

Date: July 1, 2020

To: Bobby Ledoux, Executive Director  
Provider: Citizens for the Developmentally Disabled  
Address: 2532 Ridge Runner Rd.  
City, State, Zip: Las Vegas, New Mexico 87701

E-mail Address: [bobby@bacavalley.com](mailto:bobby@bacavalley.com)

Region: Northeast  
Routine Survey: January 17 – 23, 2020  
Verification Survey: June 15 – 22, 2020

Program Surveyed: Developmental Disabilities Waiver  
Service Surveyed: **2018:** Supported Living, Customized In-Home Supports, Customized Community Supports  
Survey Type: Verification

Team Leader: Bernadette D. Baca, MPA, Healthcare Surveyor, Division of Health Improvement/Quality Management Bureau

Team Members: Kayla R. Benally, BSW, Healthcare Surveyor, Division of Health Improvement/Quality Management Bureau; Lora Norby, Healthcare Surveyor, Division of Health Improvement/Quality Management Bureau

Dear Mr. Bobby Ledoux,

The Division of Health Improvement/Quality Management Bureau has completed a Verification survey of the services identified above. The purpose of the survey was to determine compliance with your Plan of Correction submitted to DHI regarding the *Routine Survey on January 17 – 23, 2020*

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

**Partial Compliance with Standard Level Tags and Conditions of Participation Level Tags:** This determination is based on noncompliance with one to five (1 – 5) 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 # 1A09.1 Medication Delivery PRN Medication Administration (**New / Repeat Findings**)
- Tag # 1A09.2 Medication Delivery Nurse Approval for PRN Medication (**New Findings**)

However, due to the new/repeat deficiencies your agency may be referred to the Internal Review Committee (IRC). Your agency will also be required to contact your DDS Regional Office for technical assistance and follow up and

**DIVISION OF HEALTH IMPROVEMENT**  
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QMB Report of Findings – Citizens for the Developmentally Disabled – Northeast – June 15 – 22, 2020

Survey Report #: Q.20.4.DDW.D0208.2.VER.01.20.183

complete the Plan of Correction document attached at the end of this report. Please respond to the Plan of Correction Coordinator within 10 business days of receipt of this letter.

**Plan of Correction:**

The attached Report of Findings identifies the new/repeat Standard Level deficiencies found during your agency's verification compliance review. You are required to complete and implement a Plan of Correction. Your agency has a total of 10 business days from the receipt of this letter. The Plan of Correction must include the following:

1. Evidence your agency has contacted your DDS Regional Office for technical assistance;
2. A Plan of Correction detailing Quality Assurance/Quality Improvement processes to prevent your agency from receiving deficiencies in the future. Please use the format provided at the end of this report;
3. Documentation verifying that newly cited deficiencies have been corrected.

**Submission of your Plan of Correction:**

Please submit your agency's Plan of Correction and documentation verifying correction of survey deficiencies within 10 business days of receipt of this letter to the parties below:

1. **Quality Management Bureau, Attention: Plan of Correction Coordinator**  
5301 Central Ave. NE Suite 400, New Mexico 87108  
[MonicaE.Valdez@state.nm.us](mailto:MonicaE.Valdez@state.nm.us)

2. **Developmental Disabilities Supports Division Regional Office for region of service surveyed**

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

Please contact the Plan of Correction Coordinator, [Monica Valdez at 505-273-1930 or email at: MonicaE.Valdez@state.nm.us](mailto:MonicaE.Valdez@state.nm.us) 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,

*Bernadette D. Baca, MPA*

Bernadette D. Baca, MPA  
Team Lead/Healthcare Surveyor  
Division of Health Improvement  
Quality Management Bureau

