

DEPARTMENT OF HEALTH AND HUMAN SERVICES
CENTERS FOR MEDICARE & MEDICAID SERVICES

PRINTED: 11/4/04
FORM APPROVED
OMB NO. 0938-0391

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 145259	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____ B. WING _____		(X3) DATE SURVEY COMPLETED 6/16/04
NAME OF PROVIDER OR SUPPLIER ALDEN PARK STRATHMOOR			STREET ADDRESS, CITY, STATE, ZIP CODE 5668 STRATHMOOR DRIVE ROCKFORD, IL 61107		
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F9999	FINAL OBSERVATIONS	F9999			

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F9999	Continued From page 47 Surveyor: 02531 LICENSURE VIOLATIONS: 300.695 b) The facility shall immediately contact local enforcement authorities (e.g., telephoning 911 where available) in the following situations; 3) Sexual abuse of a resident by a staff member, another resident, or a visitor 300.1210 a) The facility must provide the necessary care and services to attain or maintain the highest practicable physical, mental, and psychosocial well-being of the resident, in accordance with each resident's comprehensive assessment and plan of care. Adequate and properly supervised nursing care and personal care shall be provided to each resident to meet the total nursing and personal needs of the resident. 300.3240 d) A facility administrator, employee, or agent who becomes aware of abuse or neglect of a resident shall also report the matter to the Department Based on observation, interview and record review the facility failed to 1. Have staff knowledgeable on how to respond to an allegaton of abuse. 2. Have staff aware of who was responsible for conducting the abuse program in the facility. 3. Follow the facility's abuse protocol on notification of the local police of an allegation of sexual abuse. 4. Do a complete and thorough investigation concerning an allegation of sexual assault that occurred on 05-22-2004 at 11:30 p.m. 5. Immediately notify the police about the alleged sexual assault 6. Immediately notify the State survey and Certification Agency of allegations of abuse and	F9999		

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F9999	<p>Continued From page 48</p> <p>neglect</p> <p>The findings include:</p> <p>Review of the facility's incident report dated 5/24/04 states, "resident claimed that male employee put hands between legs and tried to pull her pants down." The report documents that the incident occurred on 5/22/04 at 11:30 p.m. R14 notified the police 5/23/04 at 9:30 p.m. This was 22 hours after the alleged incident occurred. R14, on her own, called the police on her own and reported the incident on 5/23/04 at 9:30pm.</p> <p>Nurses' Notes dated 5/23/04 at 12:30 p.m. state, "This a.m. resident stated that she was touched inappropriately in a sexual manner by a tall Mexican man last night (on 5/22/04) at 11:30 p.m. When asked if there was penetration, she (R14) denies any. E2 Director of Nurses (DON), E3 (Assistant Administrator), E20 (physician), and power of attorney for health care were all notified." Nurses' Notes dated 5/24/04 document that E20 returned the call placed by nursing approximately 22 hours after the incident and gave orders for a psychological evaluation.</p> <p>The facility was unable to provide any documentation that a physical exam which included a full body assessment was conducted after R14 made the allegation. During an interview conducted on 6/3/04 E8 (LPN) verified that there was no physical assessment charted. This examination should include all of the areas of the body that were touched by the alleged perpetrator per (Sexual Assault Nurse Examiner Training Program). E8 said that she did not examine the peri-area to include the genitalia when she asked</p>	F9999		

