and encourage independence and productivity in the community and attempt to prevent regression or loss of current capabilities. Services and supports include specialized and/or generic services, training, education and/or treatment as determined by the IDT and documented in the ISP. D. The intent is to provide choice and obtain opportunities for individuals to live, work and play with full participation in their communities. The following principles provide direction and	Based on administrative record review, the Agency did not implement the ISP according to the timelines determined by the IDT and as specified in the ISP for each stated desired outcomes and action plan for 3 of 22 individuals. As indicated by Individuals ISP the following was found with regards to the implementation of ISP Outcomes: **Supported Living Data Collection / Data Tracking/Progress with regards to ISP Outcomes**: Individual #16 • According to the Live Outcome; Action Step for "…will decide that she wants to do her laundry" is to be completed 1 time per week. Evidence found indicated it was not being completed at the required frequency as indicated in the ISP for 8/2022 – 10/2022. • According to the Live Outcome; Action Step for "…will wash and dry her laundry" is to be completed 1 time per week. Evidence found indicated it was not being completed at the required frequency as indicated in the ISP for 8/2022 – 10/2022. • According to the Live Outcome; Action Step for "…will put her clothes away" is to be completed 1 time per week. Evidence found indicated it was not being completed at the required frequency as indicated in the ISP for 8/2022 – 10/2022. **Family Living Data Collection / Data Tracking/Progress with regards to ISP Outcomes:**	**Provider:** **State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible, an overall correction?)*: → **Provider:** **Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)*: →	

purpose in planning for individuals with developmental disabilities. [05/03/94; 01/15/97; Recompiled 10/31/01] Developmental Disabilities Waiver Service Standards Eff 11/1/2021 **Chapter 6 Individual Service Plan (ISP): 6.9** ISP Implementation and Monitoring All DD Waiver Provider Agencies with a signed SFOC are required to provide services as detailed in the ISP. The ISP must be readily accessible to Provider Agencies on the approved budget. (See Section II Chapter 20: Provider Documentation and Client Records) CMs facilitate and maintain communication with the person, their guardian, other IDT members, Provider Agencies, and relevant parties to ensure that the person receives the maximum benefit of their services and that revisions to the ISP are made as needed. All DD Waiver Provider Agencies are required to cooperate with monitoring activities conducted by the CM and the DOH. Provider Agencies are required to respond to issues at the individual level and agency level as described in Section II Chapter 16: Qualified Provider Agencies. **Chapter 20: Provider Documentation and Client Records: 20.2 Client Records Requirements:** All DD Waiver Provider Agencies are required to create and maintain individual client records. The contents of client records vary depending on the unique needs of the person receiving services and the resultant information produced. The extent of documentation required for individual client records per service type depends on the location of the file, the type of service being provided, and the information necessary. 5. Each Provider Agency is responsible for maintaining the daily or other contact notes documenting the nature and frequency of	Individual #20 • According to the Fun / Relationship Outcome; Action Step for "… will gather needed supplies and make his bowl of cereal" is to be completed 2 times a week. Evidence found indicated it was not being completed at the required frequency as indicated in the ISP for 8/2022 and 10/2022. **Customized In-Home Supports Data Collection / Data Tracking/Progress with regards to ISP Outcomes**: Individual #6 • According to the Live Outcome; Action Step for "…will plan the health meal that she would like to make" is to be completed 2 times per week. Evidence found indicated it was not being completed at the required frequency as indicated in the ISP for 8/2022 – 10/2022. • According to the Live Outcome; Action Step for "…will prepare healthy food" is to be completed 2 times per week. Evidence found indicated it was not being completed at the required frequency as indicated in the ISP for 8/2022 – 10/2022. **Customized Community Supports Data Collection/Data Tracking/Progress with regards to ISP Outcomes**: Individual #6 • According to the Health Outcome; Action Step for "…will complete the full 30 minutes of her exercise routine" is to be completed 3 times per week. Evidence found indicated it was not being completed at the required frequency as indicated in the ISP for 8/2022 – 10/2022.		

service delivery, as well as data tracking only for the services provided by their agency.	• According to the Health Outcome; Action Step for "…will only take 2 rests during exercise routine" is to be completed 3 times per week. Evidence found indicated it was not being completed at the required frequency as indicated in the ISP for 8/2022 – 10/2022.		

Tag # 1A32.2 Individual Service Plan Implementation (Residential Implementation)	Standard Level Deficiency		
NMAC 7.26.5.16.C and D Development of the ISP. Implementation of the ISP. The ISP shall be implemented according to the timelines determined by the IDT and as specified in the ISP for each stated desired outcomes and action plan. C. The IDT shall review and discuss information and recommendations with the individual, with the goal of supporting the individual in attaining desired outcomes. The IDT develops an ISP based upon the individual's personal vision statement, strengths, needs, interests, and preferences. The ISP is a dynamic document, revised periodically, as needed, and amended to reflect progress towards personal goals and achievements consistent with the individual's future vision. This regulation is consistent with standards established for individual plan development as set forth by the commission on the accreditation of rehabilitation facilities (CARF) and/or other program accreditation approved and adopted by the developmental disabilities division and the department of health. It is the policy of the developmental disabilities division (DDD), that to the extent permitted by funding, each individual receive supports and services that will assist and encourage independence and productivity in the community and attempt to prevent regression or loss of current capabilities. Services and supports include specialized and/or generic services, training, education and/or treatment as determined by the IDT and documented in the ISP. D. The intent is to provide choice and obtain opportunities for individuals to live, work and play with full participation in their communities. The following principles provide direction and	Based on residential record review, the Agency did not implement the ISP according to the timelines determined by the IDT and as specified in the ISP for each stated desired outcomes and action plan for 2 of 15 individuals. As indicated by Individuals ISP the following was found with regards to the implementation of ISP Outcomes: **Family Living Data Collection/Data Tracking / Progress with regards to ISP Outcomes:** Individual #1 • None found regarding: Live Outcome/Action Step: "…will make a sandwich 1x week for his lunch" for 12/3 – 9, 2022. Action step is to be completed 1 time per week. *(Date of home visit: 12/16/2022).* Individual #20 • None found regarding: Live Outcome/Action Step: "…will gather needed supplies and make his bowl of cereal" for 12/3 – 9, 2022. Action step is to be completed 1 time per week. *(Date of home visit: 12/15/2022).*	**Provider:** **State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible, an overall correction?)*: → **Provider:** **Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)*: →	

purpose in planning for individuals with developmental disabilities. [05/03/94; 01/15/97; Recompiled 10/31/01] Developmental Disabilities Waiver Service Standards Eff 11/1/2021 **Chapter 6 Individual Service Plan (ISP): 6.9** ISP Implementation and Monitoring All DD Waiver Provider Agencies with a signed SFOC are required to provide services as detailed in the ISP. The ISP must be readily accessible to Provider Agencies on the approved budget. (See Section II Chapter 20: Provider Documentation and Client Records) CMs facilitate and maintain communication with the person, their guardian, other IDT members, Provider Agencies, and relevant parties to ensure that the person receives the maximum benefit of their services and that revisions to the ISP are made as needed. All DD Waiver Provider Agencies are required to cooperate with monitoring activities conducted by the CM and the DOH. Provider Agencies are required to respond to issues at the individual level and agency level as described in Section II Chapter 16: Qualified Provider Agencies. **Chapter 20: Provider Documentation and Client Records: 20.2 Client Records Requirements:** All DD Waiver Provider Agencies are required to create and maintain individual client records. The contents of client records vary depending on the unique needs of the person receiving services and the resultant information produced. The extent of documentation required for individual client records per service type depends on the location of the file, the type of service being provided, and the information necessary. DD Waiver Provider Agencies are required to adhere to the following: 1. Client records must contain all documents essential to the service being provided and			

essential to ensuring the health and safety of the person during the provision of the service. 2. Provider Agencies must have readily accessible records in home and community settings in paper or electronic form. Secure access to electronic records through the Therap web-based system using computers or mobile devices are acceptable. 3. Provider Agencies are responsible for ensuring that all plans created by nurses, RDs, therapists or BSCs are present in all settings. 4. Provider Agencies must maintain records of all documents produced by agency personnel or contractors on behalf of each person, including any routine notes or data, annual assessments, semi-annual reports, evidence of training provided/received, progress notes, and any other interactions for which billing is generated. 5. Each Provider Agency is responsible for maintaining the daily or other contact notes documenting the nature and frequency of service delivery, as well as data tracking only for the services provided by their agency. 6. The current Client File Matrix found in Appendix A Client File Matrix details the minimum requirements for records to be stored in agency office files, the delivery site, or with DSP while providing services in the community.			

Tag # 1A38 Living Care Arrangement / Community Inclusion Reporting Requirements	Standard Level Deficiency		
7.26.5.17 DEVELOPMENT OF THE INDIVIDUAL SERVICE PLAN (ISP) - DISSEMINATION OF THE ISP, DOCUMENTATION AND COMPLIANCE: C. Objective quantifiable data reporting progress or lack of progress towards stated outcomes, and action plans shall be maintained in the individual's records at each provider agency implementing the ISP. Provider agencies shall use this data to evaluate the effectiveness of services provided. Provider agencies shall submit to the case manager data reports and individual progress summaries quarterly, or more frequently, as decided by the IDT. These reports shall be included in the individual's case management record and used by the team to determine the ongoing effectiveness of the supports and services being provided. Determination of effectiveness shall result in timely modification of supports and services as needed. Developmental Disabilities Waiver Service Standards Eff 11/1/2021 **Chapter 19 Provider Reporting Requirements: 19.5 Se**mi-Annual Reporting: The semi-annual report provides status updates to life circumstances, health, and progress toward ISP goals and/or goals related to professional and clinical services provided through the DD Waiver. This report is submitted to the CM for review and may guide actions taken by the person's IDT if necessary. Semi-annual reports may be requested by DDSD for QA activities. Semi-annual reports are required as follows: 1. DD Waiver Provider Agencies, except AT, EMSP, PRSC, SSE and Crisis Supports, must complete semi-annual.	Based on record review, the Agency did not complete written status reports as required for 7 of 22 individuals receiving Living Care Arrangements and Community Inclusion. **Supported Living Semi-Annual Reports:** • Individual #5 - None found for 4/2022 – 9/2022. *(Term of ISP 4/1/2022 – 3/31/2023).* • Individual #21 - None found for 4/2022 – 9/2022. *(Term of ISP 4/1/2022 – 3/31/2023).* **Family Living Semi- Annual Reports:** • Individual #1 - None found for 5/2022 – 11/2022. *(Term of ISP 5/4/2022 – 5/3/2023).* • Individual #7 - None found for 5/2022 – 11/2022. *(Term of ISP 5/2/2022 – 5/1/2023).* • Individual #9 - None found for 5/2022 – 11/2022. *(Term of ISP 5/29/2022 – 5/28/2023).* • Individual #15 - None found for 6/2022 – 11/2022. *(Term of ISP 6/1/2022 – 5/31/2023).* **Customized In-Home Supports Semi-Annual Reports:** • Individual #8 - None found for 2/2022 – 7/2022. *(Term of ISP 2/1/2022 – 1/31/2023).* **Customized Community Supports Semi-Annual Reports:**	**Provider:** **State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible, an overall correction?)*: → **Provider:** **Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)*: →	

2. The first semi-annual report will cover the time from the start of the person's ISP year until the end of the subsequent six-month period (180 calendar days) and is due ten calendar days after the period ends (190 calendar days). 3. The second semi-annual report is integrated into the annual report or professional assessment/annual re-evaluation when applicable and is due 14 calendar days prior to the annual ISP meeting. 4. Semi-annual reports must contain at a minimum written documentation of: a. the name of the person and date on each page; b. the timeframe that the report covers; c. timely completion of relevant activities from ISP Action Plans or clinical service goals during timeframe the report is covering; d. a description of progress towards Desired Outcomes in the ISP related to the service provided; e. a description of progress toward any service specific or treatment goals when applicable (e.g., health related goals for nursing); f. significant changes in routine or staffing if applicable; g. unusual or significant life events, including significant change of health or behavioral health condition; h. the signature of the agency staff responsible for preparing the report; and i. any other required elements by service type that are detailed in these standards. 5. Semi-annual reports must be distributed to the IDT members when due by SCOMM. 6. Semi-annual reports can be stored in individual document storage. **Chapter 20: Provider Documentation and Client Records: 20.2 Client Records**	• Individual #1 - None found for 5/2022 – 11/2022. *(Term of ISP 5/4/2022 – 5/3/2023).* • Individual #5 – None found for 4/2022 – 9/2022. *(Term of ISP 4/1/2022 – 3/31/2023).* • Individual #7 - None found for 5/2022 – 11/2022. *(Term of ISP 5/2/2022 – 5/1/2023).* • *Individual #8 - None found for 2/2022 – 8/2022. (Term of ISP 2/2/2022 – 1/31/2023).* • Individual #21 - None found for 4/2022 – 9/2022. *(Term of ISP 4/1/2022 – 3/31/2023).* **Nursing Semi-Annual:** • Individual #5 – None found for 4/2022 – 9/2022. *(Term of ISP 4/1/2022 – 3/31/2023).* • Individual #7 - None found for 5/2022 – 11/2022. *(Term of ISP 5/2/2022 – 5/1/2023).* • Individual #9 - Not completed within the required timeframe: Report covering 5/2022 – 11/2022. completed on 12/12/2022. *(Term of ISP 5/29/2022 – 5/28/2023).* • Individual #21 - None found for 4/2022 – 9/2022. *(Term of ISP 4/1/2022 – 3/31/2023).*		

Requirements: All DD Waiver Provider Agencies are required to create and maintain individual client records. The contents of client records vary depending on the unique needs of the person receiving services and the resultant information produced. The extent of documentation required for individual client records per service type depends on the location of the file, the type of service being provided, and the information necessary. DD Waiver Provider Agencies are required to adhere to the following: 1. Client records must contain all documents essential to the service being provided and essential to ensuring the health and safety of the person during the provision of the service. 2. Provider Agencies must have readily accessible records in home and community settings in paper or electronic form. Secure access to electronic records through the Therap web-based system using computers or mobile devices are acceptable. 3. Provider Agencies are responsible for ensuring that all plans created by nurses, RDs, therapists or BSCs are present in all settings. 4. Provider Agencies must maintain records of all documents produced by agency personnel or contractors on behalf of each person, including any routine notes or data, annual assessments, semi-annual reports, evidence of training provided/received, progress notes, and any other interactions for which billing is generated. 5. Each Provider Agency is responsible for maintaining the daily or other contact notes documenting the nature and frequency of service delivery, as well as data tracking only for the services provided by their agency. 6. The current Client File Matrix found in Appendix A Client File details the minimum			

requirements for records to be stored in agency office files, the delivery site, or with DSP while providing services in the community. 7. All records pertaining to JCMs must be retained permanently and must be made available to DDSD upon request, upon the termination or expiration of a provider agreement, or upon provider withdrawal from services.			

Tag # IS12 Person Centered Assessment (Community Inclusion)	Standard Level Deficiency		
Developmental Disabilities Waiver Service Standards Eff 11/1/2021 **Chapter 11: Community Inclusion: 11.4 Person Centered Assessments (PCA) and Career Development Plans (CDP)** Agencies who are providing CCS and/or CIE are required to complete a person-centered assessment (PCA). A PCA is a person-centered planning tool that is intended to be used for the service agency to get to know the person whom they are supporting and to help identify the individual needs and strengths to be addressed in the ISP. The PCA should provide the reader with a good sense of who the person is and is a means of sharing what makes an individual unique. The information gathered in a PCA should be used to guide community inclusion services for the individual. Recommended methods for gathering information include paper reviews, interviews with the individual, guardian or anyone who knows the individual well including staff, family members, friends, BSC therapist, school personnel, employers, and providers. Observations in the community, home visits, neighborhood/environmental observations research on community resources, and team input are also reliable means of gathering valuable information. A Career Development Plan (CDP), developed by the CIE Provider Agency with input from the CCS Provider, must be in place for job seekers or those already working to outline the tasks needed to obtain, maintain, or seek advanced opportunities in employment. For those who are employed, the career development plan addresses topics such as a plan to fade paid supports from the worksite or strategies to improve opportunities for career advancement. CCS and CIE Provider Agencies must adhere to the following requirements related to a PCA and Career Development Plan:	Based on record review, the Agency did not maintain a confidential case file for Individuals receiving Inclusion Services for 7 of 20 individuals. Review of the Agency individual case files revealed the following items were not found, incomplete, and/or not current: • Annual Review – Person Centered Assessment (Individual #4, 5, 7, 10, 13, 15, 18)	**Provider:** **State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible, an overall correction?)*: → **Provider:** **Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)*: →	

1. A PCA should contain, the following major topics, at a minimum: a. information about the person's background and current status; b. the person's strengths and interests and how they are known; c. conditions for success to integrate into the community, including conditions for job success (for those who are working or wish to work); and d. support needs for the individual. 2. The agency must involve the individual and describe how they were involved in development of the PCA. A guardian and those who know the person best must also be included in the development of the PCA, as applicable. 3. Timelines for completion: The initial PCA must be completed within the first 90 calendar days of the person receiving services. Thereafter, the Provider Agency must ensure that the PCA is reviewed and updated with the most current information, annually. A more extensive update of a PCA must be completed every five years. PCAs completed at the 5-year mark should include a narrative summary of progress toward outcomes from initial development, changes in support needs, major life changes, etc. If there is a significant change in a person's circumstance, a new PCA should be considered because the information in the PCA may no longer be relevant. A significant change may include but is not limited to losing a job, changing a residence or provider, and/or moving to a new region of the state. 4. If a person is receiving more than one type of service from the same provider, one PCA with information about each service is acceptable. 5. PCA's should be signed and dated to demonstrate that the assessment was reviewed and updated with the most current			

information, at least annually. 6. A career development plan is developed by the CIE provider with input from the CCS provider, as appropriate, and can be a separate document or be added as an addendum to a PCA. The career development plan should have specific action steps that identify who does what and by when.			