## Survey Process Employed:

Administrative Review Start Date:	June 15, 2020
Contact:	<b><u>Citizens for the Developmentally Disabled</u></b> Cassandra Gonzales, Program Coordinator Anita Lopez, Nurse  <b><u>DOH/DHI/QMB</u></b> Bernadette D. Baca, MPA, Team Lead/Healthcare Surveyor
On-site Entrance Conference Date:	June 15, 2020
Present:	<b><u>Citizens for the Developmentally Disabled</u></b> Cassandra Gonzales, Program Coordinator Anita Lopez, Nurse  <b><u>DOH/DHI/QMB</u></b> Bernadette D. Baca, MPA, Team Lead/Healthcare Surveyor
Exit Conference Date:	June 22, 2020
Present:	<b><u>Citizens for the Developmentally Disabled</u></b> Bobby Ledoux, Executive Director Cassandra Gonzales, Program Coordinator Mona Martinez, Office Manager Anita Lopez, Nurse  <b><u>DOH/DHI/QMB</u></b> Bernadette D. Baca, MPA, Team Lead/Healthcare Surveyor Kayla R. Benally, BSW, Healthcare Surveyor Lora Norby, Healthcare Surveyor Wolf Krusemark, BFA, Healthcare Surveyor Supervisor  <b><u>DDSD - Northeast Regional Office</u></b> Angela Pacheco, Regional Manager
Administrative Locations Visited:	0 (Note: No administrative locations visited due to COVID-19 Public Health Emergency.)
Total Sample Size:	5  0 - Jackson Class Members 5 - Non-Jackson Class Members  4 - Supported Living 1 - Customized In-Home Supports 5 - Customized Community Supports
Persons Served Records Reviewed	5
Direct Support Personnel Interviewed during Routine Survey	3
Direct Support Personnel Records Reviewed	18

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Service Coordinator Records Reviewed 1

Nurse Interview completed during Routine Survey 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
  - Medication Administration Records
  - Medical Emergency Response Plans
  - 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
- Evacuation Drills of Residences and Service Locations
- Quality Assurance / Improvement Plan

CC: Distribution List: DOH - Division of Health Improvement  
DOH - Developmental Disabilities Supports Division  
DOH - Office of Internal Audit  
HSD - Medical Assistance Division  
NM Attorney General's Office

## 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 Living Care Arrangements and Community Inclusion are as follows:***

***Service Domain: Service Plan: ISP Implementation - 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)

***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.***

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

- **1A20** - Direct Support Personnel Training

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- 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@state.nm.us](mailto:valerie.valdez@state.nm.us) for assistance.

#### The following limitations apply to the IRF process:

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

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

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

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

## 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%	
<b>"Non-Compliance"</b>						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.
<b>"Partial Compliance with Standard Level tags and Condition of Participation Level Tags"</b>					Any Amount Standard Level Tags, plus 1 to 5 Conditions of Participation Level tags.		
<b>"Partial Compliance with Standard Level tags"</b>			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.			
<b>"Compliance"</b>	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.					

**Agency:** Citizens for the Developmentally Disabled – Northeast Region  
**Program:** Developmental Disabilities Waiver  
**Service:** 2018: Supported Living, Customized In-Home Supports, Customized Community Supports  
**Survey Type:** Verification  
**Routine Survey:** January 17 – 23, 2020  
**Verification Survey:** June 15 – 22, 2020

Standard of Care	Routine Survey Deficiencies January 17 – 23, 2020	Verification Survey New and Repeat Deficiencies June 15 – 22, 2020
<b>Service Domain: Health and Welfare</b> – 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.		
<b>Tag # 1A09.1 Medication Delivery PRN Medication Administration</b>	<b>Condition of Participation Level Deficiency</b>	<b>Condition of Participation Level Deficiency</b>
<p>Developmental Disabilities (DD) Waiver Service Standards 2/26/2018; Re-Issue: 12/28/2018; Eff 1/1/2019</p> <p><b>Chapter 20: Provider Documentation and Client Records 20.6 Medication Administration Record (MAR):</b> A current Medication Administration Record (MAR) must be maintained in all settings where medications or treatments are delivered. Family Living Providers may opt not to use MARs if they are the sole provider who supports the person with medications or treatments. However, if there are services provided by unrelated DSP, ANS for Medication Oversight must be budgeted, and a MAR must be created and used by the DSP. Primary and Secondary Provider Agencies are responsible for:</p> <ol style="list-style-type: none"> <li>1. Creating and maintaining either an electronic or paper MAR in their service setting. Provider Agencies may use the MAR in Therap, but are not mandated to do so.</li> <li>2. Continually communicating any changes about medications and treatments between Provider Agencies to assure health and safety.</li> <li>7. Including the following on the MAR:             <ol style="list-style-type: none"> <li>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</li> </ol> </li> </ol>	<p>After an analysis of the evidence it has been determined there is a significant potential for a negative outcome to occur.</p> <p>Medication Administration Records (MAR) were reviewed for the months of December 2019 and January 2020.</p> <p>Based on record review, 2 of 5 individuals had PRN Medication Administration Records (MAR), which contained missing elements as required by standard:</p> <p>Individual #1 December 2019 Medication Administration Records contain the following medications. No Physician's Orders were found for the following medications:</p> <ul style="list-style-type: none"> <li>• Milk of Magnesia (PRN) <i>(Note: Physician Orders were received during the on-site survey. Provider please complete POC for ongoing QA/QI.)</i></li> <li>• Tussin DM (PRN) <i>(Note: Physician Orders were received during the on-site survey. Provider please complete POC for ongoing QA/QI.)</i></li> </ul>	<p><b>New / Repeat Finding:</b></p> <p>After an analysis of the evidence it has been determined there is a significant potential for a negative outcome to occur.</p> <p>Medication Administration Records (MAR) were reviewed for the month of May 2020.</p> <p>Based on record review, 1 of 4 individuals had PRN Medication Administration Records (MAR), which contained missing elements as required by standard:</p> <p>Individual #3 May 2020</p> <p>No Effectiveness was noted on the Medication Administration Record for the following PRN medication:</p> <ul style="list-style-type: none"> <li>• Loratadine 10mg – PRN – 5/19, 26, (given 1 time)</li> </ul>

