

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

PRINTED: 02/26/2008
FORM APPROVED
OMB NO. 0938-0391

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 145275	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____ B. WING _____	(X3) DATE SURVEY COMPLETED C 05/16/2007
NAME OF PROVIDER OR SUPPLIER TIMBERCREEK REHAB & HEALTHCARE CENTER			STREET ADDRESS, CITY, STATE, ZIP CODE 2220 STATE STREET PEKIN, IL 61554	
(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY MUST BE PRECEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION)	ID PREFIX TAG	PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY)	(X5) COMPLETION DATE
F 000	INITIAL COMMENTS	F 000		
F 223 SS=J	<p>Complaint Investigations: 0721350 / IL27996 ==> F223, F225, F309 0721414 / IL28063 ==> F223, F225, F309</p> <p>A partial extended survey was conducted. 483.13(b), 483.13(b)(1)(i) ABUSE</p> <p>The resident has the right to be free from verbal, sexual, physical, and mental abuse, corporal punishment, and involuntary seclusion.</p> <p>The facility must not use verbal, mental, sexual, or physical abuse, corporal punishment, or involuntary seclusion.</p> <p>This REQUIREMENT is not met as evidenced by: Based on observation, record review, and interview, the facility failed to put measures into place to increase monitoring and supervision after hiring E9, Certified Nursing Assistant (CNA), who had waived disqualifying offenses on the Health Care Worker Registry of domestic battery and retail theft. E9 was later found guilty of aggravated battery of a senior citizen and abuse and criminal neglect of a long-term care facility resident after twisting R2's arm and breaking her wrist.</p> <p>These failures resulted in an Immediate Jeopardy. While the Immediate Jeopardy was removed on 5-16-07, the facility remains out of compliance at a severity level two. Additional time is needed to monitor the effectiveness of newly implemented policies and procedures as well as to train and monitor staff.</p>	F 223		5/31/07
LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE		TITLE		(X6) DATE

Any deficiency statement ending with an asterisk (*) denotes a deficiency which the institution may be excused from correcting providing it is determined that other safeguards provide sufficient protection to the patients. (See instructions.) Except for nursing homes, the findings stated above are disclosable 90 days following the date of survey whether or not a plan of correction is provided. For nursing homes, the above findings and plans of correction are disclosable 14 days following the date these documents are made available to the facility. If deficiencies are cited, an approved plan of correction is requisite to continued program participation.

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F 223	<p>Continued From page 1</p> <p>Findings include:</p> <p>1. On 3-7-07, R2 was admitted to the facility with diagnosis of a right humerus fracture after sustaining a fall and having her shoulder surgically repaired. On 3-15-07, R2 was re-admitted to the hospital for repair of a dislocation of the same shoulder as stated in the hospital history and physical dated 3-15-07.</p> <p>A consultation from the same local hospital dated 3-28-07 states "This patient is seen at 0700 hours on March 28 for pre-operative medical evaluation prior to repair of left arm fracture. This patient first seen by me on February 22, 2007, because of fracture of the right shoulder, which was surgically repaired by (Z1). She was subsequently dismissed (to the nursing home) but re-admitted sometime thereafter with a second fracture of the right shoulder, which was also repaired by (Z1). She was then dismissed to a nursing home on March 22 and apparently had some type of altercation that led to a fracture of the left arm with various reports stating fracture of the humerus and other fracture of the ulna. She was admitted yesterday and surgical repair of the same was planned."</p> <p>Facility nursing notes dated 3-24-07 state "CNA's doing daily care said resident complained left wrist hurting. Left wrist swollen, resident is able to move wrist." Nursing notes continue stating an x-ray was obtained 3-26-07, results received 3-27-07, and R2 admitted to the hospital that day for repair of a left wrist fracture.</p> <p>The facility's final investigation into R2's left wrist fracture dated 3-27-07 states "follow up</p>	F 223			

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F 223	<p>Continued From page 2</p> <p>investigation reveals on March 24, 2007, (R2) complained to her caregiver that morning a staff member had hurt her wrist the evening before. She stated the staff member squeezed it and twisted it. An assessment was immediately done by the nursing staff, and it was determined that the wrist was red. She also stated the staff member slapped her across the face. The assessment revealed a scratch to her nose...Information obtained during the investigation of the incident does appear to support the resident's complaint. On March 30, 2007, (E9) CNA was terminated from the facility..."</p> <p>On 4-2-07 at 1:00 p.m., E13 (CNA) stated on 3-24-07 at about 7:00 a.m., she went to get R2 up for the day when R2 complained of pain to her hand. E13 stated R2's left hand was obviously displaced. When E13 asked what happened, R2 stated a "big colored girl" grabbed and twisted it last night. E13 stated she told nursing staff that she, R2, "did not care for E9" stating E9 did not know her own strength. E13 did not remember how long ago R2 told the nursing staff.</p> <p>On 4-3-07 at 9:10 a.m., E12, CNA stated on 3-24-07 after breakfast R2 complained that her wrist hurt stating a "big colored aide" from the second shift shook her and she, R2, could feel bones in her wrist break. E13 thought her nose (R2's) looked like it had been pinched. R2 told E13 she did not report the incident because she was too "shook up." E12 stated R2 "appeared afraid." E13 also stated she had heard complaints from other aides for about a month that E9 was being "rough" with residents.</p> <p>During interview, E14, Licensed Practical Nurse</p>	F 223			