Tag # LS14 Residential Service Delivery Site Case File (ISP and Healthcare Requirements)	Condition of Participation Level Deficiency		
Developmental Disabilities Waiver Service Standards Eff 11/1/2021 **Chapter 6 Individual Service Plan (ISP)** The CMS requires a person-centered service plan for every person receiving HCBS. The DD Waiver's person-centered service plan is the ISP. **Chapter 20: Provider Documentation and Client Records: 20.2 Client Records Requirements:** All DD Waiver Provider Agencies are required to create and maintain individual client records. The contents of client records vary depending on the unique needs of the person receiving services and the resultant information produced. The extent of documentation required for individual client records per service type depends on the location of the file, the type of service being provided, and the information necessary. DD Waiver Provider Agencies are required to adhere to the following: 1. Client records must contain all documents essential to the service being provided and essential to ensuring the health and safety of the person during the provision of the service. 2. Provider Agencies must have readily accessible records in home and community settings in paper or electronic form. Secure access to electronic records through the Therap web-based system using computers or mobile devices are acceptable. 3. Provider Agencies are responsible for ensuring that all plans created by nurses, RDs, therapists or BSCs are present in all settings. 4. Provider Agencies must maintain records of all documents produced by agency personnel or contractors on behalf of each	After an analysis of the evidence, it has been determined there is a significant potential for a negative outcome to occur. Based on record review, the Agency did not maintain a complete and confidential case file in the residence for 11 of 19 Individuals receiving Living Care Arrangements. Review of the residential individual case files revealed the following items were not found, incomplete, and/or not current: **Annual ISP:** • Not Found (#5, 11) • Not Current (#10) **ISP Teaching and Support Strategies:** ***Individual #5:*** *TSS not found for the following Live Outcome Statement / Action Steps:* • "…will assist staff with creating his weekly visual schedule." • "…will take pictures of himself performing ADLs and community activities to add to his visual calendar." ***Individual #10:*** *TSS not found for the Live Outcome Statement / Action Steps:* • "…will research, plan for, plant, nurture, harvest, and benefit from garden." ***Individual #15*** *TSS not found for the Live Outcome Statement / Action Steps:* • "…will select a meal that he wants to prepare."	**Provider:** **State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible, an overall correction?)*: → **Provider:** **Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)*: →	

person, including any routine notes or data, annual assessments, semi-annual reports, evidence of training provided/received, progress notes, and any other interactions for which billing is generated. 5. Each Provider Agency is responsible for maintaining the daily or other contact notes documenting the nature and frequency of service delivery, as well as data tracking only for the services provided by their agency. 6. The current Client File Matrix found in Appendix A: Client File Matrix details the minimum requirements for records to be stored in agency office files, the delivery site, or with DSP while providing services in the community. **20.5.4 Health Passport and Physician Consultation Form:** All Primary and Secondary Provider Agencies must use the *Health Passport* and *Physician Consultation* form generated from an e-CHAT in the Therap system. This standardized document contains individual, physician and emergency contact information, a complete list of current medical diagnoses, health and safety risk factors, allergies, and information regarding insurance, guardianship, and advance directives. The *Health Passport* also includes a standardized form to use at medical appointments called the *Physician Consultation* form. The *Physician Consultation* form contains a list of all current medications.	• "With assistance, …will buy all meal items that are needed." • "…will cook or prepare the meal." ***Individual #17*** *TSS not found for the Live Outcome Statement / Action Steps:* • "To choose a weekly chore, routine, or errand and complete the procedure." ***Individual #21*** *TSS not found for the Fun / Relationship Outcome Statement / Action Steps:* • "…will see his family / homeland." • "…will access sights, sounds, and arts of Acoma on his iPad." ***Individual #22*** *TSS not found for the Fun / Relationship Outcome Statement / Action Steps:* • "…will choose a recipe." **Healthcare Passport:** • Not Found (#1, 11, 15) • Not Current (#5, 10, 16, 19, 20, 21) **Health Care Plans:** • A1C (#17) • Anaphylactic Reaction (#17) • Body Mass Index (#17) • Colostomy (#16) • Constipation Management (#17) • Endocrine (#17) • Falls (#16) • Neuro Devices (#16) • Paralysis Present (#21) • Seizure Disorder (#16) • Skin and Wound (#16) • Status of Care and Hygiene (#17)		

Chapter 13 Nursing Services: 13.2.9.1 Health Care Plans (HCP): Health Care Plans are created to provide guidance for the Direct Support Professionals (DSP) to support health related issues. Approaches that are specific to nurses may also be incorporated into the HCP. Healthcare Plans are based upon the eCHAT and the nursing assessment of the individual's needs. **13.2.9.2 Medical Emergency Response Plan (MERP): 1)** The agency nurse is required to develop a Medical Emergency Response Plan (MERP) for all conditions automatically triggered and marked with an "R" in the e-CHAT summary report. The agency nurse should use their clinical judgment and input from. 2) MERPs are required for persons who have one or more conditions or illnesses that present a likely potential to become a life-threatening situation.	• Uses Alcohol (#17) **Medical Emergency Response Plans:** • Falls (#16) • GERD (#5) • Neuro Devices (#16) • Paralysis Present (#21) • Rumination (#5) • Seizure Disorder (#16)		

Tag # LS14.1 Residential Service Delivery Site Case File (Other Req. Documentation)	Standard Level Deficiency		
Chapter 20: Provider Documentation and Client Records: 20.2 Client Records Requirements: All DD Waiver Provider Agencies are required to create and maintain individual client records. The contents of client records vary depending on the unique needs of the person receiving services and the resultant information produced. The extent of documentation required for individual client records per service type depends on the location of the file, the type of service being provided, and the information necessary. DD Waiver Provider Agencies are required to adhere to the following: 1. Client records must contain all documents essential to the service being provided and essential to ensuring the health and safety of the person during the provision of the service. 2. Provider Agencies must have readily accessible records in home and community settings in paper or electronic form. Secure access to electronic records through the Therap web-based system using computers or mobile devices are acceptable. 3. Provider Agencies are responsible for ensuring that all plans created by nurses, RDs, therapists or BSCs are present in all settings. 4. Provider Agencies must maintain records of all documents produced by agency personnel or contractors on behalf of each person, including any routine notes or data, annual assessments, semi-annual reports, evidence of training provided/received, progress notes, and any other interactions for which billing is generated. 5. Each Provider Agency is responsible for maintaining the daily or other contact notes documenting the nature and frequency of service delivery, as well as data tracking	Based on record review, the Agency did not maintain a complete and confidential case file in the residence for 4 of 19 Individuals receiving Living Care Arrangements. Review of the residential individual case files revealed the following items were not found, incomplete, and/or not current: **Positive Behavioral Supports Plan:** • Not Found (#1, 11, 15) • Not Current (#19) **Behavior Crisis Intervention Plan:** • Not Current (#1)	**Provider:** **State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible, an overall correction?)*: → **Provider:** **Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)*: →	

only for the services provided by their agency. 6. The current Client File Matrix found in Appendix A: Client File Matrix details the minimum requirements for records to be stored in agency office files, the delivery site, or with DSP while providing services in the community.			

Standard of Care	Deficiencies	Agency Plan of Correction, On-going QA/QI and Responsible Party	Completion Date
Service Domain: Qualified Providers – *The State monitors non-licensed/non-certified providers to assure adherence to waiver requirements. The State implements its policies and procedures for verifying that provider training is conducted in accordance with State requirements and the approved waiver.*			
Tag # 1A20 Direct Support Professional Training	**Standard Level Deficiency**		
Developmental Disabilities Waiver Service Standards Eff 11/1/2021 **Chapter 17 Training Requirements: 17.1 Training Requirements for Direct Support Professional and Direct Support Supervisors:** Direct Support Professional (DSP) and Direct Support Supervisors (DSS) include staff and contractors from agencies providing the following services: Supported Living, Family Living, CIHS, IMLS, CCS, CIE and Crisis Supports. 1. DSP/DSS must successfully complete within 30 calendar days of hire and prior to working alone with a person in service: a. Complete IST requirements in accordance with the specifications described in the ISP of each person supported and as outlined in Chapter 17.9 Individual Specific Training below. b. Complete DDSD training in standards precautions located in the New Mexico Waiver Training Hub. c. Complete and maintain certification in First Aid and CPR. The training materials shall meet OSHA requirements/guidelines. d. Complete relevant training in accordance with OSHA requirements (if job involves exposure to hazardous chemicals). e. Become certified in a DDSD-approved system of crisis prevention and intervention (e.g., MANDT, Handle with Care, Crisis Prevention and Intervention (CPI)) before using Emergency Physical Restraint (EPR). Agency DSP and DSS shall maintain certification in a DDSD-approved system if any person they	Based on record review, the Agency did not ensure Orientation and Training requirements were met for 13 of 114 Direct Support Professional, Direct Support Supervisory Personnel and / or Service Coordinators. Review of Agency training records found no evidence of the following required DOH/DDSD trainings being completed: **CPR:** • Not Found (#544) **Assisting with Medication Delivery:** • Not Found (#581) • Expired (#525, 530, 533, 538, 539, 546, 553, 563, 565, 587, 605)	**Provider:** **State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible, an overall correction?)*: → **Provider:** **Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)*: →	

support has a BCIP that includes the use of EPR. f. Complete and maintain certification in a DDSD-approved Assistance with Medication Delivery (AWMD) course if required to assist with medication delivery. g. Complete DDSD training regarding the HIPAA located in the New Mexico Waiver Training Hub. **17.1.13 Training Requirements for Service Coordinators (SC):** Service Coordinators (SCs) refer to staff at agencies providing the following services: Supported Living, Family Living, Customized In-home Supports, Intensive Medical Living, Customized Community Supports, Community Integrated Employment, and Crisis Supports. 1. A SC must successfully complete within 30 calendar days of hire and prior to working alone with a person in service: a. Complete IST requirements in accordance with the specifications described in the ISP of each person supported, and as outlined in the Chapter 17.10 Individual-Specific Training below. b. Complete DDSD training in standard precautions located in the New Mexico Waiver Training Hub. c. Complete and maintain certification in First Aid and CPR. The training materials shall meet OSHA requirements/guidelines. d. Complete relevant training in accordance with OSHA requirements (if job involves exposure to hazardous chemicals). e. Become certified in a DDSD-approved system of crisis prevention and intervention (e.g., MANDT, Handle with Care, CPI) before using emergency physical restraint. Agency SC shall maintain certification in a DDSD-			

approved system if a person they support has a Behavioral Crisis Intervention Plan that includes the use of emergency physical restraint. f. Complete and maintain certification in AWMD if required to assist with medications. g. Complete DDSD training regarding HIPAA located in the New Mexico Waiver Training Hub.			

Tag # 1A22 Agency Personnel Competency	Condition of Participation Level Deficiency		
Developmental Disabilities Waiver Service Standards Eff 11/1/2021 **Chapter 17 Training Requirements** **17.9 Individual-Specific Training Requirements:** The following are elements of IST: defined standards of performance, curriculum tailored to teach skills and knowledge necessary to meet those standards of performance, and formal examination or demonstration to verify standards of performance, using the established DDSD training levels of awareness, knowledge, and skill. Reaching an **awareness level** may be accomplished by reading plans or other information. The trainee is cognizant of information related to a person's specific condition. Verbal or written recall of basic information or knowing where to access the information can verify awareness. Reaching a **knowledge level** may take the form of observing a plan in action, reading a plan more thoroughly, or having a plan described by the author or their designee. Verbal or written recall or demonstration may verify this level of competence. Reaching a **skill level** involves being trained by a therapist, nurse, designated or experienced designated trainer. The trainer shall demonstrate the techniques according to the plan. The trainer must observe and provide feedback to the trainee as they implement the techniques. This should be repeated until competence is demonstrated. Demonstration of skill or observed implementation of the techniques or strategies verifies skill level competence. Trainees should be observed on more than one occasion to ensure appropriate techniques are maintained and to provide additional coaching/feedback. Individuals shall receive services from competent and qualified Provider Agency	After an analysis of the evidence, it has been determined there is a significant potential for a negative outcome to occur. Based on interview, the Agency did not ensure training competencies were met for 5 of 23 Direct Support Professional. **When DSP were asked, what State Agency do you report suspected Abuse, Neglect or Exploitation to, the following was reported:** • DSP #507 stated, "1-800-222-1222." Staff was not able to identify the State Agency as Division of Health Improvement or provide the correct 1-800. • DSP #528 stated, "I don't know. Su Vida." Staff was not able to identify the State Agency as Division of Health Improvement. **When DSP were asked to give examples of Abuse, Neglect and Exploitation, the following was reported:** • DSP #500 stated, "Left him alone." DSP's response with regards to Abuse. • DSP #500 stated, "I don't remember that one." DSP's response with regards to Exploitation. **When DSP were asked, if they were provided with Individual Specific Training for the Individual they are supporting, the following was reported:** • DSP #513 stated, "Not really any." (Individual #11)	**Provider:** **State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible, an overall correction?)*: → **Provider:** **Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)*: →	

personnel who must successfully complete IST requirements in accordance with the specifications described in the ISP of each person supported. 1. IST must be arranged and conducted at least annually. IST includes training on the ISP Desired Outcomes, Action Plans, Teaching and Support Strategies, and information about the person's preferences regarding privacy, communication style, and routines. More frequent training may be necessary if the annual ISP changes before the year ends. 2. IST for therapy-related Written Direct Support Instructions (WDSI), Healthcare Plans (HCPs), Medical Emergency Response Plan (MERPs), Comprehensive Aspiration Risk Management Plans (CARMPs), Positive Behavior Supports Assessment (PBSA), Positive Behavior Supports Plans (PBSPs), and Behavior Crisis Intervention Plans (BCIPs), PRN Psychotropic Medication Plans (PPMPs), and Risk Management Plans (RMPs) must occur at least annually and more often if plans change, or if monitoring by the plan author or agency finds problems with implementation, when new DSP or CM are assigned to work with a person, or when an existing DSP or CM requires a refresher. 3. The competency level of the training is based on the IST section of the ISP. 4. The person should be present for and involved in IST whenever possible. 5. Provider Agencies are responsible for tracking of IST requirements. 6. Provider Agencies must arrange and ensure that DSP's and CIE's are trained on the contents of the plans in accordance with timelines indicated in the Individual-Specific Training Requirements: Support Plans section of the ISP and notify the plan authors when new DSP are hired to arrange for trainings.	**When DSP were asked, if the Individual had Positive Behavioral Supports Plan (PBSP), If have they had been trained on the PBSP and what does the plan cover, the following was reported:** • DSP #542 stated, "Not that I'm aware of. He's never been violent or even like yells or anything." According to the Individual Specific Training Section of the ISP the Individual requires a Positive Behavioral Supports Plan. (Individual #17) **When DSP were asked, if the Individual's had Health Care Plans, where could they be located and if they had been trained, the following was reported:** • DSP #513 stated, "I don't know." As indicated by the Electronic Comprehensive Health Assessment Tool, the Individual requires Health Care Plans for PRN Medication and Seizure Disorder. (Individual #5) • DSP #513 stated, "For his catheter, fall risk and dehydration." As indicated by the Electronic Comprehensive Health Assessment Tool, the Individual additionally requires Health Care Plans for Seizure Disorder and Status of Care / Hygiene. (Individual #11) • DSP #513 stated, "Aspiration." As indicated by the Electronic Comprehensive Health Assessment Tool, the Individual requires Health Care Plans for Bowel and Bladder, Hydration and Dehydration, Paralysis, Seizure Disorder, and Skin and Wound. (Individual #21) **When DSP were asked, if the Individual had Medical Emergency Response Plans where**		

7. If a therapist, BSC, nurse, or other author of a plan, healthcare or otherwise, chooses to designate a trainer, that person is still responsible for providing the curriculum to the designated trainer. The author of the plan is also responsible for ensuring the designated trainer is verifying competency in alignment with their curriculum, doing periodic quality assurance checks with their designated trainer, and re-certifying the designated trainer at least annually and/or when there is a change to a person's plan.	**could they be located and if they had been trained, the following was reported, the following was reported:** • DSP #513 stated, "I don't know." As indicated by the Electronic Comprehensive Health Assessment Tool, the Individual requires Medical Emergency Response Plans for Aspiration and Seizure Disorder. Per the Individual Specific Training section of the ISP indicates the Individual also requires Medical Emergency Response Plans for GERD and Rumination. (Individual #5) • DSP #513 stated, "Same as health care plans." As indicated by the Electronic Comprehensive Health Assessment Tool, the Individual additionally requires Medical Emergency Response Plans for Aspiration and Seizure Disorder. (Individual #11) • DSP #513 stated, "Aspiration, constipation, pain, and bed sores." As indicated by the Electronic Comprehensive Health Assessment Tool, the Individual additionally requires Medical Emergency Response Plans for Paralysis, and Seizure Disorder. (Individual #21) **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 #500 stated, "Red Dye." As indicated by the Electronic Comprehensive Health Assessment the individual is allergic to Topamax. (Individual #1) • DSP #542 stated, "No." As indicated by the Electronic Comprehensive Health Assessment the individual is allergic to		