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<p>PRN medications or treatments, and the diagnoses for which the medications or treatments are prescribed;</p> <p>b. The prescribed dosage, frequency and method or route of administration; times and dates of administration for all ordered routine or PRN prescriptions or treatments; over the counter (OTC) or “comfort” medications or treatments and all self-selected herbal or vitamin therapy;</p> <p>c. Documentation of all time limited or discontinued medications or treatments;</p> <p>d. The initials of the individual administering or assisting with the medication delivery and a signature page or electronic record that designates the full name corresponding to the initials;</p> <p>e. Documentation of refused, missed, or held medications or treatments;</p> <p>f. Documentation of any allergic reaction that occurred due to medication or treatments; and</p> <p>g. For PRN medications or treatments:</p> <p>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;</p> <p>ii. clear documentation that the DSP contacted the agency nurse prior to assisting with the medication or treatment, unless the DSP is a Family Living Provider related by affinity of consanguinity; and</p> <p>iii. documentation of the effectiveness of the PRN medication or treatment.</p> <p><b>Chapter 10 Living Care Arrangements</b>  <b>10.3.4 Medication Assessment and Delivery:</b></p>	<ul style="list-style-type: none"> <li>• Tylenol 325mg Tablet (PRN)  <i>(Note: Physician Orders were received during the on-site survey. Provider please complete POC for ongoing QA/QI.)</i></li> </ul> <p>Individual #2  December 2019  Medication Administration Records contain the following medications. No Physician’s Orders were found for the following medications:</p> <ul style="list-style-type: none"> <li>• Guaifenesin 100 mg/5 ml (PRN)  <i>(Note: Physician Orders were received during the on-site survey. Provider please complete POC for ongoing QA/QI.)</i></li> <li>• Pepto-Bismol (PRN)  <i>(Note: Physician Orders were received during the on-site survey. Provider please complete POC for ongoing QA/QI.)</i></li> </ul> <p>Individual #3  December 2019  Medication Administration Records contain the following medications. No Physician’s Orders were found for the following medications:</p> <ul style="list-style-type: none"> <li>• Clonazepam 0.5 mg (PRN)</li> <li>• Diabetic Tussin (PRN)</li> <li>• Loratadine 10 mg (PRN)  <i>(Note: Physician Orders were received during the on-site survey. Provider please complete POC for ongoing QA/QI.)</i></li> <li>• Midol Complete (PRN)</li> <li>• Tylenol 325 mg (PRN)</li> </ul>	
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<p>Living Supports Provider Agencies must support and comply with:</p> <ol style="list-style-type: none"> <li>1. the processes identified in the DDSD AWMD training;</li> <li>2. the nursing and DSP functions identified in the Chapter 13.3 Part 2- Adult Nursing Services;</li> <li>3. all Board of Pharmacy regulations as noted in Chapter 16.5 Board of Pharmacy; and</li> <li>4. documentation requirements in a Medication Administration Record (MAR) as described in Chapter 20.6 Medication Administration Record (MAR).</li> </ol>	<p>Individual #5 December 2019</p> <p>Medication Administration Records contain the following medications. No Physician's Orders were found for the following medications:</p> <ul style="list-style-type: none"> <li>• Acetaminophen (PRN) <i>(Note: Physician Orders were received during the on-site survey. Provider please complete POC for ongoing QA/QI.)</i></li> <li>• Tums (PRN) <i>(Note: Physician Orders were received during the on-site survey. Provider please complete POC for ongoing QA/QI.)</i></li> <li>• Tussin (PRN) <i>(Note: Physician Orders were received during the on-site survey. Provider please complete POC for ongoing QA/QI.)</i></li> </ul>	
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Tag # 1A09.2 Medication Delivery Nurse Approval for PRN Medication		Condition of Participation Level Deficiency
<p>Developmental Disabilities (DD) Waiver Service Standards 2/26/2018; Re-Issue: 12/28/2018; Eff 1/1/2019</p> <p><b>Chapter 13 Nursing Services: 13.2.12 Medication Delivery:</b> Nurses are required to:</p> <ol style="list-style-type: none"> <li>1. Be aware of the New Mexico Nurse Practice Act, and Board of Pharmacy standards and regulations.</li> <li>2. Communicate with the Primary Care Practitioner and relevant specialists regarding medications and any concerns with medications or side effects.</li> <li>3. Educate the person, guardian, family, and IDT regarding the use and implications of medications as needed.</li> <li>4. Administer medications when required, such as intravenous medications; other specific injections; via NG tube; non-premixed nebulizer treatments or new prescriptions that have an ordered assessment.</li> <li>5. Monitor the MAR or treatment records at least monthly for accuracy, PRN use and errors.</li> <li>6. Respond to calls requesting delivery of PRNs from AWMD trained DSP and non-related (surrogate or host) Family Living Provider Agencies.</li> <li>7. Assure that orders for PRN medications or treatments have: <ol style="list-style-type: none"> <li>a. clear instructions for use;</li> <li>b. observable signs/symptoms or circumstances in which the medication is to be used or withheld; and</li> <li>c. documentation of the response to and effectiveness of the PRN medication administered.</li> </ol> </li> <li>8. Monitor the person's response to the use of routine or PRN pain medication and contact the prescriber as needed regarding its effectiveness.</li> <li>9. Assure clear documentation when PRN medications are used, to include: <ol style="list-style-type: none"> <li>a. DSP contact with nurse prior to assisting with medication.</li> </ol> </li> </ol>	<p>N/A</p>	<p><b>New Finding:</b></p> <p>After an analysis of the evidence it has been determined there is a significant potential for a negative outcome to occur.</p> <p>Based on record review, the Agency did not maintain documentation of PRN authorization as required by standard for 1 of 4 Individuals.</p> <p>Individual #3 May 2020</p> <p>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:</p> <ul style="list-style-type: none"> <li>• Loratadine 10mg – PRN – 5/19, 20, 26, 31 (given 1 time)</li> </ul>

