

**STATE OF ILLINOIS**  
**DEPARTMENT OF PUBLIC HEALTH**  
**STATEMENT OF VIOLATIONS AND PLAN OF CORRECTION**

BJORKLUND HOUSE

0039149

Facility Name

I.D. Number

15841 TERRACE DRIVE, OAK FOREST, ILLINOIS 60452

Address

Date of Survey: 08/05/2004

**COMPLAINT INVESTIGATION**

As a result of a survey conducted by representative(s) of the Department, it has been determined the following violations occurred. Please respond to each violation. The response must include specific actions which have been or will be taken to correct each violation. The date by which each violation will be corrected must also be provided. Forms are to be submitted with the original signature.

IMPORTANT NOTICE: THE STATE AGENCY IS REQUESTING DISCLOSURE OF INFORMATION THAT IS NECESSARY TO ACCOMPLISH THE STATUTORY PURPOSE AS OUTLINED UNDER PUBLIC ACT 83-1530. DISCLOSURE OF THIS INFORMATION IS MANDATORY. THE FORM HAS BEEN APPROVED BY THE FORMS MANAGEMENT CENTER.

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**"A" VIOLATION(S):**

350.3240a) AN OWNER, LICENSEE, ADMINISTRATOR, EMPLOYEE OR AGENT OF A FACILITY SHALL NOT ABUSE OR NEGLECT A RESIDENT. (Section 2-107 of the Act)

350.3240f) RESIDENT AS PERPETRATOR OF ABUSE. WHEN AN INVESTIGATION OF A REPORT OF SUSPECTED ABUSE OF A RESIDENT INDICATES, BASED UPON CREDIBLE EVIDENCE, THAT ANOTHER RESIDENT OF THE LONG-TERM CARE FACILITY IS THE PERPETRATOR OF THE ABUSE, THAT RESIDENT=S CONDITION SHALL BE IMMEDIATELY EVALUATED TO DETERMINE THE MOST SUITABLE THERAPY AND PLACEMENT FOR THE RESIDENT, CONSIDERING THE SAFETY OF THAT RESIDENT AS WELL AS THE SAFETY OF OTHER RESIDENTS AND EMPLOYEES OF THE FACILITY. (Section 3-612 of the Act)

These regulations were not met as evidenced by the following:

Based on interview and file verification, the facility failed to take protective actions to ensure that 15 of 15 (R1, 3 - 16) individuals living in the facility were not neglected or subject to potential sexual assault from R2, once they became aware that an allegation against R2 of sexual assault had been made by R1. The facility failed to adequately supervise R2 by placing him on 1:1 or direct line-of-sight supervision in order to prevent recurrence while conducting the investigation of the alleged sexual assault.

R1 is a 45-year-old male whose diagnoses include Mild Mental Retardation, Down Syndrome, Hypothyroidism, Hemorrhoids, and Alopecia, per his Individual Service Plan (ISP) dated 12/04/03. Per observation, R1 is alert, oriented and able to verbally communicate his likes/dislikes/wants and needs. R1 was admitted to the facility in 11/01.

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350.3240a) R2 is a 46-year-old male whose diagnoses include Moderate Mental Retardation, Grade I Hypertension,  
 350.3240f) Cardiac Arrhythmia and Mild Mitral Valve Prolapse, per his ISP of 04/28/04. Per  
 (Cont.) observation, R2 is alert, oriented and fully able to verbally communicate his  
 likes/dislikes/wants and needs. R2 was admitted to the facility in 1/94.

Per review of incident reports, R1 was taken to a local urgent care center on the morning of 07/26/04 due to diarrhea, vomiting and rectal bleeding. Per interview with E1 (Administrative Coordinator) on 07/27/04, while at the urgent care center, R1 reported to her that he had been sexually assaulted by R2. According to E1, R1 stated that R2 had "stuck a stick up (his) butt." R1 told E1 that R2 had threatened him, tried to make him drink urine and eat feces and wanted to make him sick. R1 stated that R2 told him that if he (R1) told anyone about this that he (R1) would be in trouble and would not be allowed to go home with his cousin. E1 stated that in follow-up interviews with R1, he told her that R2 had previously touched his private parts, stuck his (R2's) finger up him, stuck other objects up him such as pencils and tacks and that it hurt him. He stated to E1 that he was afraid of R2 and didn't want to get in trouble. E1 stated that she immediately informed the doctor at the urgent care center of the possibility that R1 had been sexually abused or assaulted by R2. E1 stated to surveyor that she and her staff had no prior knowledge that R2 had ever displayed sexually aggressive behavior toward anyone in the past.

R1 was subsequently sent to a local hospital, where he was admitted later in the day on 07/26/04 in order to undergo a battery of tests, which included a colonoscopy. R1 remained in the hospital until 07/30/04.

Z1 was interviewed via phone on 8/3/04 regarding the results of these tests. Z1 stated that R1 experienced "erythema of the rectum due to trauma rather than illness, in the opinion of (the gastroenterologist) who performed the colonoscopy." Z1 stated that in his opinion R1 was telling the truth and that the assault "probably did happen as he described it....I don't think he made this up, he had no reason to..."

On interview on 07/27/04, E1 stated that she returned to the facility from taking R1 to the hospital and initiated the investigation into the allegation. E1 stated that she obtained sticks and a wooden microphone from the room of R2, placing them in a bag to preserve as possible evidence. She interviewed R2 upon his return from workshop and after initial denial of any sexual contact with R1, R2 admitted to her that he had "put a stick inside (R1's) anus." E1 stated that R2 also admitted to having sexual contact with at least two other male peers since he was admitted to the facility although he could not give specific time frames for these other encounters. R2 admitted to threatening R1, as well as R3 and R17 (a previous resident at the facility).

Surveyor interviewed R1 on 08/02/04. During this interview, R1 stated that he was afraid of R2...."he hurts me, he says I'm hardheaded, he thinks it's a joke and he laughs at me....he's trying to make me sick..." R1 stated R2 has assaulted him five times and that he told R2 "No - don't do that" on two occasions but it didn't do any good. When asked what he should do if anything like this happened in the future, R1 said he "would go to the kitchen and tell staff "but he added that he wouldn't shout out for help and "would just have to suffer" if he was prevented from leaving the room. During the interview, R1 was shown the items, i.e. sticks

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350.3240a)  
 350.3240f)  
 (Cont.)

and wooden microphone, that E1 had confiscated from R2's room. R1 was asked if he could identify if any of these items had been used by R2 on him. He looked at each item and spontaneously selected a piece of a tree branch approximately 3/4" in diameter and 15-18" long. E1, who was also in the room during the interview, stated to surveyor that this was the identical item that R2 had selected when she questioned him.

During interview with E1 on 07/27/04 at approximately 4PM, surveyor asked if R2 had been placed under continual line-of-sight or 1:1 supervision while the investigation was being conducted, i.e. from 9:30AM on 07/26/04 onward. E1 said "no, should I have done that? I'll do that right now." E1 briefly left the room, and upon return stated that R2 was placed under 1:1 supervision effective immediately.

(A)