	Penicillin's and Statins – Hmg – Coa Reductase Inhibitors. (Individual #17) **When DSP were asked, if the Individual had Seizure Disorder, as well as a series of questions specific to the DSP's knowledge of the Seizure Disorder, the following was reported:** • DSP #513 stated, "No." As indicated by the Electronic Comprehensive Health Assessment the individual has a Seizure Disorder. (Individual #5) • DSP #513 stated, "No." As indicated by the Electronic Comprehensive Health Assessment the individual has a Seizure Disorder. (Individual #11) • DSP #513 stated, "No." As indicated by the Electronic Comprehensive Health Assessment the individual has a Seizure Disorder. (Individual #21) **When DSP were asked, if the Individual issues with DEHYDRATION, the following was reported:** • DSP #513 stated, "No." As indicated by the Electronic Health Assessment Tool the Individual has issues with Dehydration. (Individual #21)		

Tag #1A25 Caregiver Criminal History Screening	Standard Level Deficiency		
NMAC 7.1.9.8 CAREGIVER AND HOSPITAL CAREGIVER EMPLOYMENT REQUIREMENTS: **A. General:** The responsibility for compliance with the requirements of the act applies to both the care provider and to all applicants, caregivers and hospital caregivers. All applicants for employment to whom an offer of employment is made or caregivers and hospital caregivers employed by or contracted to a care provider must consent to a nationwide and statewide criminal history screening, as described in Subsections D, E and F of this section, upon offer of employment or at the time of entering into a contractual relationship with the care provider. Care providers shall submit all fees and pertinent application information for all applicants, caregivers or hospital caregivers as described in Subsections D, E and F of this section. Pursuant to Section 29-17-5 NMSA 1978 (Amended) of the act, a care provider's failure to comply is grounds for the state agency having enforcement authority with respect to the care provider] to impose appropriate administrative sanctions and penalties. **B. Exception:** A caregiver or hospital caregiver applying for employment or contracting services with a care provider within twelve (12) months of the caregiver's or hospital caregiver's most recent nationwide criminal history screening which list no disqualifying convictions shall only apply for a statewide criminal history screening upon offer of employment or at the time of entering into a contractual relationship with the care provider. At the discretion of the care provider a nationwide criminal history screening, additional to the required statewide criminal history screening, may be requested. **C. Conditional Employment:** Applicants, caregivers, and hospital caregivers who have	Based on record review, the Agency did not maintain documentation indicating Caregiver Criminal History Screening was completed as required for 1 of 148 Agency Personnel. **The following Agency Personnel Files contained Caregiver Criminal History Screenings, which were not specific to the current term of employment:** **Substitute Care/Respite Personnel:** • #619 – Date of hire 10/19/2022. *(Note: Per documentation reviewed, DSP #619 was originally hired on 8/2482016).*	**Provider:** **State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible, an overall correction?)*: → **Provider:** **Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)*: →	

submitted all completed documents and paid all applicable fees for a nationwide and statewide criminal history screening may be deemed to have conditional supervised employment pending receipt of written notice given by the department as to whether the applicant, caregiver or hospital caregiver has a disqualifying conviction. **F. Timely Submission:** Care providers shall submit all fees and pertinent application information for all individuals who meet the definition of an applicant, caregiver or hospital caregiver as described in Subsections B, D and K of 7.1.9.7 NMAC, no later than twenty (20) calendar days from the first day of employment or effective date of a contractual relationship with the care provider. **G. Maintenance of Records:** Care providers shall maintain documentation relating to all employees and contractors evidencing compliance with the act and these rules. (1) During the term of employment, care providers shall maintain evidence of each applicant, caregiver or hospital caregiver's clearance, pending reconsideration, or disqualification. (2) Care providers shall maintain documented evidence showing the basis for any determination by the care provider that an employee or contractor performs job functions that do not fall within the scope of the requirement for nationwide or statewide criminal history screening. A memorandum in an employee's file stating "This employee does not provide direct care or have routine unsupervised physical or financial access to care recipients served by [name of care provider]," together with the employee's job description, shall suffice for record keeping purposes. **NMAC 7.1.9.9 CAREGIVERS OR HOSPITAL CAREGIVERS AND APPLICANTS WITH DISQUALIFYING CONVICTIONS:**			

A. Prohibition on Employment: A care provider shall not hire or continue the employment or contractual services of any applicant, caregiver or hospital caregiver for whom the care provider has received notice of a disqualifying conviction, except as provided in Subsection B of this section. **NMAC 7.1.9.11 DISQUALIFYING CONVICTIONS.** The following felony convictions disqualify an applicant, caregiver or hospital caregiver from employment or contractual services with a care provider: **A.** homicide; **B.** trafficking, or trafficking in controlled substances; **C.** kidnapping, false imprisonment, aggravated assault or aggravated battery; **D.** rape, criminal sexual penetration, criminal sexual contact, incest, indecent exposure, or other related felony sexual offenses; **E.** crimes involving adult abuse, neglect or financial exploitation; **F.** crimes involving child abuse or neglect; **G.** crimes involving robbery, larceny, extortion, burglary, fraud, forgery, embezzlement, credit card fraud, or receiving stolen property; or **H**. an attempt, solicitation, or conspiracy involving any of the felonies in this subsection.			

Tag # 1A25.1 Caregiver Criminal History Screening	Condition of Participation Level Deficiency		
NMAC 7.1.9.8 CAREGIVER AND HOSPITAL CAREGIVER EMPLOYMENT REQUIREMENTS: **A. General:** The responsibility for compliance with the requirements of the act applies to both the care provider and to all applicants, caregivers, and hospital caregivers. All applicants for employment to whom an offer of employment is made or caregivers and hospital caregivers employed by or contracted to a care provider must consent to a nationwide and statewide criminal history screening, as described in Subsections D, E and F of this section, upon offer of employment or at the time of entering into a contractual relationship with the care provider. Care providers shall submit all fees and pertinent application information for all applicants, caregivers or hospital caregivers as described in Subsections D, E and F of this section. Pursuant to Section 29-17-5 NMSA 1978 (Amended) of the act, a care provider's failure to comply is grounds for the state agency having enforcement authority with respect to the care provider] to impose appropriate administrative sanctions and penalties. **B. Exception:** A caregiver or hospital caregiver applying for employment or contracting services with a care provider within twelve (12) months of the caregiver's or hospital caregiver's most recent nationwide criminal history screening which list no disqualifying convictions shall only apply for a statewide criminal history screening upon offer of employment or at the time of entering into a contractual relationship with the care provider. At the discretion of the care provider a nationwide criminal history screening, additional to the required statewide criminal history screening, may be requested. **C. Conditional Employment:** Applicants, caregivers, and hospital caregivers who have	After an analysis of the evidence, it has been determined there is a significant potential for a negative outcome to occur. Based on record review, the Agency did not maintain documentation indicating Caregiver Criminal History Screening was completed as required for 1 of 148 Agency Personnel. **The following Agency Personnel Files contained no evidence of Caregiver Criminal History Screenings:** **Direct Support Professional (DSP):** • #513 – Date of hire 11/2/2022.	**Provider:** **State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible, an overall correction?)*: → **Provider:** **Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)*: →	

submitted all completed documents and paid all applicable fees for a nationwide and statewide criminal history screening may be deemed to have conditional supervised employment pending receipt of written notice given by the department as to whether the applicant, caregiver or hospital caregiver has a disqualifying conviction. **F. Timely Submission:** Care providers shall submit all fees and pertinent application information for all individuals who meet the definition of an applicant, caregiver or hospital caregiver as described in Subsections B, D and K of 7.1.9.7 NMAC, no later than twenty (20) calendar days from the first day of employment or effective date of a contractual relationship with the care provider. **G. Maintenance of Records:** Care providers shall maintain documentation relating to all employees and contractors evidencing compliance with the act and these rules. (1) During the term of employment, care providers shall maintain evidence of each applicant, caregiver or hospital caregiver's clearance, pending reconsideration, or disqualification. (2) Care providers shall maintain documented evidence showing the basis for any determination by the care provider that an employee or contractor performs job functions that do not fall within the scope of the requirement for nationwide or statewide criminal history screening. A memorandum in an employee's file stating "This employee does not provide direct care or have routine unsupervised physical or financial access to care recipients served by [name of care provider]," together with the employee's job description, shall suffice for record keeping purposes. **NMAC 7.1.9.9 CAREGIVERS OR HOSPITAL CAREGIVERS AND**			

APPLICANTS WITH DISQUALIFYING CONVICTIONS: **A. Prohibition on Employment:** A care provider shall not hire or continue the employment or contractual services of any applicant, caregiver, or hospital caregiver for whom the care provider has received notice of a disqualifying conviction, except as provided in Subsection B of this section. **NMAC 7.1.9.11 DISQUALIFYING CONVICTIONS.** The following felony convictions disqualify an applicant, caregiver or hospital caregiver from employment or contractual services with a care provider: **A.** homicide; **B.** trafficking, or trafficking in controlled substances; **C.** kidnapping, false imprisonment, aggravated assault, or aggravated battery; **D.** rape, criminal sexual penetration, criminal sexual contact, incest, indecent exposure, or other related felony sexual offenses; **E.** crimes involving adult abuse, neglect, or financial exploitation; **F.** crimes involving child abuse or neglect; **G.** crimes involving robbery, larceny, extortion, burglary, fraud, forgery, embezzlement, credit card fraud, or receiving stolen property; or **H**. an attempt, solicitation, or conspiracy involving any of the felonies in this subsection.			

Tag # 1A37 Individual Specific Training	Standard Level Deficiency		
Developmental Disabilities Waiver Service Standards Eff 11/1/2021 **Chapter 17 Training Requirements: 17.1 Training Requirements for Direct Support Professional and Direct Support Supervisors:** Direct Support Professional (DSP) and Direct Support Supervisors (DSS) include staff and contractors from agencies providing the following services: Supported Living, Family Living, CIHS, IMLS, CCS, CIE and Crisis Supports. 1. DSP/DSS must successfully complete within 30 calendar days of hire and prior to working alone with a person in service: a. Complete IST requirements in accordance with the specifications described in the ISP of each person supported and as outlined in Chapter 17.9 Individual Specific Training below. b. Complete DDSD training in standards precautions located in the New Mexico Waiver Training Hub. c. Complete and maintain certification in First Aid and CPR. The training materials shall meet OSHA requirements/guidelines. d. Complete relevant training in accordance with OSHA requirements (if job involves exposure to hazardous chemicals). e. Become certified in a DDSD-approved system of crisis prevention and intervention (e.g., MANDT, Handle with Care, Crisis Prevention and Intervention (CPI)) before using Emergency Physical Restraint (EPR). Agency DSP and DSS shall maintain certification in a DDSD-approved system if any person they support has a BCIP that includes the use of EPR. f. Complete and maintain certification in a DDSD-approved Assistance with Medication Delivery (AWMD) course if	Based on record review, the Agency did not ensure that Individual Specific Training requirements were met for 11 of 114 Agency Personnel. Review of personnel records found no evidence of the following: **Direct Support Professional (DSP):** • Individual Specific Training (#513, 514, 515, 522, 556, 570, 573, 574, 578, 583, 591)	**Provider:** **State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible an overall correction?)*: → **Provider:** **Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)*: →	

required to assist with medication delivery. g. Complete DDSD training regarding the HIPAA located in the New Mexico Waiver Training Hub. **17.1.13 Training Requirements for Service Coordinators (SC):** Service Coordinators (SCs) refer to staff at agencies providing the following services: Supported Living, Family Living, Customized In-home Supports, Intensive Medical Living, Customized Community Supports, Community Integrated Employment, and Crisis Supports. 2. A SC must successfully complete within 30 calendar days of hire and prior to working alone with a person in service: a. Complete IST requirements in accordance with the specifications described in the ISP of each person supported, and as outlined in the Chapter 17.10 Individual-Specific Training below. b. Complete DDSD training in standard precautions located in the New Mexico Waiver Training Hub. c. Complete and maintain certification in First Aid and CPR. The training materials shall meet OSHA requirements/guidelines. d. Complete relevant training in accordance with OSHA requirements (if job involves exposure to hazardous chemicals). e. Become certified in a DDSD-approved system of crisis prevention and intervention (e.g., MANDT, Handle with Care, CPI) before using emergency physical restraint. Agency SC shall maintain certification in a DDSD-approved system if a person they support has a Behavioral Crisis Intervention Plan that includes the use of emergency physical restraint. f. Complete and maintain certification in			

AWMD if required to assist with medications. g. Complete DDSD training regarding HIPAA located in the New Mexico Waiver Training Hub.			

Tag # 1A43.1 General Events Reporting: Individual Reporting	Standard Level Deficiency		
Developmental Disabilities Waiver Service Standards Eff 11/1/2021 **Chapter 19 Provider Reporting Requirements:** DOH-DDSD collects and analyzes system wide information for quality assurance, quality improvement, and risk management in the DD Waiver Program. Provider Agencies are responsible for tracking and reporting to DDSD in several areas on an individual and agency wide level. The purpose of this chapter is to identify what information Provider Agencies are required to report to DDSD and how to do so. **19.2 General Events Reporting (GER):** The purpose of General Events Reporting (GER) is to report, track and analyze events, which pose a risk to adults in the DD Waiver program, but do not meet criteria for ANE or other reportable incidents as defined by the IMB. Analysis of GER is intended to identify emerging patterns so that preventative action can be taken at the individual, Provider Agency, regional and statewide level. On a quarterly and annual basis, DDSD analyzes GER data at the provider, regional and statewide levels to identify any patterns that warrant intervention. Provider Agency use of GER in Therap is required as follows: 1. DD Waiver Provider Agencies approved to provide Customized In- Home Supports, Family Living, IMLS, Supported Living, Customized Community Supports, Community Integrated Employment, Adult Nursing and Case Management must use the GER 2. DD Waiver Provider Agencies referenced above are responsible for entering specified information into a Therap GER module entry per standards set through the Appendix B GER Requirements and as identified by DDSD.	Based on record review, the Agency did not follow the General Events Reporting requirements as indicated by the policy for 4 of 22 individuals. **The following General Events Reporting records contained evidence that indicated the General Events Report was not entered and / or approved within 2 business days and / or entered within 30 days for medication errors:** **Individual #11** • Documentation reviewed indicates on 10/28/2022 the Individual went to the Emergency Room for constipation (Emergency Room Visit). No GER was found. • Documentation reviewed indicates on 11/29/2022 the Individual went to the Emergency Room for altered state. (Emergency Room Visit). No GER was found. **Individual #12** • General Events Report (GER) indicates on 12/28/2021 the Individual was experiencing pain due to Gout and went to the Emergency Room (Emergency Room Visit). GER was approved 1/3/2022. **Individual #16** • General Events Report (GER) indicates on 9/1/2022 the Individual fell in her room and fractured her leg (Urgent Care Visit). GER was approved 9/12/2022. **Individual #21** • General Events Report (GER) indicates on 3/13/2022 the Individual went to Urgent	**Provider:** **State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible an overall correction?)*: → **Provider:** **Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)*: →	

3. At the Provider Agency's discretion additional events, which are not required by DDSD, may also be tracked within the GER section of Therap. Events that are tracked for internal agency purposes and do not meet reporting requirements per DD Waiver Service Standards must be marked with a notification level of "Low" to indicate that it is being used internal to the provider agency. 4. GER does not replace a Provider Agency's obligations to report ANE or other reportable incidents as described in Chapter 18: Incident Management System. 5. GER does not replace a Provider Agency's obligations related to healthcare coordination, modifications to the ISP, or any other risk management and QI activities. 6. Each agency that is required to participate in General Event Reporting via Therap should ensure information from the staff and/or individual with the most direct knowledge is part of the report. a. Each agency must have a system in place that assures all GERs are approved per Appendix B GER Requirements and as identified by DDSD. b. Each is required to enter and approve GERs within 2 business days of discovery or observation of the reportable event. **19.2.1 Events Required to be Reported in GER:** The following events need to be reported in the Therap GER: when they occur during delivery of Supported Living, Family Living, Intensive Medical Living, Customized In-Home Supports, Customized Community Supports, Community Integrated Employment or Adult Nursing Services for DD Waiver participants aged 18 and older: 1. Emergency Room/Urgent Care/Emergency Medical Services	Care due to Pink Eye (Urgent Care Visit). GER was approved 3/16/2022.		

2. Falls Without Injury 3. Injury (including Falls, Choking, Skin Breakdown and Infection) 4. Law Enforcement Use 5. All Medication Errors 6. Medication Documentation Errors 7. Missing Person/Elopement 8. Out of Home Placement- Medical: Hospitalization, Long Term Care, Skilled Nursing or Rehabilitation Facility Admission 9. PRN Psychotropic Medication 10. Restraint Related to Behavior 11. Suicide Attempt or Threat 12. COVID-19 Events to include COVID-19 vaccinations.			

