



# TEXAS

## Health and Human Services

Executive Commissioner  
Dr. Courtney N. Phillips

January 10, 2020

Darryl Ashford  
5620 FM 359 RD  
RICHMOND, TX 77406-9606

Operation #1019226  
North Fork Educational Center

**REGULAR AND CERTIFIED MAIL, RETURN RECEIPT REQUESTED**  
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Dear Darryl Ashford,

The purpose of this letter is to inform you of the decision made by the Child Care Licensing division of the Texas Health and Human Services Commission (HHSC) to place the following child-care operation on corrective action- probation:

Name: North Fork Educational Center  
Operation #: 1019226  
Address: 3001 ELM GROVE RD, WYLIE, TX 75098-6251

Tex. Hum. Res. Code §42.071 authorizes HHSC to take corrective action against an operation that does not comply with the minimum standards, rules, Chapter 42 of the Texas Human Resources Code, or the specific terms of the permit.

40\* Tex. Admin. Code §745.8605 sets forth the circumstances when HHSC may take a form of enforcement action against an operation. HHSC applied this rule to the decision to take enforcement action against your operation as follows:

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The decision to pursue corrective action is based on a repetition and pattern of deficiencies in the areas of emergency behavior intervention, discipline and children's rights:

In addition to the deficiencies issued there have been confirmed instances of the violation of children's right to be free of abuse and neglect.

TAC 745.8605

(5) A single serious deficiency of minimum standards, rules, or laws, including a finding of abuse or neglect or background check matches;

(6) Several deficiencies that create an endangering situation;

(7) A repetition or pattern of deficiencies;

40\* Tex. Admin. Code §745.8637 describes when HHSC may place an operation on probation for a violation described in 40\* Tex. Admin. Code §745.8605. Based on its application of this rule, HHSC has determined that probation is the appropriate form of enforcement action to take against your operation:

HHSC Licensing has determined Corrective Action Probation is the most appropriate action to take in order to address the patterns of deficiencies and safety of children in care.

The deficiencies cited are listed below:

<b>Date</b>	<b>Standard/ Rule/Law</b>	<b>Standard/Rule/Law Description</b>
12/13/2019	748.1101(b)(1)(B)	Children's rights-Adhere to the child's rights to be free of abuse, neglect, and exploitation as defined in Texas Family Code 261.401
12/13/2019	748.2303(a)	Corporal Punishment-May not use/threaten corporal punishment, such as hitting/spanking, forced exercise, holding physical position, unproductive work.
12/13/2019	748.2307(9)	Other Prohibited Punishments-subjecting a child to abusive or profane language
12/13/2019	748.535(1)	Child-care administrator responsibilities-Daily supervision and on-site administrative responsibility for the overall operation
11/02/2019	748.2003(b)(5)	Administration of prescription medication-Ensure the child has taken the medication as prescribed
09/26/2019	748.2101(2)	Medication Storage-Keep medication inaccessible other than to employees responsible for stored medication

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07/12/2019	748.3353(c)	Monitoring Devices-Video cameras may not be used to tape the child, and images may not be accessible except to operation employees and caregivers
02/13/2019	748.1101(b)(1)(B)	Children's rights-Adhere to the child's rights to be free of abuse, neglect, and exploitation as defined in Texas Family Code 261.401
02/13/2019	748.2461(a)(2)	Short Personal Restraint-Caregiver must use minimal amount of reasonable and necessary physical force
01/16/2019	748.1101(b)(1)(B)	Children's rights-Adhere to the child's rights to be free of abuse, neglect, and exploitation as defined in Texas Family Code 261.401
01/16/2019	748.1101(b)(4)(B)	Children's rights-The right to discipline that is appropriate to the child's age, maturity, and developmental level
01/16/2019	748.2455(a)(2)	Emergency Behavior Intervention-Basis for EBI is an emergency situation or to administer medication
01/16/2019	748.2551(a)	EBI Implementation-Must be an appropriate response to the behavior demonstrated, and de-escalation must have failed
12/10/2018	748.1101(b)(1)(B)	Children's rights-Adhere to the child's rights to be free of abuse, neglect, and exploitation as defined in Texas Family Code 261.401
12/10/2018	748.2461(a)(2)	Short Personal Restraint-Caregiver must use minimal amount of reasonable and necessary physical force
05/22/2018	748.1101(b)(3)(G)	Children's rights-comfortable clothing suitable to age/size/similar to peers in community. Teenagers have reasonable chance to select clothing

The conditions placed on your operation during this corrective action period are as follows:

- You must comply with all of the conditions in the corrective action plan and correct the minimum standards that were deficient.
- You must post the enclosed probation notice in a prominent place near all public entrances of the operation.
- You must establish and maintain compliance with all Licensing statutes, rules, and minimum standards.

