

March 5, 2009

Curtis Peters, Director  
J. D. McCarty Center  
2002 East Robinson Street  
Post Office Box 490  
Norman, Oklahoma 73070

RE: Second Biannual Visit, 2008

Dear Mr. Peters:

The Office of Juvenile System Oversight (OJSO) initiated an unannounced visit at the J. D. McCarty Center on December 16, 2008, and returned on January 21, 2009, to complete the oversight. During the oversight visit, the OJSO spoke with administrators, staff, and residents and reviewed documents and files. In the telephone exit conference, the OJSO discussed the violations noted during the visit. The violations were:

1. Four of the five employees interviewed were unable to explain the grievance process. J. D. McCarty Center policy, 1035.17, Patient Rights/Grievance, (10), Further Guidance, (b) and (e), state, "Staff and patient orientation and training is a most important part of the system. Failure to ensure adequate training and orientation will result in an ineffective system that has little or no credibility . . . . The staff should be alert in appealing grievances where a resolution is outside their scope of authority. In fact, such grievances are to be automatically appealed to the next higher level of authority. If the staff cannot deal with the problem due to policy limitations, then their efforts to do so are meaningless and serve only to delay a resolution from someone with sufficient authority to affect a resolution."
2. Three of the five employees interviewed stated the facility did not allow for the use of time-out. J. D. McCarty Center policy, 3035.7, Use of Time Out, Purpose, states:

[The purpose for time-out is] to provide a safe environment for our patients which limits the use of time-out for the purpose of providing the patient an opportunity to re-gain self control. J. D. McCarty Center will strive to protect the health and safety of our staff and patients while preserving the dignity, rights and well being of the patient who may be in time-out. Time-out would never be used as a means of coercion, convenience, or retaliation by staff.

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J.D. McCarty Center will also use QAPI (Quality Assessment Performance Improvement) activities to identify opportunities to reduce the risks associated with the use of time-out through preventive strategies and use of alternative less restrictive methods.

No other issues or concerns were noted from the OJSO visit.

### OJSO Recommendation

Since issues with the facility grievance process and time-out were mentioned as areas of concern in the OJSO oversight reports during 2007, the OJSO recommends attention be given to the continued inability by staff to discuss these processes. As the OJSO discussed with facility administration during the exit telephone conference, the administration should review and supplement facility training materials to ensure that staff acquire and maintain a clear understanding of facility policy, to include understanding the rationale for the policies. In addition, the OJSO cautions that any training regarding time-out processes should include material consistent with the Center for Medicare and Medicaid Services (CMS) guidelines that indicate no patient should be physically prevented from leaving an area.

During the first day of the oversight visit, the OJSO had the opportunity to attend a Christmas party for the patients. It was evident that each one of the patients had been given an opportunity to indicate what they wanted for Christmas by the gifts they received. There was much excitement from the patients. It was inspiring to see the relationships that had been established between the staff members and the patients.

Please mail to the OJSO an original, signed response addressing the violations and the OJSO recommendation noted above, avoiding identification of any child or staff by name. Also, please send a non-scanned, electronic copy of your response to [jsharp@okkids.org](mailto:jsharp@okkids.org) for publication on the Oklahoma Commission on Children and Youth web page. We will wait thirty days to receive your response before publishing this correspondence on the web page; however, this correspondence has been sent to the Oklahoma State Department of Health.

Thank you for your assistance and cooperation in this matter. If you have any questions or comments concerning this correspondence, please call me at 606-4900.

Sincerely,

Jenifer K. Cooks, LPC  
Oversight Specialist

c: Dean Bay