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F 223	<p>Continued From page 3</p> <p>(LPN), E16, former CNA Supervisor, and E2, DON, stated no one reported to them that E9 was being rough with residents before the 3-24-07 incident.</p> <p>On 4-3-07 at 11:40 a.m. R2 was observed at a local hospital with a cast to her left arm. When asked how she hurt her arm, R2 stated "some big lady (stated a name similar to E9's) twisted my arm and broke it...she threw me around and slapped me."</p> <p>During interview on 5-2-07 at 12:10 p.m., Z2, Detective for a local police department, stated he was called by the facility and investigated the incident. According to Z2, E9 was assisting R2 to remove her sweater when she heard a popping sound. E9 stated she knew she had probably injured R2 but was afraid she would lose her license if she reported it. Z2 stated E9 was charged with aggravated battery to a senior citizen and abuse and criminal neglect of a long term care resident.</p> <p>Z2's written report states he interviewed R2 at the local hospital about how she hurt her wrist and R2 stated "the black nurse grabbed it and twisted it while she was going to the bathroom...the black nurse is always rough with her, and she carries her around like she is a baby. She stated that she tells the nurse that she does not like to be cradled like a baby, but she keeps on doing it anyway. She stated that the black nurse carried her into the bathroom like this, and she told her to stop it. She stated the nurse threw her down on the toilet and grabbed her wrist and started twisting it...then picked her up and put her in bed." R2 could not remember anyone scratching her face.</p>	F 223			

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F 223	<p>Continued From page 4</p> <p>On 5-3-07 at 9:50 a.m., Z1, Orthopedic surgeon, stated he treated R2 three time: First for a right shoulder repair after a fall. Second time for dislocation and repair of the original shoulder repair. Third time for repair of her fractured left wrist.</p> <p>When R2 came for evaluation and repair of her fractured left wrist, Z1 stated she told him staff had been "rough with her" at the facility. Z1 stated R2 did have bruising to her arm and face consistent with inflicted injury.</p> <p>On 4-3-07, E9's personnel file was reviewed. E9's Health Care Worker Registry check ran on her hire date of 12-19-06 stated "disqualifying offenses found." This form also showed a waiver had been granted for these offenses. E9's police background check dated 12-21-06 show the disqualifying offenses of domestic battery and retail theft with a waiver attached.</p> <p>During interview on 4-30-07, E2, Director of Nursing, stated she was not aware that E9 had a waiver for a domestic battery charge and retail theft so no measures were put into place to monitor or more closely supervise E9's work.</p> <p>On 4-30-07 at 2:05 p.m., E16, former CNA Coordinator responsible for hiring CNA's and checking the CNA registry and their references at the time of E9's hire, stated E9 had a copy of her waiver when she started work. E16 stated she showed the background check information containing E9's disqualifying offenses and waiver to E17, Director of Clinical Operations (acting Administrator at the time) who approved it.</p>	F 223			

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F 223	<p>Continued From page 5</p> <p>On 4-30-07 at 2:35 p.m., E17, was asked what is done when a CNA has a waiver for disqualifying offenses found during the background check. E17 stated he would investigate thoroughly if that person is appropriate for hire and then, if the person is hired, implement a plan for staff and supervisors to monitor the employee. E17 stated he does not remember being shown the paperwork relating to E9 having disqualifying offenses which had been waived so no further investigation was performed before E9 was hired, nor was there any increased monitoring of E9 once she was hired. E17 stated he did not even know E9 until she was investigated for hurting R2's wrist.</p> <p>On 5-14-07 at 2:45 p.m., an Immediate Jeopardy was found to have begun when the facility failed to increase monitoring or supervision of a CNA working in the facility with waived disqualifying offenses of domestic battery and retail theft who later was found to have broken a resident's wrist. The Administrator was informed of the Immediate Jeopardy on 5-14-07 at 3:20 p.m.</p> <p>The surveyor confirmed through record review and interview, the facility took the following measures to abate the Immediate Jeopardy:</p> <ol style="list-style-type: none"> 1. On 2-8-07 a 100% audit was completed on the CNA files for registry checks. 2. On 2-8-07 the Business Office Manager, Medical Records person, DON and ADON (Assistant Director of Nursing) were inserviced on appropriately checking CNA registry checks and criminal background checks. 3. On 3-26-07 facility staff completed a 100% 	F 223			

