



C.L. "BUTCH" OTTER – Governor
RICHARD M. ARMSTRONG – Director

COPY of original

IDAHO DEPARTMENT OF
HEALTH & WELFARE

TAMARA PRISOCK-Administrator
LICENSING AND CERTIFICATION

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July 18, 2014

John Sumsion, Administrator
Access Private Duty, LLC dba Senior Care
359 East Main Street, Suite 4
American Fork, UT 84003

Dear Mr. Sumsion:

Thank you for submitting Access Private Duty's Plan of Correction for Residential Habilitation services dated July 7, 2014. The Department has reviewed and accepted the Plan of Correction in response to the Department's Compliance Review findings. As a result, we have issued Access Private Duty a full three (3) certificate effective August 1, 2014 through July 31, 2017 unless otherwise suspended or revoked.

According to IDAPA 16.04.17.501.02, this certificate is contingent upon the correction of deficiencies. The supporting documentation addressed in your plan of correction will be reviewed during your next survey. Please ensure your agency quality assurance processes continue to implement and monitor rule compliance.

Thank you for your assistance through the survey process.

Sincerely,

Pam Loveland-Schmidt, Adult & Child DS
Medical Program Specialist
Licensing and Certification
208-239-6267
lovelanp@dhw.idaho.gov

Enclosure



Statement of Deficiencies

Residential Habilitation Agency

Access Private Duty, LLC
RHA-4577

240 W Burnside Ave Ste B
Chubbuck, ID 83202-
(801) 642-2665

Survey Type: Recertification

Entrance Date: 6/10/2014

Exit Date: 6/10/2014

Initial Comments: Surveyor: Pam Loveland-Schmidt, Medical Program Specialist, DDA/ResHab Certification Program.

Rule Reference/Text	Findings	Plan of Correction	Date to be Corrected
<p>16.04.17:203</p> <p>203. STAFF RESIDENTIAL HABILITATION PROVIDER TRAINING.</p> <p>Training must include orientation and ongoing training at a minimum as required under IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits," Sections 700 through 706. Training is to be a part of the orientation training and is required initially prior to accepting participants. All required training must be completed within six (6) months of employment with a residential habilitation agency and documented in the employee residential habilitation provider record. The agency must ensure that all employees and contractors receive orientation training in the following areas: (3-29-12)</p>	<p>Based on review of three of three direct care employee records, it was determined the agency lacked documentation that all skill training for agency direct service staff was provided by a Qualified Intellectual Disabilities Professional (QIDP) who had demonstrated experience in writing skill training programs.</p> <p>For example: Employees 3, 4, and 5's records lacked documentation that skill training was completed by the QIDP.</p> <p>Also see IDAPA 16.03.10.705.01.b.</p>	<ol style="list-style-type: none"> 1. We have updated QIDP's job description to include: "each direct care employee must receive skills training specific to each participant, and that this training must be documented in each employee files". 2. We have trained our QIDP on the this job requirement, and the ongoing requirement of this training as the programs change with each participant 3. Home Care Director is responsible for implementing the new job description, and our QIDP, is responsible for skills training of the employees. 4. Documentation of training will be turned into the office for approval at very least quarterly. 5. Job description will be updated by 07/01/2014 specific participant Skills training, for each direct care employee, will be in employees files by: 8/31/2014 	

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<p>16.04.17.203.03 203. STAFF RESIDENTIAL HABILITATION PROVIDER TRAINING. Training must include orientation and ongoing training at a minimum as required under IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits," Sections 700 through 706. Training is to be a part of the orientation training and is required initially prior to accepting participants. All required training must be completed within six (6) months of employment with a residential habilitation agency and documented in the employee residential habilitation provider record. The agency must ensure that all employees and contractors receive orientation training in the following areas: (3-29-12) 03. Understanding of Participants' Needs. A basic understanding of the needs, desires, goals and objectives of participants served. (3-20-04)</p>	<p>Based on review of three of three direct care employee records, it was determined the agency lacked documentation of training specific to the needs of the participant. For example, Employee 3, 4, and 5's records lacked documentation they received training to meet Participant 1's special medical needs and skill training needs.</p>	<ol style="list-style-type: none"> 1. We have updated QIDP's job-description to include: "each direct care employee must receive skills training specific to each participant, and that this training must be documented in each employee files". 2. We have trained our QIDP on the this job requirement, and the ongoing requirement of this training as the programs change with each participant 3. Home Care Director is responsible for implementing the new job description, and our QIDP, is responsible for skills training of the employees. 4. Documentation of training will be turned into the office for approval at very least quarterly. 5. Job description will be updated by 07/01/2014 specific participant Skills training, for each direct care employee, will be given to the direct care staff by 8/31/2014 	