Standard of Care	Deficiencies	Agency Plan of Correction, On-going QA/QI and Responsible Party	Completion Date
Service Domain: Health and Welfare – *The state, on an ongoing basis, identifies, addresses and seeks to prevent occurrences of abuse, neglect and exploitation. Individuals shall be afforded their basic human rights. The provider supports individuals to access needed healthcare services in a timely manner.*			
Tag # 1A03 Quality Improvement System & Key Performance Indicators (KPIs)	**Standard Level Deficiency**		
Developmental Disabilities Waiver Service Standards Eff 11/1/2021 ***Chapter 22 Quality Improvement Strategy (QIS):*** A QIS at the provider level is directly linked to the organization's service delivery approach or underlying provision of services. To achieve a higher level of performance and improve quality, an organization is required to have an efficient and effective QIS. The QIS is required to follow four key principles: 1. quality improvement work in systems and processes; 2. focus on participants; 3. focus on being part of the team; and 4. focus on use of the data. DD Waiver Provider Agencies have different business models, organizational structures, and approaches to service delivery. The DD Waiver can only truly assess progress, if the factors used to determine quality improvement (QI) are consistent across the system, i.e. QMB compliance surveys, IQRs, DD Waiver Service Standards, regulations (NMAC), litigation and Court Orders. As part of a QIS, Provider Agencies are required to evaluate their performance based on the four key principles outlined above. Provider Agencies are required to identify areas of improvement, issues that impact quality of services, and areas of non-compliance with the DD Waiver Service Standards or any other program requirements. The findings should help inform the agency's QI plan. **22.2 QI Plan and Key Performance Indicators (KPI):** Findings from a discovery process should result in a QI plan. The QI plan	Based on record review, the Agency did not maintain or implement a Quality Improvement System (QIS), as required by standards. **Review of information found:** **Review of meeting minutes found meeting were not occurring quarterly as required. Meetings were held on:** • 3/21/2022	**Provider:** **State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible an overall correction?)***:** → **Provider:** **Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)***:** →	

is used by an agency to continually determine whether the agency is performing within program requirements, achieving goals, and identifying opportunities for improvement. The QI plan describes the processes that the Provider Agency uses in each phase of the QIS: discovery, remediation, and sustained improvement. It describes the frequency of data collection, the source and types of data gathered, as well as the methods used to analyze data and measure performance. The QI plan must describe how the data collected will be used to improve the delivery of services and must describe the methods used to evaluate whether implementation of improvements is working. The QI plan shall address, at minimum, three key performance indicators (KPI). The KPI are determined by DOH-DDSQI on an annual basis or as determined necessary. The KPI are monitored for improvement on an annual basis and can change based on sustained improvement. The DDSQI will evaluate trends over time when determining new KPI. KPI updates will be through numbered memos, at least annually. **22.3 Implementing a QI Committee:** A QI committee must convene on at least a quarterly basis and more frequently if needed. The QI Committee convenes to review data; to identify any deficiencies, trends, patterns, or concerns; to remedy deficiencies; and to identify opportunities for QI. QI Committee meetings must be documented and include a review of at least the following: 1. Activities or processes related to discovery, i.e., monitoring and recording the findings; 2. The entities or individuals responsible for conducting the discovery/monitoring process; 3. The types of information used to measure performance; 4. The frequency with which performance is measured; and			

5. The activities implemented to improve performance.			

Tag #1A08.2 Administrative Case File: Healthcare Requirements & Follow-up	Condition of Participation Level Deficiency		
Developmental Disabilities Waiver Service Standards Eff 11/1/2021 **Chapter 3 Safeguards: 3.1 Decisions about Health Care or Other Treatment: Decision Consultation and Team Justification** **Process:** There are a variety of approaches and available resources to support decision making when desired by the person. The decision consultation and team justification processes assist participants and their health care decision makers to document their decisions. It is important for provider agencies to communicate with guardians to share with the Interdisciplinary Team (IDT) Members any medical, behavioral, or psychiatric information as part of an individual's routine medical or psychiatric care. For current forms and resources please refer to the DOH Website: https://nmhealth.org/about/ddsd/. **3.1.1 Decision Consultation Process (DCP):** Health decisions are the sole domain of waiver participants, their guardians or healthcare decision makers. Participants and their healthcare decision makers can confidently make decisions that are compatible with their personal and cultural values. Provider Agencies and Interdisciplinary Teams (IDTs) are required to support the informed decision making of waiver participants by supporting access to medical consultation, information, and other available resources according to the following: 1. The Decision Consultation Process (DCP) is documented on the Decision Consultation and Team Justification Form (DC/TJF) and is used for health related issues when a person or their guardian/healthcare decision maker has concerns, needs more information about these types of issues or has decided not to follow all or part of a healthcare-related order, recommendation,	After an analysis of the evidence, it has been determined there is a significant potential for a negative outcome to occur. Based on record review, the Agency did not provide documentation of annual physical examinations and/or other examinations as specified by a licensed physician for 10 of 22 individuals receiving Living Care Arrangements and Community Inclusion. Review of the administrative individual case files revealed the following items were not found, incomplete, and/or not current: ***Living Care Arrangements / Community Inclusion (Individuals Receiving Multiple Services):*** **Annual Physical:** • Not Found (#2, 8, 13) **Annual Physical *(LCA Only)*:** • Not Found (#11) **Annual Dental Exam:** • Individual #11 – As indicated by collateral documentation reviewed, the exam was not found. Per the DDSD file matrix, Dental Exams are to be conducted annually. • Individual #16 – As indicated by collateral documentation reviewed, the exam was not current. Per the DDSD file matrix, Dental Exams are to be conducted annually. • Individual #21 – As indicated by collateral documentation reviewed, the exam was not found. Per the DDSD file matrix, Dental Exams are to be conducted annually.	**Provider:** **State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible an overall correction?)*: → **Provider:** **Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)*: →	

or suggestion. This includes, but is not limited to: a. medical orders or recommendations from the Primary Care Practitioner, Specialists or other licensed medical or healthcare practitioners such as a Nurse Practitioner (NP or CNP), Physician Assistant (PA) or Dentist; b. clinical recommendations made by registered/licensed clinicians who are either members of the IDT (e.g., nurses, therapists, dieticians, BSCs or PRS Risk Evaluator) or clinicians who have performed evaluations such as a video-fluoroscopy; c. health related recommendations or suggestions from oversight activities such as the Individual Quality Review (IQR); and d. recommendations made by a licensed professional through a Healthcare Plan (HCP), including a Comprehensive Aspiration Risk Management Plan (CARMP), a Medical Emergency Response Plan (MERP) or another plan such as a Risk Management Plan (RMP) or a Behavior Crisis Intervention Plan (BCIP). **Chapter 20 Provider Documentation and Client Records: 20.2 Client Record Requirements:** All DD Waiver Provider Agencies are required to create and maintain individual client records. The contents of client records vary depending on the unique needs of the person receiving services and the resultant information produced. The extent of documentation required for individual client records per service type depends on the location of the file, the type of service being provided, and the information necessary. DD Waiver Provider Agencies are required to adhere to the following: 1. Client records must contain all documents essential to the service being provided and	**Emergency Room:** • Individual #9 – As indicated by collateral documentation reviewed, visit was completed on 12/14/2021. Follow-up was to be completed on 1/13/2022. No evidence of follow-up found. • Individual #9 – As indicated by collateral documentation reviewed, visit was completed on 6/16/2022. Follow-up was to be completed on 7/11/2022. No evidence of follow-up found. • Individual #11 – As indicated by collateral documentation reviewed, visit was completed on 11/29/2022. Follow-up was to be completed in 2 days. No evidence of follow-up found. **Family Medicine:** • Individual #7 – As indicated by collateral documentation reviewed, visit was completed on 3/22/2022. Follow-up was to be completed in 6 months. No evidence of follow-up found. • Individual #17 – As indicated by collateral documentation reviewed, visit was completed on 6/13/2022. Follow-up was to be completed in 3 months. No evidence of follow-up found. **Nephrology:** • Individual #17 – As indicated by collateral documentation reviewed, exam was completed on 4/13/2022. Follow-up was to be completed in 6 months. No evidence of follow-up found. **Neurology:** • Individual #12 – As indicated by collateral documentation reviewed, exam was completed on 4/19/2022. Follow-up was to		

essential to ensuring the health and safety of the person during the provision of the service. 2. Provider Agencies must have readily accessible records in home and community settings in paper or electronic form. Secure access to electronic records through the Therap web-based system using computers or mobile devices are acceptable. 3. Provider Agencies are responsible for ensuring that all plans created by nurses, RDs, therapists or BSCs are present in all settings. 4. Provider Agencies must maintain records of all documents produced by agency personnel or contractors on behalf of each person, including any routine notes or data, annual assessments, semi-annual reports, evidence of training provided/received, progress notes, and any other interactions for which billing is generated. 5. Each Provider Agency is responsible for maintaining the daily or other contact notes documenting the nature and frequency of service delivery, as well as data tracking only for the services provided by their agency. 6. The current Client File Matrix found in Appendix A Client File details the minimum requirements for records to be stored in agency office files, the delivery site, or with DSP while providing services in the community. 7. All records pertaining to JCMs must be retained permanently and must be made available to DDSD upon request, upon the termination or expiration of a provider agreement, or upon provider withdrawal from services. **20.5.4 Health Passport and Physician Consultation Form:** All Primary and Secondary Provider Agencies must use the *Health Passport* and *Physician Consultation*	be completed in 6 months. No evidence of follow-up found. **Psychiatry:** • Individual #7 – As indicated by collateral documentation reviewed, exam was completed on 5/26/2022. Follow-up was to be completed in 3 months. No evidence of follow-up found.		

form generated from an e-CHAT in the Therap system. This standardized document contains individual, physician and emergency contact information, a complete list of current medical diagnoses, health and safety risk factors, allergies, and information regarding insurance, guardianship, and advance directives. The *Health Passport* also includes a standardized form to use at medical appointments called the *Physician Consultation* form. The *Physician Consultation* form contains a list of all current medications. Requirements for the *Health Passport* and *Physician Consultation* form are: 1. The Case Manager and Primary and Secondary Provider Agencies must communicate critical information to each other and will keep all required sections of Therap updated in order to have a current and thorough *Health Passport* and *Physician Consultation* Form available at all times. Required sections of Therap include the IDF, Diagnoses, and Medication History. 2. The Primary and Secondary Provider Agencies must ensure that a current copy of the *Health Passport* and *Physician Consultation* forms are printed and available at all service delivery sites. Both forms must be reprinted and placed at all service delivery sites each time the e-CHAT is updated for any reason and whenever there is a change to contact information contained in the IDF. 3. Primary and Secondary Provider Agencies must assure that the current *Health Passport* and *Physician Consultation* form accompany each person when taken by the provider to a medical appointment, urgent care, emergency room, or are admitted to a hospital or nursing home. (If the person is taken by a family member or guardian, the *Health Passport* and *Physician Consultation* form must be provided to them.)			

4. The Physician Consultation form must be reviewed, and any orders or changes must be noted and processed as needed by the provider within 24 hours. 5. Provider Agencies must document that the *Health Passport* and *Physician Consultation* form and Advanced Healthcare Directives were delivered to the treating healthcare professional by one of the following means: a. document delivery using the *Appointments Results* section in *Therap Health Tracking Appointments*; and b. scan the signed *Physician Consultation Form* and any provided follow-up documentation into Therap after the person returns from the healthcare visit. **Chapter 13 Nursing Services: 13.2.3 General Requirements Related to Orders, Implementation, and Oversight** 1. Each person has a licensed primary care practitioner and receives an annual physical examination, dental care and specialized medical/behavioral care as needed. PPN communicate with providers regarding the person as needed. 2. Orders from licensed healthcare providers are implemented promptly and carried out until discontinued. a. The nurse will contact the ordering or on call practitioner as soon as possible, or within three business days, if the order cannot be implemented due to the person's or guardian's refusal or due to other issues delaying implementation of the order. The nurse must clearly document the issues and all attempts to resolve the problems with all involved parties. b. Based on prudent nursing practice, if a nurse determines to hold a practitioner's order, they are required to immediately document the circumstances and rationale for this decision and to notify			

the ordering or on call practitioner as soon as possible, but no later than the next business day. c. If the person resides with their biological family, and there are no nursing services budgeted, the family is responsible for implementation or follow up on all orders from all providers. Refer to Chapter 13.3 Adult Nursing Services.			

Tag # 1A09 Medication Delivery Routine Medication Administration	Condition of Participation Level Deficiency		
Developmental Disabilities Waiver Service Standards Eff 11/1/2021 **Chapter 10 Living Care Arrangements (LCA): 10.3.5 Medication Assessment and Delivery:** Living Supports Provider Agencies must support and comply with: 1. the processes identified in the DDSD AWMD training; 2. the nursing and DSP functions identified in the Chapter 13.3 Adult Nursing Services; 3. all Board of Pharmacy regulations as noted in Chapter 16.5 Board of Pharmacy; and 4. documentation requirements in a Medication Administration Record (MAR) as described in Chapter 20 20.6 Medication Administration Record (MAR) **Chapter 20 Provider Documentation and Client Records: 20.6 Medication Administration Record (MAR):** Administration of medications apply to all provider agencies of the following services: living supports, customized community supports, community integrated employment, intensive medical living supports. 1. Primary and secondary provider agencies are to utilize the Medication Administration Record (MAR) online in Therap. 2. Providers have until November 1, 2022, to have a current Electronic Medication Administration Record online in Therap in all settings where medications or treatments are delivered. 3. Family Living Providers may opt not to use MARs if they are the **sole** provider who supports the person and are related by affinity or consanguinity. However, if there are services provided by unrelated DSP, ANS for Medication Oversight must be budgeted, a MAR online in Therap must be created and used by the DSP.	After an analysis of the evidence, it has been determined there is a significant potential for a negative outcome to occur. Medication Administration Records (MAR) were reviewed for the months of October, November, and December 2022. Based on record review, 9 of 9 individuals had Medication Administration Records (MAR), which contained missing medications entries and/or other errors: Individual #5 October 2022 No Physician's Orders were found for medications listed on the Medication Administration Records for the following medications: • Clindamycin PH 1% Solution • Divalproex DR Sprinkle 125mg • Loratadine 10mg • Lorazepam 1mg • Multivitamin • Naltrexone 50mg • Nystatin Cream 100,000usp • Polyethylene Glycol 3350 November 2022 Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries: • Divalproex DR Sprinkle 125mg (2 times daily) – Blank 11/13, 14, 20, 21, 23 - 25	**Provider:** **State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible an overall correction?)*: → **Provider:** **Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)*: →	

4. Provider Agencies must configure and use the MAR when assisting with medication. 5. Provider Agencies Continually communicating any changes about medications and treatments between Provider Agencies to assure health and safety. 6. Provider agencies must include the following on the MAR: a. The name of the person, a transcription of the physician's or licensed health care provider's orders including the brand and generic names for all ordered routine and PRN medications or treatments, and the diagnoses for which the medications or treatments are prescribed. b. The prescribed dosage, frequency and method or route of administration; times and dates of administration for all ordered routine and PRN medications and other treatments; all over the counter (OTC) or "comfort" medications or treatments; all self-selected herbal preparation approved by the prescriber, and/or vitamin therapy approved by prescriber. c. Documentation of all time limited or discontinued medications or treatments. d. The initials of the person administering or assisting with medication delivery. e. Documentation of refused, missed, or held medications or treatments. f. Documentation of any allergic reaction that occurred due to medication or treatments. g. For PRN medications or treatments including all physician approved over the counter medications and herbal or other supplements: i. instructions for the use of the PRN medication or treatment which must include observable signs/symptoms or circumstances in which the medication or treatment is to be used and the	(8:00 AM), 11/7, 11 – 15, 17 – 20, 22, 24, 25, 28 (8:00 PM) • Loradamed 10mg (1 time daily) – Blank 11/13, 14 (8:00 AM) • Loratadine 10mg (1 time daily) – Blank 11/2 – 14, 20, 21, 23 – 25 (8:00 AM) • Lorazepam 1mg (1 time daily) – Blank 11/13, 14, 20, 21, 23 – 25 (8:00 AM) • Multivitamin (1 time daily) – Blank 11/13 – 14, 20, 21, 23 – 25 (8:00 AM) • Naltrexone 50mg (1 time daily) – Blank 11/7, 11 – 14, 17 – 20, 22, 24, 25, 28, 29 (8:00 PM) • Polyethylene Glycol 3350 (1 time daily) – Blank 11/13, 14, 20, 21, 23 – 25 (8:00 AM) No Physician's Orders were found for medications listed on the Medication Administration Records for the following medications: • Divalproex DR Sprinkle 125mg • Loradamed 10mg • Loratadine 10mg • Lorazepam 1mg • Multivitamin • Naltrexone 50mg • Nystatin Cream 100,000usp • Polyethylene Glycol 3350 December 2022		

number of doses that may be used in a 24-hour period; ii. clear follow-up detailed documentation that the DSP contacted the agency nurse prior to assisting with the medication or treatment; and iii. documentation of the effectiveness of the PRN medication or treatment. **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. All PRN (As needed) medications shall have complete detail instructions regarding the administering of the medication. This shall include:	Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries: • Divalproex DR 125mg (2 times daily) – Blank 12/3 – 5 (8:00 PM) • Lorazepam 1mg (1 time daily) – Blank 12/12 (8:00 AM) • Naltrexone 50mg (1 time daily) – Blank 12/3 – 5 (8:00 PM) • Nystatin Cream 100,000 USP (2 times daily) – Blank 12/1 – 13 (8:00 AM & 8:00 PM) • Tretion 0.025% Cream (1 time daily) – Blank 12/1 – 13 (8:00 PM) Individual #10 October 2022 No Physician's Orders were found for medications listed on the Medication Administration Records for the following medications: • Buspar 10mg • Depakote 250mg • Quetiapine Furmate 100mg Individual #11 October 2022 Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries: • Polyethylene Glycol 3350 (1 time daily) – Blank 10/1 – 27 (8:00 AM) No Physician's Orders were found for medications listed on the Medication Administration Records for the following medications:		

➢ 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.	• Amitriptyline HCL 10mg • Benztropine MES 1mg • Carbamazepine 200mg • Gabapentin 300mg • Latuda 20mg • Lorazepam 0.5mg • Memantine HCL ER 28mg • Pantoprazole Sod Dr 40mg • Polyethylene Glycol 3350 • Propranolol ER 60mg • Risperidone 0.5mg • Risperidone 1mg • Sucralfate 1gm • Zenpep Dr 40,000 unit November 2022 Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries: • Amitriptyline HCL 10mg (1 time daily) – Blank 11/7, 11 – 20, 24 – 26, 28, 29 (8:00 PM) • Benztropine MES 1mg (2 times daily) – Blank 11/1, 7, 13, 14, 19 – 21, 23 – 25, 28, 29 (8:00 AM), 11/7, 11 – 20, 22, 24 – 26, 28, 29 (8:00 PM)		