<p>i. The only exception to prior consultation with the agency nurse is to administer selected emergency medications as listed on the Publications section of the DOH-DDSD - Clinical Services Website <a href="https://nmhealth.org/about/ddsd/pgsv/clinical/">https://nmhealth.org/about/ddsd/pgsv/clinical/</a>.</p> <p>b. Nursing instructions for use of the medication.</p> <p>c. Nursing follow-up on the results of the PRN use.</p> <p>d. When the nurse administers the PRN medication, the reasons why the medications were given and the person's response to the medication.</p>		
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Standard of Care	Routine Survey Deficiencies January 17 – 23, 2020	Verification Survey New and Repeat Deficiencies June 15 – 22, 2020
<b>Service Domain: Service Plans: ISP Implementation</b> - 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	COMPLETE
Tag # 1A08.3 Administrative Case File: Individual Service Plan / ISP Components	Condition of Participation Level Deficiency	COMPLETE
Tag # 1A08.1 Administrative and Residential Case File: Progress Notes	Standard Level Deficiency	COMPLETE
Tag # 1A32 Administrative Case File: Individual Service Plan Implementation	Condition of Participation Level Deficiency	COMPLETE
Tag # 1A32.1 Administrative Case File: Individual Service Plan Implementation (Not Completed at Frequency)	Standard Level Deficiency	COMPLETE
Tag # IS04 Community Life Engagement	Standard Level Deficiency	COMPLETE
Tag # 1A38 Living Care Arrangement / Community Inclusion Reporting Requirements	Standard Level Deficiency	COMPLETE
Tag # 1A38.1 Living Care Arrangement / Community Inclusion Reporting Requirements (Reporting Components)	Standard Level Deficiency	COMPLETE
Tag # LS14 Residential Service Delivery Site Case File (ISP and Healthcare Requirements)	Condition of Participation Level Deficiency	COMPLETE
Tag # LS14.1 Residential Service Delivery Site Case File (Other Req. Documentation)	Standard Level Deficiency	COMPLETE
<b>Service Domain: Qualified Providers</b> - 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 # 1A22 Agency Personnel Competency	Condition of Participation Level Deficiency	COMPLETE
Tag # 1A43.1 General Events Reporting: Individual Reporting	Standard Level Deficiency	COMPLETE
<b>Service Domain: Health and Welfare</b> - 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 # 1A08.2 Administrative Case File: Healthcare Requirements & Follow-up	Condition of Participation Level Deficiency	COMPLETE
Tag # 1A03 Continuous Quality Improvement System & Key Performance Indicators (KPIs)	Standard Level Deficiency	COMPLETE
Tag # 1A09 Medication Delivery Routine Medication Administration	Condition of Participation Level Deficiency	COMPLETE