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1. All direct care staff must receive an additional 8 hours of face to face training focusing on Emergency Behavior Intervention (EBI) from a qualified outside trainer in the operations identified EBI curriculum. The trainer and trainer credentials must be approved by Licensing prior to conducting the training. A minimum of 4 hours of this training should focus on verbal de-escalation. Topics for the other 4 hours of training must also include:
  - review of the operation's policies and procedures for EBI,
  - proper documentation of EBI,
  - recognizing triggers and situations that constitute performing emergency behavior intervention on a child in care.
  - resources available to staff for dealing with children with difficult behaviors,
  - resources available to staff when they become frustrated or angry with the children, and
  - the operation's expectations on appropriate ways to deal with these behaviors.

The training schedule must be submitted to Licensing at least 5 business days prior to the first training class. This required training should be completed no later than 30 days after the training curriculum and identified trainer has been approved by licensing. Any new staff hired after the training occurs must also receive this required training within 30 days of employment by an operation designee. The EBI curriculum for the training, the trainer's credentials, attendance records, and pre-test and post-test results for all participants must be kept at the operation and available for review by Licensing upon request. This requirement must be completed within 60 days of the corrective action begin date.

2. The Licensed Child Care Administrator (LCCA) or designee must review all behavior intervention data on a monthly basis and complete an evaluation by the 5th of every month. This evaluation must identify patterns in restraints, trends, staff involved, and any injuries. The operation will then set goals to improve any identified issue(s). This documentation must be available for Licensing to review upon request.  
Beginning Feb 3, 2020 and each month thereafter during the Corrective Action period, a chart must be provided to RCCL by the third of the month. The chart must provide the number of restraints for the previous month, any serious incidents to include injuries, staff and child(ren) involved, the nature of the incident and what action was taken. The Licensed Child Care Administrator or designee will submit the chart via email to the Licensing Inspector and the Licensing Supervisor.

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3. Each month of the Corrective Action period, The LCCA, Program Director, and Treatment Director for the operation (via. assigned rotation-determined by the operation) must randomly review videos recorded inside the operation to monitor the behavior, resident interaction of direct care staff (with residents), and resident interaction with supervisors (shift leads). The designated staff (LCAA, Program Director, and Treatment Director) must make note of any inappropriate staff behavior, including failure to provide appropriate supervision, implementation of inappropriate discipline, EBI, and inappropriate language. At least four hours must be reviewed weekly with at least half of the review consisting of the time period from 8:00PM until midnight. Documentation of the observation must be made noting the time, date, staff member's observed, resident's observed, activity, and length of time observed. If any concerns are noted, the LCCA must review the recorded video with the appropriate staff and document the steps the operation took to address the concerns. Copies of this video footage observed must be kept for review by licensing. All other video reviewed must be available for licensing according to the operation's reported storage capability of 60 days. Documentation of observations and of the debriefing with staff must be kept on file and available for licensing to review.
4. The LCCA must designate a supervisor for each unit to conduct monthly team meetings. These team meetings will also consist of an EBI trainer, treatment director and direct care staff. Each unit meeting will review EBI data for the children housed in their unit. Discussion will focus on each child's trauma history, assessment of the milieu environment, examination of interventions implemented, and individual styles of caregivers relative to the child's needs. During this meeting, members will also conduct an analysis of how interventions, environment, caregiver style, or other cues might trigger post-traumatic responses overall for their unit. Staff assigned to that unit will be given individual feedback privately about their involvement with EBI. Information discussed and analysis will be documented and provided to the LCCA for further review. A copy of each units' meeting notes must be available for review by Licensing upon request. The first meeting must be conducted within 15days of the beginning of the corrective action period and every 30days after for the corrective action period begins.