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F 223	Continued From page 6 audit on all CNAs for appropriate nurse aide registry checks and criminal background checks. 4. O 3-26-07 facility developed and initiated use of form for tracking CNA registry checks and criminal background checks. Department heads were inserviced on the use of this form on that date. 5. Beginning on 3-27-07 and ending on 3-30-07 facility staff attended directed inservice given by (E17), Registered Nurse, BSN Director of Clinical Operations, which covered Abuse/Neglect prevention and investigation, completion of employee criminal background checks, and CNA registry checks. 6. On 4-12-07 facility staff were inserviced on Abuse/Neglect Prevention by a representative from the Illinois Department on Aging. 7. The facility initiated a new policy of not employing any person with a criminal history of abuse or battery. 8. The facility has adopted a policy that they will no longer hire CNAs with waivers. 9. On 5-14-07 facility completed an audit of 100% of employees files for nurse aid registry checks. 10. On 5-14-07 a 100% audit was completed on criminal background checks for all CNAs in the facility. 11. On 5-16-07, E6, CNA, was terminated from the facility - waiver for domestic battery in 1999.	F 223			

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F 223	Continued From page 7 12. On 5-16-07 E19, CNA, was terminated from the facility - waiver for retail theft in 1997. 13. Only one CNA left at facility with a waiver, E20 - waiver for retail theft in 1988. E20 will be monitored daily by the charge nurse on her unit. The Administrator or her designee will conduct random interviews with residents on a monthly basis to ensure that there are no issues related to previous history of criminal charges. Administrator will also conduct monthly random interviews with the professional staff working with E20 to ensure there are no issues related to her previous history of criminal charges. Documentation of the above interviews will be kept in E20's employment file.	F 223			
F 225 SS=J	483.13(c)(1)(ii)-(iii), (c)(2) - (4) STAFF TREATMENT OF RESIDENTS The facility must not employ individuals who have been found guilty of abusing, neglecting, or mistreating residents by a court of law; or have had a finding entered into the State nurse aide registry concerning abuse, neglect, mistreatment of residents or misappropriation of their property; and report any knowledge it has of actions by a court of law against an employee, which would indicate unfitness for service as a nurse aide or other facility staff to the State nurse aide registry or licensing authorities. The facility must ensure that all alleged violations involving mistreatment, neglect, or abuse, including injuries of unknown source and misappropriation of resident property are reported immediately to the administrator of the facility and to other officials in accordance with State law through established procedures (including to the State survey and certification	F 225		5/31/07	

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F 225	<p>Continued From page 8 agency).</p> <p>The facility must have evidence that all alleged violations are thoroughly investigated, and must prevent further potential abuse while the investigation is in progress.</p> <p>The results of all investigations must be reported to the administrator or his designated representative and to other officials in accordance with State law (including to the State survey and certification agency) within 5 working days of the incident, and if the alleged violation is verified appropriate corrective action must be taken.</p> <p>This REQUIREMENT is not met as evidenced by: Based on observation, interview, and record review, the facility:</p> <p>1) Failed to protect its residents from potential abuse by allowing E4, Certified Nursing Assistant (CNA), to work in the facility for three months with a finding of abuse on the Health Care Worker Registry. E4 was hired 11-9-06 and worked until 2-8-07 at which time he was terminated.</p> <p>2) Failed to protect its residents from abuse by allowing E9, CNA, to work at the facility without increased monitoring or supervision after hiring her with a finding of domestic battery on the Health Care Worker Registry. E9 was later found to have broken the wrist of a resident at the facility, R2, and was terminated.</p> <p>3) Failed to report alleged verbal abuse</p>	F 225			

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F 225	<p>Continued From page 9</p> <p>immediately to their supervisor for 1 of 3 residents reviewed (R1).</p> <p>4) Failed to check the Health Care Worker Registry before hiring a certified nursing assistant (E5), 1 of 19 personnel files reviewed.</p> <p>These failures resulted in an Immediate Jeopardy. While the Immediate Jeopardy was removed on 5-16-07, the facility remains out of compliance at a Severity Level two. Additional time is needed to monitor the effectiveness of inservices conducted and new policies and procedure implemented.</p> <p>Findings Include:</p> <p>1. E4's personnel file shows his hire date to be 11-9-06. The Health Care Worker Registry check initiated by the facility on 11-7-06 shows an Administrative finding of abuse from 3-29-06. At the bottom of the registry check form it states "No health care employer shall hire, employ, or retain any individual who has a disqualifying conviction or an administrative finding of abuse, neglect or theft..." E4's personnel file contains another Health Care Worker Registry check sheet ran 1-31-07 with the same information. The file notes that E4 was terminated on 2-8-07.</p> <p>The facility's undated policy entitled "Abuse Prevention Program" states "This facility affirms the right of our residents to be free from abuse, neglect, misappropriation of resident property, corporal punishment, and involuntary seclusion. This facility therefore prohibits mistreatment, neglect or abuse of its residents, and has attempted to establish a resident sensitive and resident secure environment. The purpose of</p>	F 225			