	• Carbamazepine 200mg (3 times daily) – Blank 11/1, 7, 13, 14, 19 – 21, 23 – 25 (8:00 AM), 11/12, 13, 20, 23, 25, 28, 29 (12:00 PM), 11/7, 11 – 20, 22, 24, 25, 28, 29 (8:00 PM) • Gabapentin 300mg (3 times daily) – Blank 11/1, 7, 13, 14, 19 – 21, 23 – 25 (8:00 AM), 11/1 – 4, 10 – 23, 25, 27 – 29 (12:00 PM), 11/3, 7, 11 – 20, 22, 24 – 26, 28, 29 (8:00 PM) • Lorazepam 0.5mg (1 time daily) – Blank 11/2, 10, 12 – 16, 18 – 19, 22, 27 – 29 (3:00 PM) • Memantine HCL ER 28mg (1 time daily) – Blank 11/1, 7, 13, 14, 19 – 21, 23 – 25 (8:00 AM) • Ondansetron 4mg (3 times daily) – Blank 11/29, 30 (8:00 AM, 2:00 PM, & 8:00 PM) • Pantoprazole Sod DR 40mg (2 times daily) – Blank 11/1, 13 - 14, 19 – 21, 23 – 25 (8:00 AM), 11/7, 11 – 20, 22, 24 – 26, 28 (8:00 PM) • Polyethylene Glycol 3350 (2 times daily) – Blank 11/1, 7, 13, 14, 19 – 21, 23 – 25 (8:00 AM), 11/1 – 4, 7 - 26, 28 – 30 (8:00 PM) • Propranolol ER 60mg (1 time daily) – Blank 11/1, 7, 13, 14, 19 – 21, 23 – 25 (8:00 AM) • Risperidone 0.5mg (2 times daily) – Blank 11/1 – 4, 10 – 23, 25, 28, 29 (12:00 PM), 11/7, 11 – 20, 22, 24, 25, 28, 29 (8:00 PM)		

	• Risperidone 1mg (1 time daily) – Blank 11/3, 7, 11 – 20, 22, 24, 25, 28, 29 (8:00 PM) • Zenpep Dr 40,000 unit (3 times daily) – Blank 11/1, 7, 13, 14, 19 -21, 23 – 25 (8:00 AM), 11/1 – 4, 10 – 23, 25, 28, 29 (12:00 PM), 11/11 – 15, 14 – 23, 25, 28, 29 (8:00 PM) No Physician's Orders were found for medications listed on the Medication Administration Records for the following medications: • Amitriptyline HCL 10mg • Benztropine MES 1mg • Carbamazepine 200mg • Cephalexin 500mg • Gabapentin 300mg • Latuda 20mg • Lorazepam 0.5mg • Memantine HCL ER 28mg • Ondansetron 4mg • Pantoprazole Sod Dr 40mg • Polyethylene Glycol 3350 • Propranolol ER 60mg • Risperidone 0.5mg • Risperidone 1mg • Sucralfate 1gm		

	• Zenpep Dr 40,000 unit December 2022 Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries: • Benztropine MES 1mg (2 times daily) – Blank 12/11 (8:00 PM). • Carbamazepine 200mg (3 times daily) – Blank 12/11 (8:00 AM & 8:00 PM). • Cephalexin 500mg (2 times daily) – Blank 12/3 – 5 (8:00 AM & 8:00 PM). • Gabapentin 600mg (3 times daily) – Blank 12/8, 10 – 12 (8:00 AM), 12/8 – 11 (12:00 PM), 12/10 – 11 (8:00 PM). • Lorazepam 0.5mg (1 time daily) – Blank 12/11 (3:00 PM) • Memantine HCL ER 28mg (1 time daily) – Blank 12/11 (8:00 AM) • Ondansetron HCL 4 mg (3 times daily) – Blank 12/1 (8:00 AM, 2:00 PM & 8:00 PM). • Polyethylene Glycol 3350 (2 times daily) – Blank 12/5, 10, 12 (8:00 AM) • Risperidone 0.5mg (2 times daily) – Blank 12/3 – 5, 9, 11 (12:00 PM) • Risperidone 1mg (1 time daily) – Blank 12/5 (8:00 PM) • Zenpep DR 40,000 Unit (3 times daily) – Blank 12/11 (8:00 AM), 12/9, 11 (12:00 PM); 12/2 (5:00 PM)		

	Individual #12 November 2022 Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries: • Ketoconazole 2% Cream (1 time daily) – Blank 11/7 – 30 (8:00 PM) • Nizoral 2% Shampoo (2 times weekly) – Blank 11/7, 14, 21, 28 (8:00 AM) No Physician's Orders were found for medications listed on the Medication Administration Records for the following medications: • Allopurinol 100mg • Fish Oil 500mg • Keppra 250mg Individual #13 November 2022 No Physician's Orders were found for medications listed on the Medication Administration Records for the following medications: • Divalproex Sod Dr 250mg • Famotidine 20mg • Hydrochlorothiazide 25mg • Hydroxyzine PAM 50mg • Levothyroxine 0.175mcg • Levothyroxine 75mcg • Losartan Potassium 100mg • Olanzapine 15mg		

	• Trazodone 100mg Individual #16 October 2022 No Physician's Orders were found for medications listed on the Medication Administration Records for the following medications: • Calcium with Vitamin D600 Liquid • Fluoxetine HCL 20mg • Fluoxetine HCL 40mg • Latuda 60mg • Lamotrigine 200mg • Levetiracetam 750mg • Norethin – Eth – Estrad 1mg November 2022 No Physician's Orders were found for medications listed on the Medication Administration Records for the following medications: • Calcium with Vitamin D600 Liquid • Fluoxetine HCL 20mg • Fluoxetine HCL 40mg • Latuda 60mg • Lamotrigine 200mg • Levetiracetam 750mg • Norethin – Eth – Estrad 1mg Individual #17		

	December 2022 Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries: • Fish Oil 1,000mg (1 time daily) – Blank 12/15 (6:00 PM). As indicated by the Medication Administration Records the individual is to take Lisinopril 20mg (1 time daily). According to the medication label Lisinopril 10mg is to be taken (1 time daily). Medication Administration Records and medication label do not match. Individual #19 October 2022 No Physician's Orders were found for medications listed on the Medication Administration Records for the following medications: • Colace 100mg • Folic Acid 1mg • Lamotrigine 200mg • Oyster Shell Calcium 500mg • Phenobarbital 97.2mg • Topiramate 50mg • Vitamin B – 1 100mg • Vitamin D3 1,000 unit November 2022 No Physician's Orders were found for medications listed on the Medication Administration Records for the following medications:		

	• Colace 100mg • Folic Acid 1mg • Lamotrigine 200mg • Oyster Shell Calcium 500mg • Phenobarbital 97.2mg • Topiramate 50mg • Vitamin B – 1 100mg • Vitamin D3 1,000 unit Individual #21 October 2022 No Physician's Orders were found for medications listed on the Medication Administration Records for the following medications: • Vitamin D3 1,000 unit November 2022 Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries: • Baclofen 20mg (3 times daily) – Blank 11/7, 14, 20, 24, 25 (8:00 AM), 11/11, 14 – 20, 28, 29 (12:00 PM), 11/11, 13 – 15, 17 – 20, 22, 24, 25, 28, 29 (8:00 PM) • Cal – Gest 500mg (2 times daily) – Blank 11/7, 14, 20, 24, 25 (8:00 AM), 11/11, 13 – 15, 17 – 20, 22, 24 , 25, 28, 29 (8:00 PM) • Calmoseptine Ointment (4 times daily) – Blank 11/1, 3, 14, 20, 24, 25 (8:00 AM), 11/1 – 4, 8 – 11, 14 – 25, 28 – 30 (10:00 AM); 11/1 – 4, 7 – 11, 13 – 25, 28 – 30 (3:00 PM); 11/11, 13 – 15, 17 – 20, 22, 24, 25, 28, 29 (8:00 PM)		

	• Carbamazepine 100mg (3 times daily) – Blank 11/14, 20, 24, 25 (8:00 AM), 11/11, 14 – 20, 28, 29 (12:00 PM), 11/11, 13 – 15, 17 – 20, 22, 24, 25, 28, 29 (8:00 PM) • Docusate Sodium 100mg (3 times weekly) – Blank 11/11, 14, 18, 25, 28 (8:00 PM) • Ketoconazole 2% Shampoo (2 times weekly) – Blank 11/1, 4, 8, 11, 18, 22, 25, 29 (8:00 AM) • Multivitamin (1 time daily) – Blank 11/7, 14, 20, 24, 25 (8:00 AM) • Omeprazole DR 20mg (1 time daily) – Blank 11/7, 14, 20, 24, 25 (8:00 AM) • Rosuvastatin Calcium 20mg (1 time daily) – Blank 11/11, 13 – 15, 17 – 20, 22, 24, 25, 28, 29 (8:00 PM) • Vitamin D3 1,000 unit (1 time daily) – Blank 11/7, 14, 20, 24, 25 (8:00 AM) No Physician's Orders were found for medications listed on the Medication Administration Records for the following medications: • Vitamin D3 1,000unit December 2022 Medication Administration Records contained missing entries. No documentation found indicating reason for missing entries: • Baclofen 20mg (1 time daily) – Blank 12/5 (8:00 PM). • Cal – Gest 500mg (2 times daily) – Blank 12/5 (8:00 PM)		

	• Calmoseptine Ointment (4 times daily) – Beginning Nov 1, 2022 MAR are required to be completed in Therap, at the time of the survey the agency was using a combination of Therap and paper MARs with varying discrepancies. (Therap indicated) Blank 12/1 – 13 (10:00 AM), 12/1 – 12 (3:00 PM), (Paper indicated) - Blank 12/1 – 12 (12:00 AM), 12/1 – 2, 6 – 9, 12, 13 (12:00 PM). • Ketoconazole 2% Shampoo (2 times weekly) – Blank 12/2, 6, 9, 13 (8:00 PM) • Rosuvastatin Calcium 20mg (1 time daily) – Blank 12/5 (8:00 PM) • Vitamin D3 1,000 Unit (1 time daily) – Blank 12/12 (8:00 AM)		

Tag # 1A09.0 Medication Delivery Routine Medication Administration	Standard Level Deficiency		
Developmental Disabilities Waiver Service Standards Eff 11/1/2021 **Chapter 10 Living Care Arrangements (LCA): 10.3.5 Medication Assessment and Delivery:** Living Supports Provider Agencies must support and comply with: 1. the processes identified in the DDSD AWMD training; 2. the nursing and DSP functions identified in the Chapter 13.3 Adult Nursing Services; 3. all Board of Pharmacy regulations as noted in Chapter 16.5 Board of Pharmacy; and 4. documentation requirements in a Medication Administration Record (MAR) as described in Chapter 20 20.6 Medication Administration Record (MAR) **Chapter 20 Provider Documentation and Client Records: 20.6 Medication Administration Record (MAR):** Administration of medications apply to all provider agencies of the following services: living supports, customized community supports, community integrated employment, intensive medical living supports. 1. Primary and secondary provider agencies are to utilize the Medication Administration Record (MAR) online in Therap. 2. Providers have until November 1, 2022, to have a current Electronic Medication Administration Record online in Therap in all settings where medications or treatments are delivered. 3. Family Living Providers may opt not to use MARs if they are the **sole** provider who supports the person and are related by affinity or consanguinity. However, if there are services provided by unrelated DSP, ANS for Medication Oversight must be budgeted, a MAR online in Therap must be created and used by the DSP.	Medication Administration Records (MAR) were reviewed for the months of October, November, and December 2022. Based on record review, 2 of 9 individuals had Medication Administration Records (MAR), which contained missing medications entries and/or other errors: Individual #11 December 2022 Beginning Nov 1, 2022 MAR are required to be completed in Therap, at the time of the survey the agency was using a combination of Therap and paper MARs with varying discrepancies. • Gabapentin 300mg (3 times daily) – Medication discontinued on Therap Medication Administration Record on 12/8/2022. As indicated by paper MAR found in home staff continued to assist the Individual with medication on 12/10, 11, 2022. (8:00 AM & 8:00 PM). Individual #21 December 2022 Beginning Nov 1, 2022 MAR are required to be completed in Therap, at the time of the survey the agency was using a combination of Therap and paper MARs with varying discrepancies. • Calmoseptine Ointment (4 times daily) – Therap Medication Administration Records indicate medication is to be assisted with 4 times daily (8:00 AM, 10:00 AM, 3:00 PM, & 12:00 AM). As indicated by paper MAR found in home staff are assisting the Individual with medication at 8:00 AM,12:00 PM, 8:00 PM, & 12:00 AM.	**Provider:** **State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible an overall correction?)*: → **Provider:** **Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)*: →	

4. Provider Agencies must configure and use the MAR when assisting with medication. 5. Provider Agencies Continually communicating any changes about medications and treatments between Provider Agencies to assure health and safety. 6. Provider agencies must include the following on the MAR: a. The name of the person, a transcription of the physician's or licensed health care provider's orders including the brand and generic names for all ordered routine and PRN medications or treatments, and the diagnoses for which the medications or treatments are prescribed. b. The prescribed dosage, frequency and method or route of administration; times and dates of administration for all ordered routine and PRN medications and other treatments; all over the counter (OTC) or "comfort" medications or treatments; all self-selected herbal preparation approved by the prescriber, and/or vitamin therapy approved by prescriber. c. Documentation of all time limited or discontinued medications or treatments. d. The initials of the person administering or assisting with medication delivery. e. Documentation of refused, missed, or held medications or treatments. f. Documentation of any allergic reaction that occurred due to medication or treatments. g. For PRN medications or treatments including all physician approved over the counter medications and herbal or other supplements: i. instructions for the use of the PRN medication or treatment which must include observable signs/symptoms or circumstances in which the medication or treatment is to be used and the			

number of doses that may be used in a 24-hour period; ii. clear follow-up detailed documentation that the DSP contacted the agency nurse prior to assisting with the medication or treatment; and iii. documentation of the effectiveness of the PRN medication or treatment. **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. 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.			

Tag # 1A09.1 Medication Delivery PRN Medication Administration	Condition of Participation Level Deficiency		
Developmental Disabilities Waiver Service Standards Eff 11/1/2021 **Chapter 10 Living Care Arrangements (LCA): 10.3.5 Medication Assessment and Delivery:** Living Supports Provider Agencies must support and comply with: 1. the processes identified in the DDSD AWMD training; 2. the nursing and DSP functions identified in the Chapter 13.3 Adult Nursing Services; 3. all Board of Pharmacy regulations as noted in Chapter 16.5 Board of Pharmacy; and 4. documentation requirements in a Medication Administration Record (MAR) as described in Chapter 20 20.6 Medication Administration Record (MAR) **Chapter 20 Provider Documentation and Client Records: 20.6 Medication Administration Record (MAR):** Administration of medications apply to all provider agencies of the following services: living supports, customized community supports, community integrated employment, intensive medical living supports. 1. Primary and secondary provider agencies are to utilize the Medication Administration Record (MAR) online in Therap. 2. Providers have until November 1, 2022, to have a current Electronic Medication Administration Record online in Therap in all settings where medications or treatments are delivered. 3. Family Living Providers may opt not to use MARs if they are the **sole** provider who supports the person and are related by affinity or consanguinity. However, if there are services provided by unrelated DSP, ANS for Medication Oversight must be budgeted, a MAR online in Therap must be created and used by the DSP.	After an analysis of the evidence, it has been determined there is a significant potential for a negative outcome to occur. Medication Administration Records (MAR) were reviewed for the months of October, November, and December 2022 Based on record review, 7 of 9 individuals had PRN Medication Administration Records (MAR), which contained missing elements as required by standard: Individual #5 October 2022 As indicated by the Medication Administration Records the individual is to take Acetaminophen 325mg (PRN). According to the Physician's Orders, Acetaminophen 325mg is to be taken 1 – 2 tablets every 4 hours as needed. Medication Administration Record and Physician's Orders do not match. As indicated by the Medication Administration Records the individual is to take Deep Sea 0.56% Spray (PRN). According to the Physician's Orders, Deep Sea 0.56% Spray is to be taken 1 – 2 squeezes as needed. Medication Administration Record and Physician's Orders do not match. As indicated by the Medication Administration Records the individual is to take Guaifenesin DM Syrup (PRN). According to the Physician's Orders, Guaifenesin DM Syrup is to be taken 2 teaspoons every 6 – 8 hours, not to exceed 8 teaspoons in 24-hours. Medication Administration Record and Physician's Orders do not match.	**Provider:** **State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible an overall correction?)***:** → **Provider:** **Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)***:** →	