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F9999	<p>Continued From page 49</p> <p>R14 if she could examine her on 5/23/04.</p> <p>Psychology Progress Notes dated 5/24/04 states, "She (R14) also reported symptoms of anxiety and fear related to an allegation of inappropriate touching by a tall Mexican male. She reports that the incident took place at 11: 30 p.m. in her room while lying in bed. She was awakened to the sensation of a tall, Mexican man touching her inner left thigh and moving up her leg to her private parts...Plan: Spoke with staff regarding recommendations for mild anti-depressant following signs and symptoms of mood issue. Spoke with staff regarding survivor treatment and focusing on coping with feelings associated with the incident."</p> <p>During an interview on 6/3/04 at 8:45 a.m. R14 stated, "that this had never happened to her before. I feel like it is my fault." R14 began to cry and was emotionally upset. R14 stated, "E10 (Social Service Designee, Activity Director and Abuse Prohibition Coordinator) told my friend that I had dreamed it. I did not dream it."</p> <p>During an interview conducted on 6/3/04 at approximately 2:45 p.m., R32 ,who residents on the same wing in the facility, said that she (R14) is scared and has asked me to watch her room for her at night. R14 believes that the incident happened.</p> <p>During an interview conducted on 6/2/04 at approximately 3:05 p.m. E7 (LPN) stated, "She (R14) was upset and crying when she told me about being touched. When she told others she got emotional and got teary. She did not isolate herself but was visibly upset." E7 was asked if he called the police on 5/23/04 once he was made</p>	F9999		

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F9999	<p>Continued From page 50</p> <p>aware of the allegation. E7 replied "no". E7 was asked by the surveyor if he was aware of the facility's policy and procedure for Contacting Local Law Enforcement when an allegation of sexual abuse were made and E7 replied "No".</p> <p>R14 was interviewed on 6/2/04 at approximately 11:15 a.m. R14 verified that no staff came in and checked her after she made the allegation. R14 also said that she called the police the next evening and filed a report. R14 was asked by surveyor if the facility offered to call the police and R14 responded "No". R14 was observed to be teary eyed and crying during the interview process.</p> <p>R14 has diagnoses of Depression, Seizure Disorder, Hyperlipidemia, and Cerebral Vascular Accident per physician's order sheet for the period of 5/9/04 to 6/8/04. Review of the Minimum Data Set dated 3/30/04 documents that R14 has no short or long term memory deficits and is independent in her decision making. R14 has no documented mood or behavior patterns.</p> <p>During an interview conducted on 6/3/04 E8 (LPN) verified that there was no physical assessment charted. This examination should include all of the areas of the body that were touched by the alleged perpetrator per (Sexual Assault Nurse Examiner Training Program). E8 said that she did not examine the peri-area to include the genitalia when she asked R14 if she could examine her on 5/23/04.</p> <p>R14 was interviewed on 6/2/04 at 11:15am, 6/15/04 at 11:40am about the incident. Each time R14 confirmed that the incident occurred at 11:30pm. R14 said she was unable to shout for help at the</p>	F9999		

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F9999	<p>Continued From page 51</p> <p>time because she was scared. Because of being afraid she delayed reporting the incident and calling the police. R14 confirmed that she did not have any kind of relationship with E11. R14 had seen E11 in the hallways of the facility collecting laundry, but had not seen him any where since the night of 5/22/04</p> <p>Review of the facility's investigation reports done by E1 (Administrator) shows that no residents residing by R14's room were interviewed. The report identified E11 (laundry aide) as the possible perpetrator. E11 was interviewed concerning the incident by E1 on 5/24/04 at approximately 1:30 p.m. through and interpreter. During this interview E11 stated that he left the building via the B-wing exit door located at the end of the hall. Review of the facility floor plan shows that R14's room is located on B-wing, 3 doors away from the emergency exit door.</p> <p>Review of the facility's policy and procedure for Contacting Local Law Enforcement states "The facility shall immediately contact local law enforcement authorities in the following situations: 1. Sexual abuse of a resident by a staff member , another resident, or visitor; 2. Physical abuse involving physical injury inflicted by a staff member or visitor; or 3. When a crime has been committed in a facility by a person other than a resident." The police were notified by R14 on 5/23/04 at 9:30 p.m. 22 hours after the alleged incident occurred.</p> <p>During an interview conducted on 6/3/04 at approximately 10:30 p.m. E28 (Personnel Director) stated, "E11's Social Security Card and Resident Alien Card looks suspicious. They have obviously been altered. When I called the Social Security</p>	F9999		