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F 225	<p>Continued From page 10</p> <p>this policy is to assure that the facility is doing all that is within its control to prevent occurrences of mistreatment, neglect or abuse of our residents...This facility will not knowingly employ any individual convicted of resident abuse or misappropriation of resident property. The facility will not knowingly employ any direct care staff convicted of any of the crimes listed in the Illinois Healthcare Worker Background Check Act (unless waived under the provision of the Act), or with findings of abuse listed on the Illinois Nurse Aide Registry."</p> <p>On 4-3-07 at 2:30 p.m., E2, Director of Nursing, stated E4 was let go 2-8-07 because of findings of abuse on the registry. When asked why E4 was hired and allowed to work from 11-7-06 to 2-8-07 with a finding of abuse of the registry, E2 replied they were waiting for E4 to get his waiver. When the waiver had not materialized, they did an audit of registry checks on 1-31-07. E4 was terminated.</p> <p>On 4-3-07 at 2:15 p.m., E1, Administrator, stated E4 had been hired as a full-time CNA who had access to all residents in the facility. This created a potential for abuse to every resident at the facility. Current census is more that 130 residents.</p> <p>2. On 3-7-07, R2 was admitted with diagnoses of a right humerus fracture after sustaining a fall and having her shoulder repaired through surgery. On 3-15-07, R2 was re-admitted to the hospital for repair of a dislocation of the same shoulder per the hospital history and physical dated 3-15-07.</p>	F 225			

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F 225	<p>Continued From page 11</p> <p>A consultation from the same local hospital dated 3-28-07 states "This patient is seen at 0700 hours on March 28 for pre-operative medical evaluation prior to repair of left arm fracture. This patient first seen by me on February 22, 2007, because of fracture of the right shoulder, which was surgically repaired by (Z1). She was subsequently dismissed (to the nursing home) but re-admitted sometime thereafter with a second fracture of the right shoulder, which was also repaired by (Z1). She was then dismissed to a nursing home on March 22 and apparently had some type of altercation that led to a fracture of the left arm with various reports stating fracture of the humerus and other fracture of the ulna. She was admitted yesterday and surgical repair of the same was planned."</p> <p>Facility nursing notes dated 3-24-07 state "CNA's doing daily care and resident complained left wrist hurting. Left wrist swollen, resident is able to move wrist." Nursing notes continue stating an x-ray was obtained 3-26-07, results received 3-27-07, and R2 admitted to the hospital that day for repair of a left wrist fracture.</p> <p>The facility's final investigation into R2's left wrist fracture dated 3-27-07 states "follow-up investigation reveals on March 24, 2007, (R2) complained to her caregiver that morning a staff member had hurt her wrist the evening before. She stated the staff member squeezed it and twisted it. An assessment was immediately done by the nursing staff, and it was determined that the wrist was red. She also stated the staff member slapped her across the face. The assessment revealed a scratch to her nose...Information obtained during the</p>	F 225			

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F 225	<p>Continued From page 12</p> <p>investigation of the incident does appear to support the resident's complaint. On March 30, 2007, (E9) CNA was terminated from the facility..."</p> <p>On 4-3-07, E9's personnel file was reviewed. E9's Health Care Worker Registry check ran on her hire date of 12-19-06 stated "disqualifying offenses found." This form also showed a waiver had been granted for these offenses. E9's police background check dated 12-21-06 show the disqualifying offenses of domestic battery and retail theft with a waiver attached.</p> <p>During interview on 4-30-07, E2, Director of Nursing, stated she was not aware that E9 had a waiver for a domestic battery charge so no measures were put into place to monitor or more closely supervise E9's work.</p> <p>On 4-30-07 at 2:05 p.m., E16, former CNA Coordinator responsible for hiring CNA's and checking the CNA registry and checking their references at the time of E9's hire, stated E9 had a copy of her waiver when she started work. E16 stated she showed the background check information containing E9's disqualifying offenses and waiver to E17, Director of Clinical Operations who was acting Administrator at the time, who approved it.</p> <p>On 4-30-07 at 2:35 p.m., E17, was asked what is done when a CNA has a waiver for disqualifying offenses found during the background check. E17 stated he would investigate thoroughly if that person is appropriate for hire and then, if the person is hired, implement a plan for staff and supervisors to monitor the employee. E17 stated he does not remember being shown the</p>	F 225			