4. Provider Agencies must configure and use the MAR when assisting with medication. 5. Provider Agencies Continually communicating any changes about medications and treatments between Provider Agencies to assure health and safety. 6. Provider agencies must include the following on the MAR: a. The name of the person, a transcription of the physician's or licensed health care provider's orders including the brand and generic names for all ordered routine and PRN medications or treatments, and the diagnoses for which the medications or treatments are prescribed. b. The prescribed dosage, frequency and method or route of administration; times and dates of administration for all ordered routine and PRN medications and other treatments; all over the counter (OTC) or "comfort" medications or treatments; all self-selected herbal preparation approved by the prescriber, and/or vitamin therapy approved by prescriber. c. Documentation of all time limited or discontinued medications or treatments. d. The initials of the person administering or assisting with medication delivery. e. Documentation of refused, missed, or held medications or treatments. f. Documentation of any allergic reaction that occurred due to medication or treatments. g. For PRN medications or treatments including all physician approved over the counter medications and herbal or other supplements: i. instructions for the use of the PRN medication or treatment which must include observable signs/symptoms or circumstances in which the medication or treatment is to be used and the	As indicated by the Medication Administration Records the individual is to take Ibuprofen 200mg (PRN). According to the Physician's Orders, Ibuprofen 200mg is to be taken 1 – 2 tablets every 4 hours, not to exceed 8 tablets in 24-hours. Medication Administration Record and Physician's Orders do not match. As indicated by the Medication Administration Records the individual is to take Maalox (PRN). According to the Physician's Orders, Maalox is to be taken 2 tablespoons every 30 – 60 minutes, not to exceed 8 doses in 24-hours. Medication Administration Record and Physician's Orders do not match. Physician's Orders indicated the following medication were to be given. The following Medications were not documented on the Medication Administration Records: • Acetaminophen 500mg (PRN) No Physician's Orders were found for medications listed on the Medication Administration Records for the following medications: • Diphenhydramine 25mg (PRN) • Loperamide 2mg (PRN) • Olanzapine ODT 10mg (PRN) • Triple Antibiotic Ointment (PRN) November 2022 As indicated by the Medication Administration Records the individual is to take Acetaminophen 325mg (PRN). According to the Physician's Orders, Acetaminophen 325mg is to be taken 1 – 2		

number of doses that may be used in a 24-hour period; ii. clear follow-up detailed documentation that the DSP contacted the agency nurse prior to assisting with the medication or treatment; and iii. documentation of the effectiveness of the PRN medication or treatment. **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. All PRN (As needed) medications shall have complete detail instructions regarding the administering of the medication. This shall include:	tablets every 4 hours as needed. Medication Administration Record and Physician's Orders do not match. As indicated by the Medication Administration Records the individual is to take Deep Sea 0.56% Spray (PRN). According to the Physician's Orders, Deep Sea 0.56% Spray is to be taken 1 – 2 squeezes as needed. Medication Administration Record and Physician's Orders do not match. As indicated by the Medication Administration Records the individual is to take Guaifenesin DM Syrup (PRN). According to the Physician's Orders, Guaifenesin DM Syrup is to be taken 2 teaspoons every 6 – 8 hours, not to exceed 8 teaspoons in 24-hours. Medication Administration Record and Physician's Orders do not match. As indicated by the Medication Administration Records the individual is to take Ibuprofen 200mg (PRN). According to the Physician's Orders, Ibuprofen 200mg is to be taken 1 – 2 tablets every 4 hours, not to exceed 8 tablets in 24-hours. Medication Administration Record and Physician's Orders do not match. As indicated by the Medication Administration Records the individual is to take Maalox (PRN). According to the Physician's Orders, Maalox is to be taken 2 tablespoons every 30 – 60 minutes, not to exceed 8 doses in 24-hours. Medication Administration Record and Physician's Orders do not match. Physician's Orders indicated the following medication were to be given. The following		

➢ 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.	Medications were not documented on the Medication Administration Records: • Acetaminophen 500mg (PRN) No Physician's Orders were found for medications listed on the Medication Administration Records for the following medications: • Alka Seltzer 325mg / 1000mg / 1916mg (PRN) • Diphenhydramine 25mg (PRN) • Loperamide 2mg (PRN) • Olanzapine ODT 10mg (PRN) • Triple Antibiotic Ointment (PRN) • Zycam Nasal Swab (PRN) • Zydis 10mg (PRN) December 2022 Beginning Nov 1, 2022 MAR are required to be completed in Therap, at the time of the survey the agency was using a combination of Therap and paper MARs with varying discrepancies for the following: • Pink Bismuth (PRN) – Therap Medication Administration Record indicates 2 tablespoons every 30 – 60 minutes. Paper Medication Administration Record indicates 30ml every 4 hours as needed. • Eucerin Cream (PRN) – Therap Medication Administration Record indicates 3 times daily as needed. Paper Medication Administration Record indicates 1 application as needed.		

	• Robafen DM (PRN) – Therap Medication Administration Record indicates 10ml every 6 – 8 hours as needed. Paper Medication Administration Record indicates the medication should be given every 4 hours as needed. Individual #11 October 2022 No Physician's Orders were found for medications listed on the Medication Administration Records for the following medications: • Acetaminophen 500mg (PRN) • Lactulose 10gm / 15ml Solution (PRN) November 2022 No Physician's Orders were found for medications listed on the Medication Administration Records for the following medications: • Acetaminophen 500mg (PRN) • Albuterol HFA 90mgc Inhaler (PRN) • Alprazolam 0.5mg (PRN) • Hydrocortisone 2.5% Cream (PRN) • Ibuprofen 600mg (PRN) • Lactulose 10gm / 15ml Solution (PRN) • Ondansetron 4mg (PRN) • Procto Med HC 2.5% Cream (PRN) December 2022 As indicated by the Medication Administration Records the individual is to		

	take Lactulose 10gm/15ml (PRN). According to the medication label the individual is to take Lactulose-45ml (PRN). Medication Administration Records and medication label do not match. Individual #12 October 2022 No Physician's Orders were found for medications listed on the Medication Administration Records for the following medications: • Indomethacin 50mg (PRN) • Loperamide 2mg (PRN) Individual #16 October 2022 As indicated by the Medication Administration Records the individual is to take Ibuprofen 200mg (PRN) 2 tablets every four hours. According to the Physician's Orders, Ibuprofen 200mg (PRN) is to be taken 2 tablets every 6 hours as needed. Medication Administration Record and Physician's Orders do not match. As indicated by the Medication Administration Records the individual is to take Diphenhydramine 25mg (PRN) 1 – 2 tablets by mouth daily, not to exceed 2 tablets in 24-hours. According to the Physician's Orders, Diphenhydramine 25mg (PRN) is to be taken 1 tablet every 8 hours as needed, not to exceed 3 tablets in 24-hours. Medication Administration Record and Physician's Orders do not match. As indicated by the Medication Administration Records the individual is to take Maalox (PRN) 1 – 2 teaspoons by mouth every 2 – 4 hours, not to exceed 8 teaspoons in 24-hours. According to the Physician's Orders, Maalox (PRN) is to be		

	taken 10ml every 4 hours as needed, not to exceed 4 doses in 24-hours. Medication Administration Record and Physician's Orders do not match. As indicated by the Medication Administration Records the individual is to take Robitussin Syrup (PRN) 2 teaspoons by mouth every 6 – 8 hours, not to exceed 2 tablets in 24-hours. According to the Physician's Orders, Robitussin Syrup (PRN) is to be taken 1 tablet every 8 hours as needed, not to exceed 3 tablets in 24-hours. Medication Administration Record and Physician's Orders do not match. No Physician's Orders were found for medications listed on the Medication Administration Records for the following medications: • Acetaminophen 500mg (PRN) • Imodium 2mg (PRN) • Lorazepam 1 mg (PRN) Individual #18 October 2022 No Physician's Orders were found for medications listed on the Medication Administration Records for the following medications: • Abreva 10% Cream (PRN) • Acyclovir 400mg (PRN) • Advil 200mg (PRN) • Benadryl Allergy 25mg (PRN) • Eucerin Lotion (PRN)		

	• Hydroxyzine HCL 25mg (PRN) • Loperamide 2mg (PRN) • Loratadine 10mg (PRN) • Maalox (PRN) • Milk of Magnesia (PRN) • Ocean 0.65% Nasal Spray (PRN) • Pepto Bismol (PRN) • Robitussin Cough – Chest (PRN) • Tylenol 325mg (PRN) Individual #19 October 2022 Beginning Nov 1, 2022 MAR are required to be completed in Therap, at the time of the survey the agency was using a combination of Therap and paper MARs with varying discrepancies for the following: • Loratadine 10mg (PRN) – Therap Medication Administration Record indicates 1 tablet every 4 hours as needed. Paper Medication Administration Record indicates to take 1 tablet daily as needed. • Ocean 0.65% Nasal Spray (PRN) – Therap Medication Administration Record indicates 1 spray as needed. Paper Medication Administration Record indicates to take 1 – 2 sprays as needed. • Pepto Bismol (PRN) – Therap Medication Administration Record indicates not to exceed 4 doses in 24 hours. Paper Medication Administration		

	Record indicates not to exceed 6 doses in 24 hours. November 2022 Beginning Nov 1, 2022 MAR are required to be completed in Therap, at the time of the survey the agency was using a combination of Therap and paper MARs with varying discrepancies for the following: • Loratadine 10mg (PRN) – Therap Medication Administration Record indicates 1 tablet every 4 hours as needed. Paper Medication Administration Record indicates to take 1 tablet daily as needed. • Ocean 0.65% Nasal Spray (PRN) – Therap Medication Administration Record indicates 1 spray as needed. Paper Medication Administration Record indicates to take 1 – 2 sprays as needed. • Pepto Bismol (PRN) – Therap Medication Administration Record indicates not to exceed 4 doses in 24 hours. Paper Medication Administration Record indicates not to exceed 6 doses in 24 hours. Individual #21 October 2022 As indicated by the Medication Administration Records the individual is to take Acetaminophen 325mg (PRN) 2 tablets by mouth every 4 hours as needed, not to exceed 3gm in 24-hours. According to the Physician's Orders, Acetaminophen 325mg is to be taken 4 hours as needed, not to exceed 8 tablets in 24-hours. Medication Administration Record and Physician's Orders do not match.		

	As indicated by the Medication Administration Records the individual is to take Loperamide 2mg (PRN) 2 capsules at onset, then 1 with each loose stool, not to exceed 8 capsules in 24-hours. According to the Physician's Orders, Loperamide 2mg (PRN) is to be taken 2 tablets at onset, then 1 tablet every 4 hours, not to exceed 4 tablets in 24-hours. Medication Administration Record and Physician's Orders do not match. As indicated by the Medication Administration Records the individual is to take Pink Bismuth (PRN) 30ml by mouth every 4 hours, not to exceed 8 doses in 24-hours. According to the Physician's Orders, Pink Bismuth (PRN) is to be taken 30ml by mouth every 4 hours, not to exceed 4 doses in 24-hours. Medication Administration Record and Physician's Orders do not match. No Physician's Orders were found for medications listed on the Medication Administration Records for the following medications: • Calamine Lotion (PRN) November 2022 Physician's Orders indicated the following medication were to be given. The following Medications were not documented on the Medication Administration Records: • Loperamide 2mg (PRN) No Physician's Orders were found for medications listed on the Medication Administration Records for the following medications: • Albuterol HFA Inhaler (PRN) • Calamine Lotion (PRN)		

	December 2022 Beginning Nov 1, 2022 MAR are required to be completed in Therap, at the time of the survey the agency was using a combination of Therap and paper MARs with varying discrepancies for the following: • Acetaminophen 325mg (PRN) – Therap Medication Administration Record indicates to give 1 – 2 tablets every 4 hours, not to exceed 8 tablets in 24-hours. Paper Medication Administration Record indicates to give 2 tablets every 4 hours, not to exceed 3gm in 24-hours. • Ibuprofen 200mg (PRN) – Therap Medication Administration Record indicates to give 1 – 2 tablets every 6 hours, no not to exceed in 24-hours. Paper Medication Administration Record indicates to give 2 tablets every 6 hours, not to exceed 8 tablets in 24-hours. • Maalox (PRN) – Therap Medication Administration Record indicates to give 1 – 2 teaspoons every 2 – 4 hours, not to exceed 4 doses in 24-hours. Paper Medication Administration Record indicates to give 10ml every 4 hours, not to exceed 10 teaspoons in 24-hours. • Pink Bismuth 262mg / 15ml (PRN) – Therap Medication Administration Record indicates to not to exceed 4 doses in 24-hours. Paper Medication Administration Record indicates not to exceed 8 doses in 24-hours.		

Tag # 1A09.1.0 Medication Delivery PRN Medication Administration	Standard Level Deficiency		
Developmental Disabilities Waiver Service Standards Eff 11/1/2021 **Chapter 10 Living Care Arrangements (LCA): 10.3.5 Medication Assessment and Delivery:** Living Supports Provider Agencies must support and comply with: 1. the processes identified in the DDSD AWMD training; 2. the nursing and DSP functions identified in the Chapter 13.3 Adult Nursing Services; 3. all Board of Pharmacy regulations as noted in Chapter 16.5 Board of Pharmacy; and 4. documentation requirements in a Medication Administration Record (MAR) as described in Chapter 20 20.6 Medication Administration Record (MAR) **Chapter 20 Provider Documentation and Client Records: 20.6 Medication Administration Record (MAR):** Administration of medications apply to all provider agencies of the following services: living supports, customized community supports, community integrated employment, intensive medical living supports. 1. Primary and secondary provider agencies are to utilize the Medication Administration Record (MAR) online in Therap. 2. Providers have until November 1, 2022, to have a current Electronic Medication Administration Record online in Therap in all settings where medications or treatments are delivered. 3. Family Living Providers may opt not to use MARs if they are the **sole** provider who supports the person and are related by affinity or consanguinity. However, if there are services provided by unrelated DSP, ANS for Medication Oversight must be budgeted, a MAR online in Therap must be created and used by the DSP.	Medication Administration Records (MAR) were reviewed for the months of October, November, and December 2022. Based on record review, 4 of 9 individuals had PRN Medication Administration Records (MAR), which contained missing elements as required by standard: Individual #5 October 2022 Medication Administration Records did not contain the number of doses that may be used in a 24-hour period: • Diphenhydramine 25mg (PRN) • Maalox (PRN) • Triple Antibiotic Ointment (PRN) • Zydis 10mg (PRN) November 2022 No Effectiveness was noted on the Medication Administration Record for the following PRN medication: • Acetaminophen 325mg – PRN – 11/2 (given 1 time) • Robafen Syrup – PRN – 11/25 (given 1 time) Medication Administration Records did not contain the number of doses that may be used in a 24-hour period: • Deep Sea 0.56% Spray • Diphenhydramine 25mg (PRN) • Maalox (PRN)	**Provider:** **State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible an overall correction?)*: → **Provider:** **Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)*: →	

4. Provider Agencies must configure and use the MAR when assisting with medication. 5. Provider Agencies Continually communicating any changes about medications and treatments between Provider Agencies to assure health and safety. 6. Provider agencies must include the following on the MAR: a. The name of the person, a transcription of the physician's or licensed health care provider's orders including the brand and generic names for all ordered routine and PRN medications or treatments, and the diagnoses for which the medications or treatments are prescribed. b. The prescribed dosage, frequency and method or route of administration; times and dates of administration for all ordered routine and PRN medications and other treatments; all over the counter (OTC) or "comfort" medications or treatments; all self-selected herbal preparation approved by the prescriber, and/or vitamin therapy approved by prescriber. c. Documentation of all time limited or discontinued medications or treatments. d. The initials of the person administering or assisting with medication delivery. e. Documentation of refused, missed, or held medications or treatments. f. Documentation of any allergic reaction that occurred due to medication or treatments. g. For PRN medications or treatments including all physician approved over the counter medications and herbal or other supplements: i. instructions for the use of the PRN medication or treatment which must include observable signs/symptoms or circumstances in which the medication or treatment is to be used and the	• Triple Antibiotic Ointment (PRN) • Zydis 10mg (PRN) Individual #11 October 2022 No Effectiveness was noted on the Medication Administration Record for the following PRN medication: • Acetaminophen 500mg – PRN – 10/9, 21, 29 (given 1 time) November 2022 No Effectiveness was noted on the Medication Administration Record for the following PRN medication: • Lactulose 10gm / 15ml Solution – PRN – 11/4 (given 1 time) Medication Administration Records did not contain the number of doses that may be used in a 24-hour period: • Procto Med HC 2.5% Cream (PRN) Individual #19 October 2022 Medication Administration Records did not contain the number of doses that may be used in a 24-hour period: • Abreva 10% Cream (PRN) November 2022 Medication Administration Records did not contain the number of doses that may be used in a 24-hour period: • Abreva 10% Cream (PRN) Individual #21 November 2022 No Effectiveness was noted on the Medication Administration Record for the following PRN medication:		

number of doses that may be used in a 24-hour period; ii. clear follow-up detailed documentation that the DSP contacted the agency nurse prior to assisting with the medication or treatment; and iii. documentation of the effectiveness of the PRN medication or treatment. **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. All PRN (As needed) medications shall have complete detail instructions regarding the administering of the medication. This shall include:	• Guaifenesin DM – PRN – 11/25 (given 1 time) Medication Administration Records did not contain the number of doses that may be used in a 24-hour period: • Albuterol HFA Inhaler (PRN) • Deep Sea 0.65% Nose Spray (PRN) • Olopatadine HCL 0.1% Eye Drops (PRN) December 2022 No Effectiveness was noted on the Medication Administration Record for the following PRN medication: • Milk of Magnesia – PRN – 12/7 (given 1 time) Medication Administration Records did not contain the number of doses that may be used in a 24-hour period: • Albuterol HFA 90 MCG (PRN) • Calamine Lotion (PRN) • Olopatadine HCL 0.1% Drop (PRN)		

➢ 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.			