Tag # 1A27.2 Duty to Report IRs Filed During On-Site and/or IRs Not Reported by Provider	Standard Level Deficiency	COMPLETE
Tag # 1A31 Client Rights / Human Rights	Condition of Participation Level Deficiency	COMPLETE
Tag # 1A33.1 Board of Pharmacy - License	Standard Level Deficiency	COMPLETE
Tag # LS25 Residential Health & Safety (Supported Living / Family Living / Intensive Medical Living)	Standard Level Deficiency	COMPLETE
Tag # LS25.1 Residential Reqts. (Physical Environment - Supported Living / Family Living / Intensive Medical Living)	Condition of Participation Level Deficiency	COMPLETE
<i>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.</i>		
Tag # LS26 Supported Living Reimbursement	Standard Level Deficiency	COMPLETE

	Verification Survey Plan of Correction, On-going QA/QI and Responsible Party	Completion Date
<p><b>Tag # 1A09.1 Medication Delivery PRN Medication Administration</b></p>	<p><b>Provider:</b>  <b>State your Plan of Correction for the deficiencies cited in this tag here</b> <i>(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible an overall correction?):</i> →</p> <p>[    ]  <p><b>Provider:</b>  <b>Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here</b> <i>(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?):</i> →</p> <p>[    ]</p> </p>	<p>  </p>
<p><b>Tag # 1A09.2 Medication Delivery Nurse Approval for PRN Medication</b></p>	<p><b>Provider:</b>  <b>State your Plan of Correction for the deficiencies cited in this tag here</b> <i>(How is the deficiency going to be corrected? This can be specific to each deficiency cited or if possible an overall correction?):</i> →</p> <p>[    ]  <p><b>Provider:</b>  <b>Enter your ongoing Quality Assurance/Quality Improvement processes as it related to this tag number here</b> <i>(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?):</i> →</p> <p>[    ]</p> </p>	<p>  </p>

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Date: July 10, 2020

To: Bobby LeDoux, Executive Director  
Provider: Citizens for the Developmentally Disabled  
Address: 2532 Ridge Runner Rd.  
City, State, Zip: Las Vegas, New Mexico 87701

E-mail Address: [bobby@bacavalley.com](mailto:bobby@bacavalley.com)

Region: Northeast  
Routine Survey: January 17 – 23, 2020  
Verification Survey: June 15 – 22, 2020

Program Surveyed: Developmental Disabilities Waiver

Service Surveyed: **2018:** Supported Living, Customized In-Home Supports, Customized Community Supports

Survey Type: Verification

Dear Mr. LeDoux:

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

**The Plan of Correction process is now complete.**

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

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

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

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

Sincerely,

*Monica Valdez, BS*

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

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