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F 225	<p>Continued From page 13</p> <p>paperwork relating to E9 having disqualifying offenses which had been waived so no further investigation was performed before E9 was hired, nor was there any increased monitoring of E9 after she was hired. E17 stated he did not even know E9 until she was investigated for hurting R2's wrist.</p> <p>3. During interview on 4-2-07 at 2:45 p.m., E7, Certified Nursing Assistant (CNA), stated on 1-3-07 sometime after supper she heard R1 tell E8, CNA, she wanted to lay down. E8 proceeded to scream at R1 that she had to wait. E7 stated R1 screamed back, and E8 screamed at her again. E7 stated she could hear them all the way down the hall. E8 then took R1 to her room but refused to care for her. E8 was short with staff that night and slammed a door in E7's face but was not aware of any other incidents. E7 stated she did not report this incident to her supervisor at that time but did talk with the Director of Nursing (DON) the next morning.</p> <p>During interview on 4-2-07 at 3:00 p.m., E6, CNA, stated on the evening of 1-3-07, she was coming up the hallway and heard E8, former CNA, yelling at R1. E8 was yelling at R1 telling her she would have to wait. E6 indicated E8 sounded very inappropriate and aggravated. E6 stated later when they were putting R1 to bed, R1 was crying and upset about the incident. E6 verified she did not report the incident to her supervisor that evening but did relate what happened when the facility called her the next morning.</p> <p>On 4-3-07 at 2:40 p.m., R1 stated E8 was rude to</p>	F 225			

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F 225	<p>Continued From page 14</p> <p>her visiting mother on 1-3-07 and then "yelled" at R1 but does not remember what was said. R1 related this was very upsetting to her at the time. R1 stated she did not think staff should be allowed to be so rude and yell at her.</p> <p>The facility's Abuse Prevention Procedure, undated states "Employees are required to report any occurrences of potential mistreatment they observe, hear about, or suspect to a supervisor or the administrator...Employees of this facility who have been accused of mistreatment will be removed from resident contact immediately until the results of the investigation have been reviewed by the administrator or designee. Employees accused of possible mistreatment shall not complete the shift as a direct-care provider to residents."</p> <p>During interview with E2, DON on 4-2-07 at 1:30 p.m., E2 verified the CNA's should have reported the alleged verbal abuse the evening before when it first occurred so E8 could be relieved of duty and an investigation initiated at that time. E2 stated an investigation was started the next morning when the allegation was reported to the day shift charge nurse. E8 was terminated at the end of the investigation.</p> <p>4. E5's personnel file shows her date of hire to be 8-16-06. A Health Care Worker Register sheet dated 1-31-07 is the only registry check that could be found. On 4-3-07 at 2:30 p.m., E1, Administrator, stated the Health Care Worker Registry is checked before new employees start work at the facility. When asked if E5's was checked before she started, E2, DON, stated</p>	F 225			

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F 225	<p>Continued From page 15 they could not find evidence that it was checked.</p> <p>On 5-14-07 at 2:45 p.m., an Immediate Jeopardy was found to have begun when the facility hired a CNA with an abuse finding on the CNA registry and when the facility failed to increase monitoring or supervision of a CNA working in the facility with waived disqualifying offenses of domestic battery and retail theft who later was found to have broken a resident's wrist. The Administrator was informed of the Immediate Jeopardy on 5-14-07 at 3:20 p.m.</p> <p>The surveyor confirmed through record review and interview, the facility took the following measures to abate the Immediate Jeopardy.</p> <ol style="list-style-type: none"> 1. On 2-8-07 a 100% audit was completed on the CNA files for registry checks. 2. On 2-8-07 the Business Office Manager, Medical Records person, DON, and ADON (Assistant Director of Nursing) were inserviced on appropriately checking CNA registry checks and criminal background checks. 3. On 3-26-07 facility staff completed a 100% audit on all CNAs for appropriate nurse aide registry checks and criminal background checks. 4. O 3-26-07 facility developed and initiated use of form for tracking CNA registry checks and criminal background checks. Department heads were inserviced on the use of this form on that date. 5. Beginning on 3-27-07 and ending on 3-30-07 	F 225			

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F 225	<p>Continued From page 16</p> <p>facility staff attended directed inservice given by E17, Registered Nurse, BSN, Director of Clinical Operations, which covered Abuse/Neglect prevention and investigation, completion of employee criminal background checks, and CNA registry checks.</p> <p>6. On 4-12-07 facility staff were inserviced on Abuse/Neglect Prevention by a representative from the Illinois Department on Aging.</p> <p>7. The facility initiated a new policy of not employing any person with a criminal history of abuse or battery.</p> <p>8. The facility has adopted a policy that they will no longer hire CNAs with waivers.</p> <p>9. On 5-14-07 facility completed an audit of 100% of employees files for nurse aid registry checks.</p> <p>10. On 5-14-07 a 100% audit was completed on criminal background checks for all CNAs in the facility.</p> <p>11. On 5-16-07, E6, CNA, was terminated from the facility - waiver for domestic battery in 1999.</p> <p>12. On 5-16-07 E19, CNA, was terminated from the facility - waiver for retail theft in 1997.</p> <p>13. Only one CNA left at facility with a waiver, E20 - waiver for retail theft in 1988. E20 will be monitored daily by the charge nurse on her unit. The Administrator or her designee will conduct random interviews with residents on a monthly basis to ensure that there are no issues related to previous history of criminal charges.</p>	F 225			