Tag # 1A09.2 Medication Delivery Nurse Approval for PRN Medication	Condition of Participation Level Deficiency		
Developmental Disabilities Waiver Service Standards Eff 11/1/2021 **Chapter 10 Living Care Arrangements (LCA): 10.3.5 Medication Assessment and Delivery:** Living Supports Provider Agencies must support and comply with: 1. the processes identified in the DDSD AWMD training; 2. the nursing and DSP functions identified in the Chapter 13.3 Adult Nursing Services; 3. all Board of Pharmacy regulations as noted in Chapter 16.5 Board of Pharmacy; and 4. documentation requirements in a Medication Administration Record (MAR) as described in Chapter 20 20.6 Medication Administration Record (MAR) **Chapter 13 Nursing Services: 13.2 General Nursing Services Requirements and Scope of Services:** The following general requirements are applicable for all RNs and LPNs in the DD Waiver. This section represents the scope of nursing services. Refer to Chapter 10 Living Care Arrangements (LCA) for residential provider agency responsibilities related to nursing. Refer to Chapter 11.6 Customized Community Supports (CCS) for agency responsibilities related to nursing. **13.3.2.3 Medication Oversight:** Medication Oversight by a DD Waiver nurse is required in Family Living when a person lives with a non-related Family Living provider; for all JCMs; and whenever non-related DSP provide AWMD medication supports. 1. The nurse must respond to calls requesting delivery of PRN medications from AWMD trained DSP, non-related Family Living providers. 2. Family Living providers related by affinity or consanguinity (blood, adoption, or marriage) are not required to contact the	After an analysis of the evidence, it has been determined there is a significant potential for a negative outcome to occur. Based on record review, the Agency did not maintain documentation of PRN authorization as required by standard for 3 of 9 Individuals. Individual #11 October 2022 No documentation of the verbal authorization from the Agency nurse prior to each administration / assistance of PRN medication was found for the following PRN medication: • Acetaminophen 500mg – PRN – 10/9, 12, 21 (given 1 time). • Lactulose 10gm / 15ml Solution – PRN – 10/31 (Given 1 time) November 2022 No documentation of the verbal authorization from the Agency nurse prior to each administration / assistance of PRN medication was found for the following PRN medication: • Acetaminophen 500mg – PRN – 11/16 (given 1 time) • Lactulose 10gm / 15ml Solution – PRN – 11/4 (Given 1 time) Individual #16 October 2022 No documentation of the verbal authorization from the Agency nurse prior to each administration / assistance of PRN medication was found for the following PRN medication:	**Provider:** **State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible, an overall correction?)*: → **Provider:** **Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)*: →	

nurse prior to assisting with delivery of a PRN medication. **13.2.8.1.3 Assistance with Medication Delivery by Staff (AWMD):** For people who do not meet the criteria to self-administer medications independently or with physical assistance, trained staff may assist with medication delivery if: 1. Criteria in the MAAT are met. 2. Current written consent has been obtained from the person/guardian/surrogate healthcare decision maker. 3. There is a current Primary Care Practitioner order to receive AWMD by staff. 4. Only AWMD trained staff, in good standing, may support the person with this service. 5. All AWMD trained staff must contact the on-call nurse prior to assisting with a PRN medication of any type. a. Exceptions to this process must comply with the DDSD Emergency Medication list as part of a documented MERP with evidence of DSP training to skill level.	• Acetaminophen 500mg – PRN – 10/19 (given 1 time) Individual #21: No documentation of the verbal authorization from the Agency nurse prior to each administration / assistance of PRN medication was found for the following PRN medication: • Guaifenesin DM – PRN – 11/25 (given 1 time)		

Tag # 1A15.2 Administrative Case File: Healthcare Documentation (Therap and Required Plans)	Condition of Participation Level Deficiency		
Developmental Disabilities Waiver Service Standards Eff 11/1/2021 **Chapter 3: Safeguards: Decisions about Health Care or Other Treatment: Decision Consultation and Team Justification** **Process:** There are a variety of approaches and available resources to support decision making when desired by the person. The decision consultation and team justification processes assist participants and their health care decision makers to document their decisions. It is important for provider agencies to communicate with guardians to share with the Interdisciplinary Team (IDT) Members any medical, behavioral, or psychiatric information as part of an individual's routine medical or psychiatric care. For current forms and resources please refer to the DOH Website: https://nmhealth.org/about/ddsd/. 3.1.1 **Decision Consultation Process (DCP):** Health decisions are the sole domain of waiver participants, their guardians or healthcare decision makers. Participants and their healthcare decision makers can confidently make decisions that are compatible with their personal and cultural values. Provider Agencies and Interdisciplinary Teams (IDTs) are required to support the informed decision making of waiver participants by supporting access to medical consultation, information, and other available resources 2. The Decision Consultation Process (DCP) is documented on the Decision Consultation and Team Justification Form (DC/TJF) and is used for health related issues when a person or their guardian/healthcare decision maker has concerns, needs more information about these types of issues or has decided not to follow all or part of a healthcare-related order, recommendation,	After an analysis of the evidence, it has been determined there is a significant potential for a negative outcome to occur. Based on record review, the Agency did not maintain the required documentation in the Individuals Agency Record as required by standard for 9 of 22 individuals. Review of the administrative individual case files revealed the following items were not found, incomplete, and/or not current: **Healthcare Passport:** • Did not contain Name of Physician (#8, 11, 13) • Did not contain Emergency Contact Information (#8) • Did not contain Information Regarding Insurance (#8, 13, 15, 20) • Did not contain Guardianship / Healthcare Decision Maker (#8) **Health Care Plans:** ***Colostomy:*** • Individual #16 – Per the Electronic Comprehensive Health Assessment Tool the individual is required to have a plan. No evidence of a plan found. ***Constipation:*** • Individual #21 – Per the Electronic Comprehensive Health Assessment Tool the individual is required to have a plan. No evidence of a plan found. ***Paralysis:***	**Provider:** **State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible an overall correction?)*: → **Provider:** **Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)*: →	

or suggestion. This includes, but is not limited to: a. medical orders or recommendations from the Primary Care Practitioner, Specialists or other licensed medical or healthcare practitioners such as a Nurse Practitioner (NP or CNP), Physician Assistant (PA) or Dentist; b. clinical recommendations made by registered/licensed clinicians who are either members of the IDT (e.g., nurses, therapists, dieticians, BSCs or PRS Risk Evaluator) or clinicians who have performed evaluations such as a video-fluoroscopy; c. health related recommendations or suggestions from oversight activities such as the Individual Quality Review (IQR); and d. recommendations made by a licensed professional through a Healthcare Plan (HCP), including a Comprehensive Aspiration Risk Management Plan (CARMP), a Medical Emergency Response Plan (MERP) or another plan such as a Risk Management Plan (RMP) or a Behavior Crisis Intervention Plan (BCIP). **Chapter 10 Living Care Arrangements: Supported Living Requirements: 10.4.1.5.1 Monitoring and Supervision:** Supported Living Provider Agencies must: Ensure and document the following: a. The person has a Primary Care Practitioner. b. The person receives an annual physical examination and other examinations as recommended by a Primary Care Practitioner or specialist. c. The person receives annual dental check-ups and other check-ups as recommended by a licensed dentist. d. The person receives a hearing test as recommended by a licensed audiologist.	• Individual #21 – Per the Electronic Comprehensive Health Assessment Tool the individual is required to have a plan. No evidence of a plan found. ***PRN Psychotropic Medication:*** • Individual #5 – Per the Electronic Comprehensive Health Assessment Tool the individual is required to have a plan. No evidence of a plan found. **Medical Emergency Response Plans:** ***Allergies:*** • Individual #9 – As indicated by the IST section of ISP the individual is required to have a plan. No evidence of a plan found. ***Cardiac Condition:*** • Individual #11 – As indicated by the IST section of ISP the individual is required to have a plan. No evidence of a plan found. ***Falls:*** • Individual #11 – As indicated by the IST section of ISP the individual is required to have a plan. No evidence of a plan found. ***GERD:*** • Individual #5 – As indicated by the IST section of ISP the individual is required to have a plan. No evidence of a plan found. • Individual #11 – As indicated by the IST section of ISP the individual is required to have a plan. No evidence of a plan found. ***Rumination:*** • Individual #5 – As indicated by the IST section of ISP the individual is required to have a plan. No evidence of a plan found.		

e. The person receives eye examinations as recommended by a licensed optometrist or ophthalmologist. Agency activities occur as required for follow-up activities to medical appointments (e.g., treatment, visits to specialists, and changes in medication or daily routine). **Chapter 20: Provider Documentation and Client Records: 20.2 Client Records Requirements:** All DD Waiver Provider Agencies are required to create and maintain individual client records. The contents of client records vary depending on the unique needs of the person receiving services and the resultant information produced. The extent of documentation required for individual client records per service type depends on the location of the file, the type of service being provided, and the information necessary. DD Waiver Provider Agencies are required to adhere to the following: 1. Client records must contain all documents essential to the service being provided and essential to ensuring the health and safety of the person during the provision of the service. 2. Provider Agencies must have readily accessible records in home and community settings in paper or electronic form. Secure access to electronic records through the Therap web-based system using computers or mobile devices are acceptable. 3. Provider Agencies are responsible for ensuring that all plans created by nurses, RDs, therapists or BSCs are present in all settings. 4. Provider Agencies must maintain records of all documents produced by agency personnel or contractors on behalf of each person, including any routine notes or data, annual assessments, semi-annual reports, evidence of training provided/received,			

progress notes, and any other interactions for which billing is generated. 5. Each Provider Agency is responsible for maintaining the daily or other contact notes documenting the nature and frequency of service delivery, as well as data tracking only for the services provided by their agency. 6. The current Client File Matrix found in Appendix A Client File details the minimum requirements for records to be stored in agency office files, the delivery site, or with DSP while providing services in the community. **20.5.4 Health Passport and Physician Consultation Form:** All Primary and Secondary Provider Agencies must use the *Health Passport* and *Physician Consultation* form generated from an e-CHAT in the Therap system. This standardized document contains individual, physician and emergency contact information, a complete list of current medical diagnoses, health and safety risk factors, allergies, and information regarding insurance, guardianship, and advance directives. The *Health Passport* also includes a standardized form to use at medical appointments called the *Physician Consultation* form. The *Physician Consultation* form contains a list of all current medications. **Chapter 13 Nursing Services: 13.1 Overview of The Nurse's Role in The DD Waiver and Larger Health Care System:** Routine medical and healthcare services are accessed through the person's Medicaid State Plan benefits and through Medicare and/or private insurance for persons who have these additional types of insurance coverage. DD Waiver health related services are specifically designed to support the person in the community setting and complement but may not duplicate those medical or health related			

services provided by the Medicaid State Plan or other insurance systems. Nurses play a pivotal role in supporting persons and their guardians or legal Health Care Decision makers within the DD Waiver and are a key link with the larger healthcare system in New Mexico. DD Waiver Nurses identify and support the person's preferences regarding health decisions; support health awareness and self-management of medications and health conditions; assess, plan, monitor and manage health related issues; provide education; and share information among the IDT members including DSP in a variety of settings, and share information with natural supports when requested by individual or guardian. Nurses also respond proactively to chronic and acute health changes and concerns, facilitating access to appropriate healthcare services. This involves communication and coordination both within and beyond the DD Waiver. DD Waiver nurses must contact and consistently collaborate with the person, guardian, IDT members, Direct Support Professionals and all medical and behavioral providers including Medical Providers or Primary Care Practitioners (physicians, nurse practitioners or physician assistants), Specialists, Dentists, and the Medicaid Managed Care Organization (MCO) Care Coordinators. **13.2.7 Documentation Requirements for all DD Waiver Nurses** **13.2.8 Electronic Nursing Assessment and Planning Process** **13.2.8.1 Medication Administration Assessment Tool (MAAT)** **13.2.8.2 Aspiration Risk Management Screening Tool (ARST)**			

13.2.8.3 The Electronic Comprehensive Health Assessment Tool (e-CHAT) **13.2.9.1 Health Care Plans (HCP)** **13.2.9.2 Medical Emergency Response Plan (MERP)**			

Tag # 1A27.2 Duty to Report IRs Filed During On-Site and/or IRs Not Reported by Provider	Standard Level Deficiency		
NMAC 7.1.14.8 INCIDENT MANAGEMENT SYSTEM REPORTING REQUIREMENTS FOR COMMUNITY-BASED SERVICE PROVIDERS: **A. Duty to report:** **(1)** All community-based providers shall immediately report alleged crimes to law enforcement or call for emergency medical services as appropriate to ensure the safety of consumers. **(2)** All community-based service providers, their employees and volunteers shall immediately call the department of health improvement (DHI) hotline at 1-800-445-6242 to report abuse, neglect, exploitation, suspicious injuries or any death and also to report an environmentally hazardous condition which creates an immediate threat to health or safety. **B. Reporter requirement.** All community-based service providers shall ensure that the employee or volunteer with knowledge of the alleged abuse, neglect, exploitation, suspicious injury, or death calls the division's hotline to report the incident. **C. Initial reports, form of report, immediate action and safety planning, evidence preservation, required initial notifications:** **(1) Abuse, neglect, and exploitation, suspicious injury or death reporting:** Any person may report an allegation of abuse, neglect, or exploitation, suspicious injury or a death by calling the division's toll-free hotline number 1-800-445-6242. Any consumer, family member, or legal guardian may call the division's hotline to report an allegation of abuse, neglect, or exploitation, suspicious injury or death directly, or may report through the community-based service provider who, in addition to calling the hotline, must also utilize the division's abuse, neglect, and exploitation or report of death form.	Based on record review the Agency did not report suspected abuse, neglect, or exploitation**,** unexpected and natural/expected deaths; or other reportable incidents as required to the Division of Health Improvement. **During the on-site survey on December 12 - 23, 2022 surveyors observed the following:** During the on-site visit Surveyor's observed the following in the individual's ISP: "…can exhibit a variety of behavioral challenges; but with the guidance of his FLP he has been able to manage having unlimited alone time in the home and community. …does not currently have a key to his home due to the fact that he has caused damage to his home when he has gotten upset in the past. In leu of having a key to his home, FLP will install a digital lock on his door in which …will be given the code, unless he is having a behavioral outburst. In this case the code can be changed until he has deescalated completely. The plan is for …to take a walk and calm down before asking to enter the home again, and if he is unable to self-regulate, he will check himself in at the psychiatric unit at UNMH for treatment. This was discussed and agreed upon by the IDT." There is no mention of this in a Positive Behavioral Support Plan or Behavioral Crisis Intervention Plan. **As a result of what was observed the following incident was reported:** **Individual #13** • A State ANE Report was filed on 12/16/2022 (2:15 PM). Incident report was reported to DHI.	**Provider:** **State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible an overall correction?)***:** → **Provider:** **Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)***:** →	

The abuse, neglect, and exploitation or report of death form and instructions for its completion and filing are available at the division's website, http://dhi.health.state.nm.us, or may be obtained from the department by calling the division's toll-free hotline number, 1-800-445-6242. **(2) Use of abuse, neglect, and exploitation or report of death form and notification by community-based service providers:** In addition to calling the division's hotline as required in Paragraph (2) of Subsection A of 7.1.14.8 NMAC, the community-based service provider shall also report the incident of abuse, neglect, exploitation, suspicious injury, or death utilizing the division's abuse, neglect, and exploitation or report of death form consistent with the requirements of the division's abuse, neglect, and exploitation reporting guide. The community-based service provider shall ensure all abuse, neglect, exploitation or death reports describing the alleged incident are completed on the division's abuse, neglect, and exploitation or report of death form and received by the division within 24 hours of the verbal report. If the provider has internet access, the report form shall be submitted via the division's website at http://dhi.health.state.nm.us; otherwise, it may be submitted via fax to 1-800-584-6057. The community-based service provider shall ensure that the reporter with the most direct knowledge of the incident participates in the preparation of the report form. **(3) Limited provider investigation:** No investigation beyond that necessary in order to be able to report the abuse, neglect, or exploitation and ensure the safety of consumers is permitted until the division has completed its investigation. **(4) Immediate action and safety planning:** Upon discovery of any alleged incident of abuse, neglect, or exploitation, the community-based service provider shall:			

(a) develop and implement an immediate action and safety plan for any potentially endangered consumers, if applicable; **(b)** be immediately prepared to report that immediate action and safety plan verbally, and revise the plan according to the division's direction, if necessary; and **(c)** provide the accepted immediate action and safety plan in writing on the immediate action and safety plan form within 24 hours of the verbal report. If the provider has internet access, the report form shall be submitted via the division's website at http://dhi.health.state.nm.us; otherwise, it may be submitted by faxing it to the division at 1-800-584-6057. **(5) Evidence preservation:** The community-based service provider shall preserve evidence related to an alleged incident of abuse, neglect, or exploitation, including records, and do nothing to disturb the evidence. If physical evidence must be removed or affected, the provider shall take photographs or do whatever is reasonable to document the location and type of evidence found which appears related to the incident. **(6) Legal guardian or parental notification:** The responsible community-based service provider shall ensure that the consumer's legal guardian or parent is notified of the alleged incident of abuse, neglect and exploitation within 24 hours of notice of the alleged incident unless the parent or legal guardian is suspected of committing the alleged abuse, neglect, or exploitation, in which case the community-based service provider shall leave notification to the division's investigative representative. **(7) Case manager or consultant notification by community-based service providers:** The responsible community-based service provider shall notify the consumer's case manager or consultant within 24 hours that an alleged incident involving abuse, neglect, or exploitation has been reported to the division. Names of other consumers and employees may			

be redacted before any documentation is forwarded to a case manager or consultant. **(8) Non-responsible reporter:** Providers who are reporting an incident in which they are not the responsible community-based service provider shall notify the responsible community-based service provider within 24 hours of an incident or allegation of an incident of abuse, neglect, and exploitation.			