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<p>16.04.17.402.01.e</p> <p>402. PARTICIPANT RIGHTS.</p> <p>01. Responsibilities. Each residential habilitation agency must develop and implement a written policy outlining the personal, civil, and human rights of all participants. The policy protects and promotes the rights of each participant and includes the following: (3-20-04)</p> <p>e. Ensure that participants are not compelled to perform services for the agency, its employees, or contractors and ensure that participants who do work for the agency, its employees, or contractors, are compensated for their efforts at prevailing wages and commensurate with their abilities; (3-29-12)</p>	<p>Based on review of one of one participant record, it was determined the agency lacked documentation that it developed and implemented a written policy outlining the personal, civil, and human rights of all participants.</p> <p>For example, the agency's policies included the rights requirement, but the rights given to the participant did not address this requirement.</p>	<ol style="list-style-type: none"> 1. Our Written policy outlining the personal, civil, and human rights of all participants will be reviewed with and given to the participant and her Legal guardian. 2. A signed copy of the rights will be placed into the clients binder in the home. 3. Home Care Director will be responsible for obtaining the signed copy of the rights of this participant. 4. Future participants will be given a copy of their rights specific to the departments requirements as part of the on-boarding process of new participants. 5. This Corrective action will take place by 7/31/2014 	

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<p>16.04.17.402.01.f</p> <p>402. PARTICIPANT RIGHTS.</p> <p>01. Responsibilities. Each residential habilitation agency must develop and implement a written policy outlining the personal, civil, and human rights of all participants. The policy protects and promotes the rights of each participant and includes the following: (3-20-04)</p> <p>f. Ensure that participants have access to telephones, if living in a place other than their own home or the home of their family, with privacy for incoming and outgoing local and long distance calls except as contraindicated by factors identified within their plans of service; and (3-20-04)</p>	<p>Based on review of one of one participant record, it was determined the agency lacked documentation that it developed and implemented a written policy outlining the personal, civil, and human rights of all participants. The policy protects and promotes the rights of each participant and must ensure that participants have access to telephones, if living in a place other than their own home or the home of their family, with privacy for incoming and outgoing local and long distance calls except as contraindicated by factors identified within their plans of service.</p> <p>The agency policies included the rights requirement, but the rights given to the participant did not address this requirement.</p>	<ol style="list-style-type: none"> 1. We are adding the (DAPA personal, civil, and human rights verbiage word for word to our existing rights and responsibilities form so nothing will be left out unintentionally, participants. 2. We will have all participants (or legal guardian) review and sign the updated rights & responsibilities form. 3. Home Care Director is responsible for implementing the new rights & responsibilities form. 4. This form will be used for all participants going forward. 5. This Corrective action will take place by 7/31/2014 	

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<p>16.04.17.402.01.g</p> <p>402. PARTICIPANT RIGHTS.</p> <p>01. Responsibilities. Each residential habilitation agency must develop and implement a written policy outlining the personal, civil, and human rights of all participants. The policy protects and promotes the rights of each participant and includes the</p>	<p>Based on review of one of one participant record, it was determined the agency lacked documentation that it developed and implemented a written policy outlining the personal, civil, and human rights of all participants. The policy protects and promotes the rights of each participant and must ensure that participants have the opportunity to</p>	<ol style="list-style-type: none"> 1. We are adding the (DAPA personal, civil, and human rights verbiage word for word to our existing rights and responsibilities form so nothing will be left out unintentionally, participants. 2. We will have all participants (or legal guardian) review and sign the updated rights & responsibilities form. 	

following: (3-20-04)
 g. Ensure that participants have the opportunity to participate in social, religious, and community group activities. (3-20-04)

participate in social, religious, and community group activities.
 For example, the agency policies included the rights requirement, but the rights given to the participant did not address this requirement.