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F 225	Continued From page 17 Administrator will also conduct monthly random interviews with the professional staff working with E20 to ensure there are no issues related to her previous history of criminal charges. Documentation of the above interviews will be kept in E20's employment file.	F 225			
F 309 SS=G	483.25 QUALITY OF CARE Each resident must receive and the facility must provide the necessary care and services to attain or maintain the highest practicable physical, mental, and psychosocial well-being, in accordance with the comprehensive assessment and plan of care. This REQUIREMENT is not met as evidenced by: Based observation, record review, and interview, the facility failed to verify use of a shoulder immobilizer for R2, 1 of 3 residents reviewed, after repair of a right shoulder fracture and failed to notify the physician when R2 refused to wear the immobilizer. R2's right shoulder became dislocated and had to be surgically repaired for the second time on 3-18-07. Findings include: Physician's order sheet dated 3-7-07 states R1 was admitted to the facility from the hospital on 3-7-07 after having a right humerus fracture repair. Nursing notes dated 3-15-07 at 3:30 pm state (Physician's office) called, resident being transferred to (local hospital) for admission with dislocated shoulder, will have surgery in am..." History and Physical Examination completed by	F 309		5/31/07	

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F 309	<p>Continued From page 18</p> <p>Z1 (Orthopedic physician) dated 3-15-07 states "(R2) presents as a frail 74 year old white female who apparently sustained a fall in the later part of February. She did have a highly comminuted four part proximal humerus fracture and a rotator cuff deficient shoulder. She underwent a right shoulder hemiarthroplasty on February 23, 2007...she was discharged from (the hospital) to (nursing facility)...She now returns approximately three weeks after the surgery for follow-up evaluation. It should be noted with examination in our office, she is not wearing her shoulder immobilizer as directed. States she has not been utilizing the shoulder immobilizer. She is complaining of severe pain and discomfort." The Report of Operation dated 3-18-07 written by the same physician states ..."she had not utilized the immobilizer since her discharge from the hospital secondary to the fact she felt it was very uncomfortable." This report shows R2's shoulder was again surgically repaired.</p> <p>During interview on 5-3-07 at 9:50 a.m., Z1 stated R2 should have been wearing her immobilizer at all times after her shoulder repair. An immobilizer is standard treatment for shoulder repair. Z1 stated the lack of use of the immobilizer certainly could have caused R2's second shoulder problems.</p> <p>R2's 3-7-07 transfer and admission orders from the hospital were reviewed. No orders or instructions were found relating to use of R2's immobilizer. Nursing notes were reviewed from 3-7-07 to 3-15-07 with no mention of the physician being contacted for clarification for use of the immobilizer or of him being contacted for R2's refusal to wear her immobilizer.</p>	F 309			

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F 309	Continued From page 19 On 4-2-07 at 3:05 p.m., E2, Director of Nursing, stated R2 had a follow-up appointment with her orthopedic doctor on 3-15-07 for her fractured shoulder repair. E2 stated they found it needed fixed again, and it was surgically repaired 3-18-07. E2 stated there was no transfer orders from the hospital stating R2 was to wear the immobilizer, but staff did encourage her to wear it. E2 stated R2 was non-compliant and would refuse to wear it. On 4-30-07 at 2:10 p.m., E2 stated nursing staff did not report to her at the time that R2 was non-compliant with use of the shoulder immobilizer. E2 verified there is no evidence R2's physician was notified of her refusal to wear it or any clarifications with R2's physician of its use when no orders or instructions came with R2 from the hospital. On 4-3-07 at 9:45 am, E2, Director of Nursing, stated R1 was to wear her shoulder immobilizer but was "non-compliant" about wearing it. On 4-3-07 at 9:10 a.m., E12, Certified Nursing Assistant, stated R1 "would not keep her sling on." Nursing notes reviewed from admission 3-7-07 through 3-18-07 contain no documentation that R2 was refusing to wear her immobilizer.	F 309			
F9999	FINAL OBSERVATIONS LICENSURE VIOLATIONS: 300.660a) 300.660b)1) 300.661 300.3240a) 300.3240b)	F9999			

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F9999	<p>Continued From page 20</p> <p>Section 300.660 Nursing Assistants</p> <p>a) A facility shall not employ an individual as a nurse aide unless the facility has inquired of the Department as to information in the Registry concerning the individual. (Section 3-206.01 of the Act) The Department shall advise the inquirer if the individual is on the Registry, if the individual has findings of abuse, neglect, or misappropriation of property in accordance with Sections 3-206.01 and 3-206.02 of the Act, and if the individual has a current background check. (See Section 300.661 of this Part.)</p> <p>b) The facility shall ensure that each nursing assistant complies with one of the following conditions:</p> <p>1) Is approved on the Department's Nurse Aide Registry. "Approved" means that the nurse aide has met the training or equivalency requirements of Section 300.663 of this Part and does not have a disqualifying criminal background check without a waiver.</p> <p>Section 300.661 Health Care Worker Background Check A facility shall comply with the Health Care Worker Background Check Act [225 ILCS 46] and the Health Care Worker Background Check Code (77 Ill. Adm. Code 955).</p> <p>Section 300.3240 Abuse and Neglect</p> <p>a) An owner, licensee, administrator, employee or agent of a facility shall not abuse or neglect a resident. (Section 2-107 of the Act)</p>	F9999			