Tag # 1A29 Complaints / Grievances Acknowledgement	Standard Level Deficiency		
NMAC 7.26.3.6: A. These regulations set out rights that the department expects all providers of services to individuals with developmental disabilities to respect. These regulations are intended to complement the department's Client Complaint Procedures (7 NMAC 26.4) [now 7.26.4 NMAC]. **NMAC 7.26.3.13 Client Complaint Procedure Available.** A complainant may initiate a complaint as provided in the client complaint procedure to resolve complaints alleging that a service provider has violated a client's rights as described in Section 10 [now 7.26.3.10 NMAC]. The department will enforce remedies for substantiated complaints of violation of a client's rights as provided in client complaint procedure. [09/12/94; 01/15/97; Recompiled 10/31/01] **NMAC 7.26.4.13 Complaint Process: A. (2).** The service provider's complaint or grievance procedure shall provide, at a minimum, that: **(a)** the client is notified of the service provider's complaint or grievance procedure Developmental Disabilities Waiver Service Standards Eff 11/1/2021 **Appendix A Client File Matrix**	Based on record review, the Agency did not provide documentation, the complaint procedure had been made available to individuals or their legal guardians for 6 of 22 individuals. Review of the Agency individual case files revealed the following items were not found and/or incomplete: **Grievance/Complaint Procedure Acknowledgement:** • Not found (#2, 3, 8, 18, 21) • Not Current (#12)	**Provider:** **State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible, an overall correction?)*: → **Provider:** **Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)*: →	

Tag # 1A31 Client Rights / Human Rights	Condition of Participation Level Deficiency		
NMAC 7.26.3.11 RESTRICTIONS OR LIMITATION OF CLIENT'S RIGHTS: A. A service provider shall not restrict or limit a client's rights except: (1) where the restriction or limitation is allowed in an emergency and is necessary to prevent imminent risk of physical harm to the client or another person; or (2) where the interdisciplinary team has determined that the client's limited capacity to exercise the right threatens his or her physical safety; or (3) as provided for in Section 10.1.14 [now Subsection N of 7.26.3.10 NMAC]. B. Any emergency intervention to prevent physical harm shall be reasonable to prevent harm, shall be the least restrictive intervention necessary to meet the emergency, shall be allowed no longer than necessary and shall be subject to interdisciplinary team (IDT) review. The IDT upon completion of its review may refer its findings to the office of quality assurance. The emergency intervention may be subject to review by the service provider's behavioral support committee or human rights committee in accordance with the behavioral support policies or other department regulation or policy. C. The service provider may adopt reasonable program policies of general applicability to clients served by that service provider that do not violate client rights. [09/12/94; 01/15/97; Recompiled 10/31/01] Developmental Disabilities Waiver Service Standards Eff 11/1/2021 **Chapter 2 Human Rights:** Civil rights apply to everyone including all waiver participants. Everyone including family members, guardians, advocates, natural supports, and Provider Agencies have a responsibility to	After an analysis of the evidence, it has been determined there is a significant potential for a negative outcome to occur. Based on record review, the Agency did not ensure the rights of Individuals was not restricted or limited for 3 of 22 Individuals. A review of Agency Individual files indicated Human Rights Committee Approval was required for restrictions. <u>No documentation</u> was found regarding Human Rights Approval for the following: • Child Proof Locks – No evidence found of Human Rights Committee approval. (Individual #5) • Lack of Key to Residence – No evidence found of Human Rights Committee approval. (Individual #13) • Locking Individual Out of Home - No evidence found of Human Rights Committee Approval. (Individual #13) • Physical Restraint (MANDT / Handle with Care) – No evidence found of Human Rights Committee Approval. (Individual #22) • Positive Behavior Support Plan "Point Program." – No evidence found of Human Rights Committee Approval. (Individual #5)	**Provider:** **State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible an overall correction?)*: → **Provider:** **Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)*: →	

make sure the rights of persons receiving services are not violated. All Provider Agencies play a role in person-centered planning (PCP) and have an obligation to contribute to the planning process, always focusing on how to best support the person and protecting their human and civil rights. ***2.2*** **Home and Community Based Services (HCBS): Consumer Rights and Freedom:** People with I/DD receiving DD Waiver services, have the same basic legal, civil, and human rights and responsibilities as anyone else. Rights shall never be limited or restricted unnecessarily, without due process and the ability to challenge the decision, even if a person has a guardian. Rights should be honored within any assistance, support, and services received by the person. **Chapter 3 Safeguards: 3.3.5 Interventions Requiring HRC Review and Approval** HRCs must review any plans (e.g. ISPs, PBSPs, BCIPs and/or PPMPs, RMPs), with strategies that include a restriction of an individual's rights; this HRC should occur prior to implementation of the strategy or strategies proposed. Categories requiring an HRC review include, but are not limited to, the following: 1. response cost (See the BBS Guidelines for Using Response Cost); 2. restitution (See BBS Guidelines for Using Restitution); 3. emergency physical restraint (EPR); 4. routine use of law enforcement as part of a BCIP; 5. routine use of emergency hospitalization procedures as part of a BCIP; 6. use of point systems; 7. use of intense, highly structured, and specialized treatment strategies, including levels systems with response cost or failure to earn components;			

8. a 1:1 staff to person ratio for behavioral reasons, or, very rarely, a 2:1 staff to person ratio for behavioral or medical reasons; 9. use of PRN psychotropic medications; 10. use of protective devices for behavioral purposes (e.g., helmets for head banging, Posey gloves for biting hand); 11. use of bed rails; 12. use of a device and/or monitoring system through RPST may impact the person's privacy or other rights; or 13. use of any alarms to alert staff to a person's whereabouts.			

Tag # 1A50.1 Individual: Scope of Services *(Individual Interviews)*	Standard Level Deficiency		
Developmental Disabilities Waiver Service Standards Eff 11/1/2021 **Chapter 4 Person-Centered Planning (PCP):** **4.1 Essential Elements of Person-Centered Planning (PCP):** Person-centered planning is a process that places a person at the center of planning their life and supports. The CMS requires use of PCP in the development of the ISP. It is an ongoing process that is the foundation for all aspects of the DD Waiver Program and DD Waiver Provider Agencies' work with people with I/DD. The process is designed to identify the strengths, capacities, preferences, and needs of the person. The process may include other people chosen by the person, who are able to serve as important contributors to the process. Overall, PCP involves person-centered thinking, person-centered service planning, and person-centered practice. PCP enables and assists the person to identify and access a personalized mix of paid and non-paid services and supports to assist him or her to achieve personally defined outcomes in the community. **4.1.1 Person-Centered Thinking:** Person-centered thinking involves a process of examining the individual's values, strengths, needs and skills to set the foundation for ISP development. Person-centered thinking respects and supports the person with I/DD to develop strategies to: 1. have informed choices; 2. exercise the same basic civil and human rights as other citizens; 3. have personal control over the life they prefer in the community of choice; 4. be valued for contributions to their community; and 5. be supported through a network of resources, both natural and paid.	Based on interview, the Agency did not provide the essential elements of person-centered planning as indicated in Individuals interview for 1 of 22 individuals. **When the Individuals receiving services were asked, if they had internet access and were able to use the internet in their home to surf the web or talk to your family and friends on-line, the following was reported:** • Individual #1 stated, "No, I don't have internet."	**Provider:** **State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible an overall correction?)*: → **Provider:** **Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)*: →	

Tag # LS06 Family Living Requirements	Standard Level Deficiency		
Developmental Disabilities Waiver Service Standards Eff 11/1/2021 **Chapter 10 Living Care Arrangements (LCA) Living Supports Family Living:** **10.3.9.2.1** Monitoring and Supervision Family Living Provider Agencies must: 1. Provide and document monthly face-to-face consultation in the Family Living home conducted by agency supervisors or internal service coordinators with the DSP and the person receiving services to include: a. reviewing implementation of the person's ISP, Outcomes, Action Plans, and associated support plans, including HCPs, MERPs, Health Passport, PBSP, CARMP, WDSI; b. scheduling of activities and appointments and advising the DSP regarding expectations and next steps, including the need for IST or retraining from a nurse, nutritionist, therapists or BSC; and c. assisting with resolution of service or support issues raised by the DSP or observed by the supervisor, service coordinator, or other IDT members. 2. Monitor that the DSP implement and document progress of the AT inventory, Remote Personal Support Technology (RPST), physician and nurse practitioner orders, therapy, HCPs, PBSP, BCIP, PPMP, RMP, MERPs, and CARMPs. **10.3.9.2.1.1 Home Study:** An on-site Home Study is required to be conducted by the Family Living Provider agency initially, annually, and if there are any changes in the home location, household makeup, or other significant event. 1. The agency person conducting the Home Study must have a bachelor's degree in Human Services or related field or be at least 21 years of age, HS Diploma or GED	Based on record review, the Agency did not complete all DDSD requirements for approval of each direct support provider for 1 of 13 individuals. Review of the Agency files revealed the following items were not found, incomplete, and/or not current: **Monthly Consultation with the Direct Support Provider and the person receiving services:** • Individual #12 - None found for 12/2021 – 10/2022.	**Provider:** **State your Plan of Correction for the deficiencies cited in this tag here** *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible, an overall correction?)*: → **Provider:** **Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here** *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)*: →	

and a minimum of 1-year experience with I/DD. 2. The Home Study must include a health and safety checklist assuring adequate and safe: a. Heating, ventilation, air conditioning cooling; b. Fire safety and Emergency exits within the home; c. Electricity and electrical outlets; and d. Telephone service and access to internet, when possible. 3. The Home Study must include a safety inspection of other possible hazards, including: a. Swimming pools or hot tubs; b. Traffic Issues; c. Water temperature that does not exceed a safe temperature (110^0 F). Anyone with a history of being unsafe in or around water while bathing, grooming, etc. or with a history of at least one scalding incident will have a regulated temperature control valve or device installed in the home. d. Any needed repairs or modifications 4. The home setting must comply with the CMS Final Settings Rule and ensure tenant protections, privacy, and autonomy.			

Tag # LS25 Residential Health & Safety (Supported Living / Family Living / Intensive Medical Living)	Standard Level Deficiency		

Developmental Disabilities Waiver Service Standards Eff 11/1/2021
Chapter 10 Living Care Arrangement (LCA):
10.3.7 Requirements for Each Residence:
Provider Agencies must assure that each residence is clean, safe, and comfortable, and each residence accommodates individual daily living, social and leisure activities. In addition, the Provider Agency must ensure the residence:
1. has basic utilities, i.e., gas, power, water, telephone, and internet access;
2. supports telehealth, and/ or family/friend contact on various platforms or using various devices;
3. has a battery operated or electric smoke detectors or a sprinkler system, carbon monoxide detectors, and fire extinguisher;
4. has a general-purpose first aid kit;
5. has accessible written documentation of evacuation drills occurring at least three times a year overall, one time a year for each shift;
6. has water temperature that does not exceed a safe temperature (110^0 F). Anyone with a history of being unsafe in or around water while bathing, grooming, etc. or with a history of at least one scalding incident will have a regulated temperature control valve or device installed in the home.
7. has safe storage of all medications with dispensing instructions for each person that are consistent with the Assistance with Medication (AWMD) training or each person's ISP;
8. has an emergency placement plan for relocation of people in the event of an emergency evacuation that makes the residence unsuitable for occupancy;
	Based on observation, the Agency did not ensure that each individuals' residence met all requirements within the standard for 6 of 13 Living Care Arrangement residences.
	
	Review of the residential records and observation of the residence revealed the following items were not found, not functioning or incomplete:
	
	Supported Living Requirements:
	
	• Water temperature in home exceeds safe temperature (110^0 F):
	  • Water temperature in home measured 119^0 F (#10, 16, 19)
	
	Note: The following Individuals share a residence:
	• #5, 11, 21
	• #10, 16, 19
	
	Family Living Requirements:
	
	• General-purpose first aid kit (#2, 3)
	
	• Water temperature in home exceeds safe temperature (110^0 F)
	  • Water temperature in home measured 127^0 F (#1)
	
	  • Water temperature in home measured 135^0 F (#2, 3)
	
	• Internet Services (#1)
	
	Note: The following Individuals share a residence:
	• #2, 3
		Provider:
		State your Plan of Correction for the deficiencies cited in this tag here *(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible an overall correction?)*: →
		
		Provider:
		Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here *(What is going to be done? How many individuals is this going to affect? How often will this be completed? Who is responsible? What steps will be taken if issues are found?)*: →	

9. has emergency evacuation procedures that address, but are not limited to, fire, chemical and/or hazardous waste spills, and flooding; 10. supports environmental modifications, remote personal support technology (RPST), and assistive technology devices, including modifications to the bathroom (i.e., shower chairs, grab bars, walk in shower, raised toilets, etc.) based on the unique needs of the individual in consultation with the IDT; 11. has or arranges for necessary equipment for bathing and transfers to support health and safety with consultation from therapists as needed; 12. has the phone number for poison control within line of site of the telephone; 13. has general household appliances, and kitchen and dining utensils; 14. has proper food storage and cleaning supplies; 15. has adequate food for three meals a day and individual preferences; and 16. has at least two bathrooms for residences with more than two residents. 17. Training in and assistance with community integration that include access to and participation in preferred activities to include providing or arranging for transportation needs or training to access public transportation. 18. Has Personal Protective Equipment available, when needed			

Standard of Care	Deficiencies	Agency Plan of Correction, On-going QA/QI and Responsible Party	Completion Date
Service Domain: Medicaid Billing/Reimbursement – *State financial oversight exists to assure that claims are coded and paid for in accordance with the reimbursement methodology specified in the approved waiver.*			
Tag #1A12 All Services Reimbursement	**No Deficient Practices Found**		
NMAC 8.302.2 Developmental Disabilities Waiver Service Standards Eff 11/1/2021 **Chapter 21: Billing Requirements; 23.1 Recording Keeping and Documentation Requirements** DD Waiver Provider Agencies must maintain all records necessary to demonstrate proper provision of services for Medicaid billing. At a minimum, Provider Agencies must adhere to the following: 1. The level and type of service provided must be supported in the ISP and have an approved budget prior to service delivery and billing. 2. Comprehensive documentation of direct service delivery must include, at a minimum: a. the agency name; b. the name of the recipient of the service; c. the location of the service; d. the date of the service; e. the type of service; f. the start and end times of the service; g. the signature and title of each staff member who documents their time; and 3. Details of the services provided. A Provider Agency that receives payment for treatment, services, or goods must retain all medical and business records for a period of at least six years from the last payment date, until ongoing audits are settled, or until involvement of the state Attorney General is completed regarding settlement of any claim, whichever is longer. 4. A Provider Agency that receives payment for treatment, services or goods must retain all medical and business records relating to	Based on record review, the Agency maintained all the records necessary to fully disclose the nature, quality, amount, and medical necessity of services furnished to an eligible recipient who is currently receiving DDW services for 22 of 22 individuals. *Progress notes and billing records supported billing activities for the months of August, September, and October 2022 for the following services:* • Supported Living • Family Living • Customized In-Home Supports • Customized Community Supports • Community Integrated Employment Services		

any of the following for a period of at least six years from the payment date: a. treatment or care of any eligible recipient; b. services or goods provided to any eligible recipient; c. amounts paid by MAD on behalf of any eligible recipient; and d. any records required by MAD for the administration of Medicaid. **21.7 Billable Activities**: Specific billable activities are defined in the scope of work and service requirements for each DD Waiver service. In addition, any billable activity must also be consistent with the person's approved ISP. **21.9 Billable Units**: The unit of billing depends on the service type. The unit may be a 15-minute interval, a daily unit, a monthly unit, or a dollar amount. The unit of billing is identified in the current DD Waiver Rate Table. Provider Agencies must correctly report service units. **21.9.1 Requirements for Daily Units:** For services billed in daily units, Provider Agencies must adhere to the following: 1. A day is considered 24 hours from midnight to midnight. 2. If 12 or fewer hours of service are provided, then one-half unit shall be billed. A whole unit can be billed if more than 12 hours of service is provided during a 24-hour period. 3. The maximum allowable billable units cannot exceed 340 calendar days per ISP year or 170 calendar days per six months. **21.9.2 Requirements for Monthly Units:** For services billed in monthly units, a Provider Agency must adhere to the following: 1. A month is considered a period of 30 calendar days.			

2. Face-to-face billable services shall be provided during a month where any portion of a monthly unit is billed. 3. Monthly units can be prorated by a half unit. **21.9.4 Requirements for 15-minute and hourly units:** For services billed in 15-minute or hourly intervals, Provider Agencies must adhere to the following: 1. When time spent providing the service is not exactly 15 minutes or one hour, Provider Agencies are responsible for reporting time correctly following NMAC 8.302.2. 2. Services that last in their entirety less than eight minutes cannot be billed.			

NEW MEXICO
Department of Health
Division of Health Improvement

MICHELLE LUJAN GRISHAM
Governor

PATRICK M. ALLEN
Cabinet Secretary

Date: April 10, 2023

To: Bill Kesatie, Executive Director

Provider: Su Vida Services, Inc.
Address: 6715 Academy Road NE, Suite B
State/Zip: Albuquerque, New Mexico 87109

E-mail Address: billkesatie@suvidaservices.com

Board Chair
E-Mail Address: Patrick Babcock, patrick.b@sasi-services.com

Region: Metro and Northwest
Survey Date: December 12 – 23, 2022

Program Surveyed: Developmental Disabilities Waiver

Service Surveyed: Supported Living, Family Living, Customized In-Home Supports, Customized Community Supports, and Community Integrated Employment Services

Survey Type: Routine

Dear Bill Kesatie,

The Division of Health Improvement Quality Management Bureau received and approved the Plan of Correction you submitted. Your Plan of Correction is not closed.

Your Plan of Correction will be considered for closure when a Verification survey confirms that you have corrected all survey deficiencies and sustained all corrections.

The Quality Management Bureau will need to conduct a verification survey to ensure previously cited deficiencies have been corrected and that systemic Quality Improvement and Quality Assurance processes have been effective at sustaining corrections.

If the Verification survey determines survey deficiencies have been corrected and corrective measures have effectively maintained compliance with DDW Standards, your Plan of Correction will be considered for closure.

If the Verification survey identifies repeat deficiencies, the Plan of Correction process will continue and your case may be referred to the Internal Review Committee for discussion of possible civil monetary penalties possible monetary fines and/or other sanctions.

Thank you for your cooperation with the Plan of Correction process.

Sincerely,

Monica Valdez, BS

Monica Valdez, BS
Healthcare Surveyor Advanced/Plan of Correction Coordinator
Quality Management Bureau/DHI

Q.23.2.DDW.D2601.1/5.RTN.07.23.100