- 3. Home Care Director is responsible for implementing the new rights & responsibilities form.
- 4. This form will be used for all participants going forward.
- 5. This Corrective action will take place by 7/31/2014

Rule Reference/Text	Findings	Plan of Correction	Date to be Corrected
<p>16.04.17.404.04 404. COMMUNICATION WITH PARTICIPANTS, PARENTS, LEGAL GUARDIANS, AND OTHERS. The residential habilitation agency must promote participation of participants, legal guardians, relatives and friends in the process of providing services to a participant unless their participation is unobtainable or inappropriate as prescribed by the plan of service; and (3-20-04) 04. Notification to Department of a Participant's Condition. Through a Department approved process, the agency must notify the Department within twenty-four (24) hours of</p>	<p>Based on review of one of one participant record, it was determined the agency lacked documentation that, through a Department approved process, it notified the Department within twenty-four (24) hours of any significant incidents affecting health and safety or changes in a participant's condition, including serious illness, accident, death, emergency medical care, hospitalization, adult protective services contact and investigation, or if the participant is arrested, contacted by, or under investigation by law enforcement, or involved in any legal proceedings. The events and the agency response to the events must be documented in the participant file.</p>	<ul style="list-style-type: none"> 1. Documented Training to all Administrative staff on how & when, to report the incidents to the department will be given. 2. Our policy manual has a direct link to the reporting form Online, for the office manager to report any and all incidents. she is aware of where to locate this form. 3. Home Care Director Provided the staff training. Office Manager is responsible for reporting incidents going forward with in 24 hours. 4. Annual documented training will be given to all administrative staff as a reminder on this policy. 	

any significant incidents affecting health and safety or changes in a participant's condition, including serious illness, accident, death, emergency medical care, hospitalization, adult protective services contact and investigation, or if the participant is arrested, contacted by, or under investigation by law enforcement, or involved in any legal proceedings. The events and the agency response to the events must be documented in the participant file. (3-29-12)

For example, Participant 1's record included an incident where the participant's MACE (aka "trap door" used to flush her colon) was accidentally pulled out when staff tripped over the tube. The participant was hospitalized to reinsert the "trap door." The incident occurred in January 2014 and was not reported to the Department.

5: Documented training was given 6/16/2014

Rule Reference/Text	Findings	Plan of Correction	Date to be Corrected
<p>16.04.17.405.01</p> <p>405. TREATMENT OF PARTICIPANTS. The residential habilitation agency must develop and implement written policies and procedures including definitions that prohibit mistreatment, neglect or abuse of the participant to include at least the following: (3-20-04)</p> <p>01. Interventions. Positive behavior interventions must be used prior to and in conjunction with, the implementation of any restrictive intervention. (3-20-04)</p>	<p>Based on record review, it was determined the agency lacked documentation that it developed and implemented written policies and procedures which included definitions that prohibit mistreatment, neglect, or abuse of the participant to include the use of positive behavior interventions prior to and in conjunction with, the implementation of any restrictive intervention.</p>	<p>1. We are training direct care staff on our Prohibition policy that covers these findings. 2. This training will be documented in each employee file, and will be given to all new employees upon hire. 3. Director & QIDP will give this training to employees. 4. This policy training will be added to the new hire packet training for all new employees. 5. New hire packets will be updated 7/1/2014 Current staff will be trained by 8/31/2014</p>	

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<p>16.04.17.405.07 405. TREATMENT OF PARTICIPANTS. The residential habilitation agency must develop and implement written policies and procedures including definitions that prohibit mistreatment, neglect or abuse of the participant to include at least the following: (3-20-04) 07. Proper Treatment of Participants. Participants must be treated with dignity and respect and their personal choices and preferences are respected and honored whenever possible and consistent with their well being and their plan of service. (3-20-04)</p>	<p>Based on record review, it was determined the agency lacked documentation that it developed and implemented written policies and procedures which included definitions that prohibit mistreatment, neglect, or abuse of the participant to include that the participants be treated with dignity and respect, and that their personal choices and preferences are respected and honored whenever possible and consistent with their well-being and their plan of service.</p>	<ol style="list-style-type: none"> 1. We are training direct care staff on our Prohibition policy that covers these findings. 2. This training will be documented in each employee file, and will be given to all new employees upon hire. 3. Director & QIDP will give this training to employees. 4. This policy training will be added to the new hire packet training for all new employees. 5. New hire packets will be updated 7/1/2014 <p>Current staff will be trained by 8/31/2014</p>	

Residential Habilitation Agency

Access Private Duty, LLC

6/10/2014

Administrator/Provider Signature:

[Handwritten Signature]

Date: 7-7-14

Department POC Approval Signature:

[Handwritten Signature: Kim Loveland-Schmidt]

Date: 7/8/14

If deficiencies are cited, an approved plan of correction is requisite to continued program participation.