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F9999	<p>Continued From page 21</p> <p>b) A facility employee or agent who becomes aware of abuse or neglect of a resident shall immediately report the matter to the facility administrator. (Section 3-610 of the Act)</p> <p>These REGULATIONS are not met as evidenced by:</p> <p>Based on observation, interview, and record review, the facility:</p> <p>1) Failed to protect its residents from potential abuse by allowing E4, Certified Nursing Assistant (CNA), to work in the facility for three months with a finding of abuse on the Health Care Worker Registry. E4 was hired 11-9-06 and worked until 2-8-07 at which time he was terminated.</p> <p>2) Failed to protect its residents from abuse by allowing E9, CNA, to work at the facility without increased monitoring or supervision after hiring her with a finding of domestic battery on the Health Care Worker Registry. E9 was later found to have broken the wrist of a resident at the facility, R2, and was terminated.</p> <p>3) Failed to report alleged verbal abuse immediately to their supervisor for 1 of 3 residents reviewed (R1).</p> <p>4) Failed to check the Health Care Worker Registry before hiring a certified nursing assistant (E5), 1 of 19 personnel files reviewed.</p> <p>Findings Include:</p> <p>1. E4's personnel file shows his hire date to be 11-9-06. The Health Care Worker Registry</p>	F9999			

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F9999	<p>Continued From page 22</p> <p>check initiated by the facility on 11-7-06 shows an Administrative finding of abuse from 3-29-06. At the bottom of the registry check form it states "No health care employer shall hire, employ, or retain any individual who has a disqualifying conviction or an administrative finding of abuse, neglect or theft..." E4's personnel file contains another Health Care Worker Registry check sheet ran 1-31-07 with the same information. The file notes that E4 was terminated on 2-8-07.</p> <p>The facility's undated policy entitled "Abuse Prevention Program" states "This facility affirms the right of our residents to be free from abuse, neglect, misappropriation of resident property, corporal punishment, and involuntary seclusion. This facility therefore prohibits mistreatment, neglect or abuse of its residents, and has attempted to establish a resident sensitive and resident secure environment. The purpose of this policy is to assure that the facility is doing all that is within its control to prevent occurrences of mistreatment, neglect or abuse of our residents...This facility will not knowingly employ any individual convicted of resident abuse or misappropriation of resident property. The facility will not knowingly employ any direct care staff convicted of any of the crimes listed in the Illinois Healthcare Worker Background Check Act (unless waived under the provision of the Act), or with findings of abuse listed on the Illinois Nurse Aide Registry."</p> <p>On 4-3-07 at 2:30 p.m., E2, Director of Nursing, stated E4 was let go 2-8-07 because of findings of abuse on the registry. When asked why E4 was hired and allowed to work from 11-7-06 to 2-8-07 with a finding of abuse of the registry, E2 replied they were waiting for E4 to get his waiver.</p>	F9999			

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NAME OF PROVIDER OR SUPPLIER TIMBERCREEK REHAB & HEALTHCARE CENTER			STREET ADDRESS, CITY, STATE, ZIP CODE 2220 STATE STREET PEKIN, IL 61554		
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F9999	<p>Continued From page 23</p> <p>When the waiver had not materialized, they did an audit of registry checks on 1-31-07. E4 was terminated.</p> <p>On 4-3-07 at 2:15 p.m., E1, Administrator, stated E4 had been hired as a full-time CNA who had access to all residents in the facility. This created a potential for abuse to every resident at the facility. Current census is more that 130 residents.</p> <p>2. On 3-7-07, R2 was admitted with diagnoses of a right humerus fracture after sustaining a fall and having her shoulder repaired through surgery. On 3-15-07, R2 was re-admitted to the hospital for repair of a dislocation of the same shoulder per the hospital history and physical dated 3-15-07.</p> <p>A consultation from the same local hospital dated 3-28-07 states "This patient is seen at 0700 hours on March 28 for pre-operative medical evaluation prior to repair of left arm fracture. This patient first seen by me on February 22, 2007, because of fracture of the right shoulder, which was surgically repaired by (Z1). She was subsequently dismissed (to the nursing home) but re-admitted sometime thereafter with a second fracture of the right shoulder, which was also repaired by (Z1). She was then dismissed to a nursing home on March 22 and apparently had some type of altercation that led to a fracture of the left arm with various reports stating fracture of the humerus and other fracture of the ulna. She was admitted yesterday and surgical repair of the same was planned."</p> <p>Facility nursing notes dated 3-24-07 state "CNA's doing daily care and resident complained left</p>	F9999			