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5. The LCCA or Designee must visually monitor a minimum of 2 restraints per week (via. video or in person) and review all accompanying restraint documentation within 24-hours of the restraint. Restraints that occur at the operation that are outside of the common areas or camera surveillance areas of the operation will require an EBI documentation review (by LCAA or Designee) and will need to be completed in accordance to the documentation review requirements of this condition  
The LCCA or Designee must designate someone in their absence to carry out this condition and the assigned staff member must notify the LCCA or designee immediately following the LCAA's return to the operation. Upon review of the restraint documentation, a determination must be made whether the incident met the definition of an emergency situation and if the restraint was appropriately conducted. If a determination is made that the restraint was not warranted or was not appropriately conducted, the LCCA or designee must document what action(s) were taken with the staff involved in the restraint and what actions were taken to ensure that restraints are only conducted in emergency situations. The reviews must include any feedback or recommendations given to the staff involved in the restraint. This documentation must be available for review by licensing staff and will continue throughout the duration of the corrective action period.
6. The LCCA and the Executive Director will initiate and lead a workgroup that is comprised of direct care staff, residents, and a therapist or counselor to engage residents to develop ideas to reduce and/or prevent the number of restraints and runaways. This workgroup will meet once a month for the duration of the Corrective Action Plan period. Recommendations from the group must be submitted to the LCCA after each meeting. The LCCA must review and implement a plan to address recommendations from the group as appropriate. The meeting notes, including the LCCA review, will be available for Licensing to review upon request. These meetings should begin within 30 days from the start date of the Corrective Action Period.

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7. The Treatment Director, in conjunction with designees, must spend a total of at least 12 hours each week observing direct care staff interactions with children placed at the operation. During observations, the Treatment Director or designee should model appropriate behaviors and interactions with children in care and provide direct feedback to staff about their work. These 12 hours are to be divided equally among all shifts/units and weekend hours each week. The Treatment Director must create an observation tool to track each observation. This tool should include information regarding date/time of the observation, who completed the observation, what the observer saw during the time they spent observing staff and children, any concerns noted, and what was done to resolve these issues. This document must be logged within 48 hours of completing the observation by the observer. If any concerns were noted the Treatment Director and LCCA will document what actions were taken to address these concerns. This must occur no later than 3 days from the date of the observation tool being completed.

The Treatment Director can designate the following personnel to assist in accomplishing this condition: case managers, program supervisor or administrator.

8. All direct care staff will attend 3 hours of training that focuses on providing positive behavioral support for children in care and trauma informed care. These trainings must be obtained from a qualified instructor-led source not affiliated with the operation. The trainer's name, credentials and the curriculum for the training must be submitted to licensing for approval. Attendance record of participants, including the pre and post-test for each attendee must be kept at the operation and made available for review by Licensing upon request. The training schedules must be submitted to Licensing at least 5 business days prior to the first training class. The training must be completed within 90 days of the corrective action period begin date.

You must keep documentation demonstrating compliance with these conditions at your operation. This documentation must be available for review by licensing staff during an inspection or investigation of your operation. A licensing representative will inspect your operation to determine if it is meeting the corrective action conditions. These inspections will be unannounced. As provided in Tex. Hum. Res. Code §42.044, you must allow licensing representatives into your operation during operating hours to investigate, inspect and evaluate. HHSC may revoke your permit if your operation continues to be deficient with minimum standards, rules, laws or permit restrictions, or if you fail to comply with the above conditions during the corrective action period.



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The corrective action period is scheduled to begin on 01/21/2020 and will end on 01/21/2021. You have the right to request an administrative review if you disagree with HHSC's decision to place your operation on corrective action. To request an administrative review, you must send a written statement that includes your reason for dispute to Susy Juarez, Admin Assistant 5155 Flynn Pkwy Suite 201 Corpus Christi, TX 78411 or [Susana.Juarez@hhsc.state.tx.us](mailto:Susana.Juarez@hhsc.state.tx.us) within fifteen (15) days of receipt of this letter. You may also expedite the begin date of your corrective action period by sending a written statement that includes your decision to waive your right to an administrative review before the 15-day timeframe to submit your request expires.

\*Currently, Child Care Licensing rules are located in Title 40 of the Texas Administrative Code. The rules will be transferred to Title 26 at a later date.

Sincerely,

TONI CANTU  
District Director  
(361) 878-3208  
Enclosure(s):

cc:  
Mike Ekenrode, Executive Director  
Jim Morris, Administrator  
Norman Ladd, North Fork Legal  
Rhonda Gafford, HHSC Inspector  
Ta'Mar Otini, HHSC Supervisor  
Kendall Lawrence, HHSC Supervisor  
Penelope Baldwin, HHSC Program Administrator