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F9999	<p>Continued From page 24</p> <p>wrist hurting. Left wrist swollen, resident is able to move wrist." Nursing notes continue stating an x-ray was obtained 3-26-07, results received 3-27-07, and R2 admitted to the hospital that day for repair of a left wrist fracture.</p> <p>The facility's final investigation into R2's left wrist fracture dated 3-27-07 states "follow-up investigation reveals on March 24, 2007, (R2) complained to her caregiver that morning a staff member had hurt her wrist the evening before. She stated the staff member squeezed it and twisted it. An assessment was immediately done by the nursing staff, and it was determined that the wrist was red. She also stated the staff member slapped her across the face. The assessment revealed a scratch to her nose...Information obtained during the investigation of the incident does appear to support the resident's complaint. On March 30, 2007, (E9) CNA was terminated from the facility..."</p> <p>On 4-3-07, E9's personnel file was reviewed. E9's Health Care Worker Registry check ran on her hire date of 12-19-06 stated "disqualifying offenses found." This form also showed a waiver had been granted for these offenses. E9's police background check dated 12-21-06 show the disqualifying offenses of domestic battery and retail theft with a waiver attached.</p> <p>During interview on 4-30-07, E2, Director of Nursing, stated she was not aware that E9 had a waiver for a domestic battery charge so no measures were put into place to monitor or more closely supervise E9's work.</p> <p>On 4-30-07 at 2:05 p.m., E16, former CNA</p>	F9999			

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F9999	<p>Continued From page 25</p> <p>Coordinator responsible for hiring CNA's and checking the CNA registry and checking their references at the time of E9's hire, stated E9 had a copy of her waiver when she started work. E16 stated she showed the background check information containing E9's disqualifying offenses and waiver to E17, Director of Clinical Operations who was acting Administrator at the time, who approved it.</p> <p>On 4-30-07 at 2:35 p.m., E17 was asked what is done when a CNA has a waiver for disqualifying offenses found during the background check. E17 stated he would investigate thoroughly if that person is appropriate for hire and then, if the person is hired, implement a plan for staff and supervisors to monitor the employee. E17 stated he does not remember being shown the paperwork relating to E9 having disqualifying offenses which had been waived so no further investigation was performed before E9 was hired, nor was there any increased monitoring of E9 after she was hired. E17 stated he did not even know E9 until she was investigated for hurting R2's wrist.</p> <p>3. During interview on 4-2-07 at 2:45 p.m., E7, Certified Nursing Assistant (CNA), stated on 1-3-07 sometime after supper she heard R1 tell E8, CNA, she wanted to lay down. E8 proceeded to scream at R1 that she had to wait. E7 stated R1 screamed back, and E8 screamed at her again. E7 stated she could hear them all the way down the hall. E8 then took R1 to her room but refused to care for her. E8 was short with staff that night and slammed a door in E7's face but E7 was not aware of any other incidents. E7 stated she did not report this incident to her supervisor at that time but did talk with the</p>	F9999			

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F9999	<p>Continued From page 26</p> <p>Director of Nursing (DON) the next morning.</p> <p>During interview on 4-2-07 at 3:00 p.m., E6, CNA, stated on the evening of 1-3-07, she was coming up the hallway and heard E8, former CNA, yelling at R1. E8 was yelling at R1 telling her she would have to wait. E6 indicated E8 sounded very inappropriate and aggravated. E6 stated later when they were putting R1 to bed, R1 was crying and upset about the incident. E6 verified she did not report the incident to her supervisor that evening but did relate what happened when the facility called her the next morning.</p> <p>On 4-3-07 at 2:40 p.m., R1 stated E8 was rude to her visiting mother on 1-3-07 and then "yelled" at R1 but does not remember what was said. R1 related this was very upsetting to her at the time. R1 stated she did not think staff should be allowed to be so rude and yell at her.</p> <p>The facility's Abuse Prevention Procedure, undated states "Employees are required to report any occurrences of potential mistreatment they observe, hear about, or suspect to a supervisor or the administrator...Employees of this facility who have been accused of mistreatment will be removed from resident contact immediately until the results of the investigation have been reviewed by the administrator or designee. Employees accused of possible mistreatment shall not complete the shift as a direct-care provider to residents."</p> <p>During interview with E2, DON, on 4-2-07 at 1:30 p.m., E2 verified the CNA's should have reported the alleged verbal abuse the evening before when it first occurred so E8 could have been</p>	F9999			

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F9999	Continued From page 27 relieved of duty and an investigation initiated at that time. E2 stated an investigation was started the next morning when the allegation was reported to the day shift charge nurse. E8 was terminated at the end of the investigation. 4. E5's personnel file shows her date of hire to be 8-16-06. A Health Care Worker Register sheet dated 1-31-07 is the only registry check that could be found. On 4-3-07 at 2:30 p.m., E1, Administrator, stated the Health Care Worker Registry is checked before new employees start work at the facility. When asked if E5's was checked before she started, E2, DON, stated they could not find evidence that it was checked. (A)	F9999			